

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

The Sovereign Military Order of
the Temple of Jerusalem, Inc.
372 Charlton Avenue
South Orange, New Jersey 07079

Plaintiff,

vs.

Sovereign Military Order of the
Temple of Jerusalem
110 North Main Street
Belton, Texas 76513, and
E. Wayne Bachus, Lowell Barker, and
H. E. Count Don Fernando Campello
Pinto Peirera de Fontes

Defendants.

CIVIL ACTION NO. 3-95CV0890-G

**FIRST AMENDED COMPLAINT UNDER THE LANHAM ACT
FOR DECLARATORY RELIEF, INJUNCTIVE RELIEF AND DAMAGES**

The Sovereign Military Order of the Temple of Jerusalem, Inc. ("SMOTJ #1") files this Complaint under the Lanham Act for Declaratory Relief, Injunctive Relief and Damages and respectfully shows the Court as follows:

JURISDICTION

1. This Complaint arises under the authority of Lanham Act, 15 U.S.C. Sec. *et seq.*, and specifically 15 U.S.C. Sec. 1114, 1116 and 1117 and 1125. The Court has federal jurisdiction under 28 U.S.C. §§ 1331 and 1332.

**FIRST AMENDED COMPLAINT UNDER THE LANHAM ACT FOR
DECLARATORY RELIEF, INJUNCTIVE RELIEF AND DAMAGES - Page 1**

Temple of Jerusalem is international but is comprised of national chapters known as "Grand Priorities". There may exist only one Grand Priory in any sovereign nation.

Use of the SMOTJ Marks in the United States

9. Before the creation of SMOTJ #1 in 1962, the Sovereign Military Order of the Temple of Jerusalem had no official or continuous presence in the United States. Certain individuals who had been invested into the Sovereign Military Order of the Temple of Jerusalem in Europe happened to reside in the United States but, before 1962, engaged in no activities or ceremonies connected with the Order in the United States.

10. Desiring to create a Grand Priory in the United States, these members created SMOTJ #1 as the Grand Priory of the United States. The investiture ceremony was conducted by an officer of the General Chapter of the Sovereign Military Order of the Temple of Jerusalem who was authorized to create such Grand Priorities. On June 4, 1962 SMOTJ #1 was incorporated in the state of New Jersey, at which time it used and continued to use the following marks in interstate commerce:

- a. "SOVEREIGN MILITARY ORDER OF THE TEMPLE OF JERUSALEM";
- b. "NON NOBIS, DOMINE, SED NOMINI TUO DA GLORIAM";
- c. "NOT TO US OH LORD, BUT TO THY NAME BE GIVEN GLORY";
- d. a logo depicting or embodying the Patriarchal cross (or cross of Lorraine);
- e. a logo depicting or embodying the Patriarchal cross (or cross of Lorraine) surmounted by a crown;
- f. a logo depicting or embodying a shield with cross swords, a knight's helmet and the motto of the order.

(Collectively, the "SMOTJ Marks"). SMOTJ #1 has registered the SMOTJ Marks with United States Office of Trademarks and is the owner and senior user of the SMOTJ Marks.

Beginning in 1962, and continuing without interruption to the present, SMOTJ #1 has used the SMOTJ marks in connection with its organization, its products and services.¹

11. Under the rules of the Sovereign Military Order of the Temple of Jerusalem, the Grand Priory established in a nation has the exclusive right to create subchapters or "pories" within that nation. Because SMOTJ #1 was duly created as the exclusive Grand Priory in the United States, SMOTJ #1 has the exclusive authority to create local pories and to invest members in the United States. Moreover, the Certificate of Incorporation in the by-laws of SMOTJ #1 provided for the creation of local pories within the United States and required that such local pories become affiliated with SMOTJ #1 as its wholly owned subsidiaries and obtain approval from the national organization before organizing themselves and holding themselves out as part of the Sovereign Military Order of the Temple of Jerusalem.

12. Since 1962, SMOTJ #1 has established more than ten pories throughout the United States including the Priory of Our Lady of Sorrows of the West whose territory includes all land west of the Mississippi River with the exception of California. Investitures into pories within the United States are usually conducted by an officer of SMOTJ #1 or some other representative of the Grand Priory of the United States.

13. Throughout its history, SMOTJ #1 has, within the United States, vigorously policed its trademark rights in the SMOTJ Marks, including the name, mottoes, designs, logos or other manifestations of The Sovereign Military Order of the Temple of Jerusalem.

¹ Indeed, SMOTJ #1 in or about 1967 registered some of the SMOTJ Marks, but allowed that registration to lapse.

SMOTJ #1 has filed other trademark actions to assert its superior rights under the U.S. trademark laws in the SMOTJ Marks.

14. Traditionally, the Sovereign Military Order of the Temple of Jerusalem was governed by a group of officers known as the General Chapter whose president or head was the Grand Master. However, for the last several decades, there has been no duly authorized Grand Master. Defendant Don Fernando has held himself out as Grand Master and Prince Regent of the Sovereign Military Order of the Temple of Jerusalem, but his claim to these titles is unauthorized because he was never duly elected or elevated to the Grand Magistracy according to the rules of the Order.

15. Recently, the knights and dames, who are the members of the Sovereign Military Order of the Temple of Jerusalem, gathered in Salzburg, France and proclaimed officially that Count Don Fernando was not and had never been the Grand Master of the Sovereign Military Order of the Temple of Jerusalem. Thus, at present, there is no Grand Master. Acting as president of the Order is Joseph Esposito until the members meet again to elect a Grand Master.

16. Late in the year of 1994, it was reported to Colonel Don Perkins, Grand Prior of SMOTJ #1, that some person or persons unknown intended to hold a ceremony or investiture of knights and dames into the Sovereign Military Order of the Temple of Jerusalem in the United States at some unknown date. In the spring of 1995, Colonel Perkins learned the identity of the persons seeking to hold this unauthorized investiture of knights and dames. He learned that Defendant Bachus and Defendant Barker had sent out mass mailings to individuals soliciting and inviting them to become members in the

Sovereign Military Order of the Temple of Jerusalem for a usage fee of \$500 at a ceremony to be held on May 12-14, 1995 in Dallas, Texas.

17. SMOTJ #1 confronted and warned Defendant Bachus by letter that SMOTJ #1 had the exclusive right to use the SMOTJ Marks in the United States and that SMOTJ #1 would vigorously contest any unauthorized use of the SMOTJ Marks. Plaintiff SMOTJ #1 also learned that Defendant Count Don Fernando was a participant in this event and planned to come and to create an unauthorized local priory in the United States.

18. On information and belief, SMOTJ #2 proceeded with its unauthorized investiture on May 13, 1995 and collected the passage fee plus amounts for accoutrements used in the ceremony from individuals who were invested. On information and belief, the individuals who responded to Defendant Bachus' invitation were unaware that Count Don Fernando was not the Grand Master of the Sovereign Military Order of the Temple of Jerusalem or that a dispute existed over the legitimacy of SMOTJ #2 which they were joining.

19. At no time has SMOTJ #1 authorized or acquiesced to SMOTJ #2's use of the SMOTJ marks. Rather, upon learning of SMOTJ #2's unauthorized use of SMOTJ #1's name and other marks, SMOTJ #1's officers objected and warned SMOTJ #2 not to go forward with its plan to use the name, marks, mottos, regalia, or other manifestations of SMOTJ #1.

20. Furthermore, SMOTJ #2 has used the mails, faxes, telephones and numerous interstate media to solicit and receive money for purposes of the investiture to be held at the Harvey Hotel from May 12-14, 1995. On information and belief, Defendants have continued

Sovereign Military Order of the Temple of Jerusalem for a usage fee of \$500 at a ceremony to be held on May 12-14, 1995 in Dallas, Texas.

17. SMOTJ #1 confronted and warned Defendant Bachus by letter that SMOTJ #1 had the exclusive right to use the SMOTJ Marks in the United States and that SMOTJ #1 would vigorously contest any unauthorized use of the SMOTJ Marks. Plaintiff SMOTJ #1 also learned that Defendant Count Don Fernando was a participant in this event and planned to come and to create an unauthorized local priory in the United States.

18. On information and belief, SMOTJ #2 proceeded with its unauthorized investiture on May 13, 1995 and collected the passage fee plus amounts for accoutrements used in the ceremony from individuals who were invested. On information and belief, the individuals who responded to Defendant Bachus' invitation were unaware that Count Don Fernando was not the Grand Master of the Sovereign Military Order of the Temple of Jerusalem or that a dispute existed over the legitimacy of SMOTJ #2 which they were joining.

19. At no time has SMOTJ #1 authorized or acquiesced to SMOTJ #2's use of the SMOTJ marks. Rather, upon learning of SMOTJ #2's unauthorized use of SMOTJ #1's name and other marks, SMOTJ #1's officers objected and warned SMOTJ #2 not to go forward with its plan to use the name, marks, mottos, regalia, or other manifestations of SMOTJ #1.

20. Furthermore, SMOTJ #2 has used the mails, faxes, telephones and numerous interstate media to solicit and receive money for purposes of the investiture to be held at the Harvey Hotel from May 12-14, 1995. On information and belief, Defendants have continued

after May 14, 1995 to so use the SMOTJ Marks in violation of Plaintiff's superior rights thereto.

21. As a consequence of Defendants' unauthorized and illegal use of the SMOTJ Marks, Plaintiff's SMOTJ #1 has been damaged by the loss of revenues paid by individuals to SMOTJ #2 in the belief that they were joining the true Sovereign Military Order of the Temple of Jerusalem. Moreover, SMOTJ #1 has been damaged in its name and reputation because the Defendants have infringed upon Plaintiff's superior rights by using SMOTJ Marks, or marks deceptively similar to the SMOTJ Marks.

COUNT ONE
FEDERAL TRADEMARK INFRINGEMENT

22. The foregoing paragraphs 8 through 21 are herein incorporated by reference. The Lanham Act allows for registration of trademarks, service marks and collective marks and grants protection against unauthorized use of such marks. 15 U.S.C. §§ 1051, et seq. and specifically § 1117.

23. SMOTJ #1 has registered the SMOTJ Marks with the United States Office of Trademarks which constitutes prima facie evidence of the validity of SMOTJ Marks and of Plaintiff's ownership in and exclusive right to use the SMOTJ Marks. Attached hereto as Exhibits 1-6 and incorporated herein by reference are true and correct copies of United States Trademark Registration Nos. 1,902,078 ("SOVEREIGN MILITARY ORDER OF THE TEMPLE OF JERUSALEM"), 1,917,066 ("NON NOBIS, DOMINE, SED NOMINI TUO DA GLORIAM"), 1,901,079 ("NOT TO US OH LORD, BUT TO THY NAME BE GIVEN GLORY"), 1,910,657 (a logo depicting or embodying the Patriarchal cross (or cross of Lorraine)), 1,904,826 (a logo depicting or embodying the Patriarchal cross (or cross of Lorraine) surmounted by a crown), 1,909,058 (a logo depicting or embodying a shield with

cross swords, a knight's helmet and the motto of the order). Plaintiff SMOTJ #1 is the registrant and owner of each of these registered trademarks. The Lanham Act provides explicitly that a registrant of a duly registered trademark is entitled to relief for the infringement of such marks. 15 U.S.C. § 1117.

24. By letter dated May 9, 1995, SMOTJ #1 explicitly advised SMOTJ #2 and Bachus SMOTJ #1 was the owner of the SMOTJ Marks. Despite such warning, SMOTJ #2 and its members adopted and used, and continue to use, some or all of the SMOTJ Marks without authorization from SMOTJ #1. Thus, SMOTJ #2's unconsented use of SMOTJ #1's name and other marks is done with the knowledge and intent to infringe upon SMOTJ #1's trademark rights.

25. SMOTJ #2 has solicited and obtained monies through interstate commerce and has thereby infringed upon SMOTJ #1's trademark rights, obtained income illegally and has damaged SMOTJ #1 as a direct and proximate cause of its illegal conduct. SMOTJ #2 will continue to infringe in this way upon SMOTJ #1's federal trademark rights. Moreover, Defendants' violations of law as described above have caused injury to the Plaintiff by usurping control over its own reputation and good will and interfering with the conduct of its affairs, for all of which, SMOTJ #1 is entitled to damages, including treble damages, injunctive relief, attorneys fees and costs.

26. The foregoing paragraphs 8 through 21 demonstrate that Plaintiff has no adequate remedy at law and unless enjoined will suffer irreparable harm from Defendants' use of the SMOTJ marks. Accordingly, Plaintiff is entitled to injunctive relief in the form of preliminary injunction.

COUNT TWO
FALSE DESIGNATION OF ORIGIN AND
FALSE REPRESENTATION IN COMMERCE

27. The foregoing paragraphs 8 through 21 are herein incorporated by reference. In addition to allowing for the registration and protection of trademarks, the Lanham Act grants protection against unauthorized use of distinctive names, terms, symbols, or devices. 15 U.S.C. §§ 1051, et seq. and specifically § 1125 (a).

28. SMOTJ #1 has continuously and consistently used the SMOTJ Marks since its first usage in interstate commerce in May of 1962. The Defendants' recent use of Plaintiff's name and other SMOTJ Marks constitutes a false designation of origin or false or misleading descriptions or representations of fact creating an unmistakable likelihood of confusion, mistake, and deception concerning the source, sponsorship, affiliation or approval of SMOTJ #2 in violation of §43(a) of the Lanham Act. 15 U.S.C. §1125(a).

29. SMOTJ #2 and its members have recently adopted and used, and continue to use, the SMOTJ Marks without authorization from SMOTJ #1. SMOTJ #2 has solicited and obtained monies through interstate commerce and has obtained income illegally and has damaged SMOTJ #1 as a direct and proximate cause of its illegal conduct.

30. SMOTJ #2's unconsented use of SMOTJ #1's name and marks was done with the knowledge and intent to cause confusion, mistake and deception and has caused confusion, mistake and deception. Moreover, Defendants' violations of law as described above have caused injury to the Plaintiff by usurping control over its own reputation and good will and interfering with the conduct of its affairs, for all of which, SMOTJ #1 is entitled to damages, including treble damages, injunctive relief, attorneys fees and costs.

31. The foregoing paragraphs 8 through 21 demonstrate that Plaintiff has no adequate remedy at law and unless enjoined will suffer irreparable harm from Defendants' use of the SMOTJ marks. Accordingly, Plaintiff is entitled to injunctive relief in the form a preliminary injunction.

COUNT THREE
ACCOUNTING OR OTHER SIMILAR EQUITABLE RELIEF

32. In connection with the unauthorized investiture on or about May 13, 1995, Defendants collected substantial sums from individuals being inducted into SMOTJ #2. Accordingly, Plaintiff asks for an equitable accounting, constructive trust, or other equitable relief to recover all funds received by Defendants from the sale or use of SMOTJ Marks.

WHEREFORE, Premises considered, SMOTJ #1 prays that the Court grant SMOTJ #1 relief, as follows:

33. A Preliminary Injunction, under 15 U.S.C. Sec. 1116, restraining Defendants from:

- (1) Adopting or using in any way any SMOTJ Mark or any confusingly similar mark in connection with Defendants' organization, products, or services;
- (2) Committing any acts likely to cause the public to believe that SMOTJ #2 is affiliated with, originated from, or is authorized, approved, or sponsored by SMOTJ #1;
- (3) Otherwise competing unfairly with SMOTJ #1 in any manner, including but not limited to using false designations of origin, false or misleading descriptions of fact, which misrepresent the nature, characteristics or qualities of Defendant's organization, goods, or fraternal activities; and

31. The foregoing paragraphs 8 through 21 demonstrate that Plaintiff has no adequate remedy at law and unless enjoined will suffer irreparable harm from Defendants' use of the SMOTJ marks. Accordingly, Plaintiff is entitled to injunctive relief in the form a preliminary injunction.

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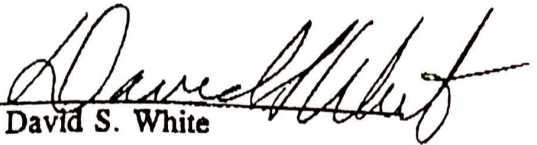
33. A Preliminary Injunction, under 15 U.S.C. Sec. 1116, restraining Defendants from:

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- (3) Otherwise competing unfairly with SMOTJ #1 in any manner, including but not limited to using false designations of origin, false or misleading descriptions of fact, which misrepresent the nature, characteristics or qualities of Defendant's organization, goods, or fraternal activities; and

- (4) Attempting, causing, or assisting any of the above described acts.
34. A declaration of Plaintiff's ownerships rights to the SMOTJ Marks;
 35. All remedies available under 15 U.S.C. Sec. 1114;
 36. Damages under 15 U.S.C. Sec. 1117 and other law;
 37. Treble damages;
 38. An accounting or other equitable device for tracing and securing all funds received on or before May 13, 1995 in connection with the unauthorized investiture as well as any other sums illegally collected by Defendants through the use of the SMOTJ Marks.
 39. Pre- and postjudgment interest;
 40. Attorney's fees and costs; and
 41. Such other relief, under law or equity, as to which Plaintiff shows itself to be justly entitled.

Respectfully submitted,

THOMPSON & KNIGHT
A Professional Corporation

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SOVEREIGN MILITARY ORDER OF THE
TEMPLE OF JERUSALEM, INC.**

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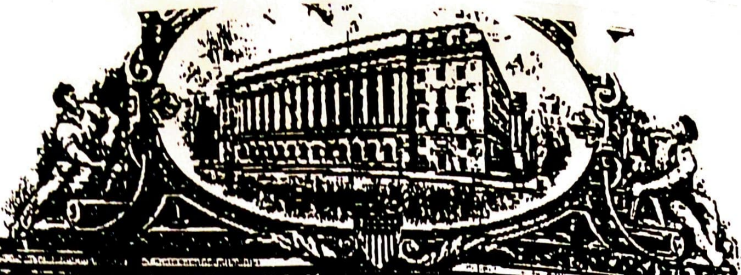
CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of this instrument was served on all counsel of record on this 15th day of December, 1995.



David S. White

40218 00001 LIT 150658



THE UNITED STATES OF AMERICA

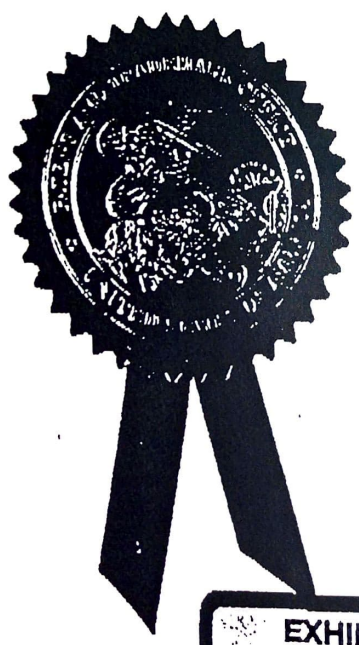
TO ALL TO WHOM THESE PRESENTS SHALL COME:

**UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office**

November 03, 1995

THE ATTACHED U.S. TRADEMARK REGISTRATION 1,902,078 IS CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *June 27, 1995*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*



By Authority of the
COMMISSIONER OF PATENTS AND TRADEMARKS

Margaret Bassford
MARGARET BASSFORD
Certifying Officer

U.S. Cl.: 200

United States Patent and Trademark Office

Reg. No. 1,902,078
Registered June 27, 1995

**COLLECTIVE MEMBERSHIP
PRINCIPAL REGISTER**

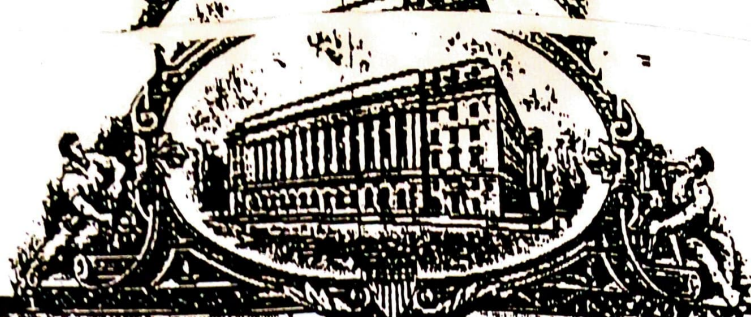
**THE SOVEREIGN MILITARY ORDER OF THE TEMPLE OF
JERUSALEM**

SOVEREIGN MILITARY ORDER OF THE
TEMPLE OF JERUSALEM, INC., THE (NEW
JERSEY CORPORATION)
C/O GEORGE E. VOYER
372 CHARLTON AVE.
SOUTH ORANGE, NJ 07079

FOR: INDICATING MEMBERSHIP IN A
CHRISTIAN FRATERNAL ORGANIZATION,
IN CLASS 200 (U.S. CL. 200).
FIRST USE 5-9-1965; IN COMMERCE
5-9-1965.

SER. NO. 74-449,931, FILED 10-22-1993.

JEFFREY R. COHEN, EXAMINING ATTORNEY



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

**UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office**

November 03, 1995

THE ATTACHED U.S. TRADEMARK REGISTRATION 1,917,066 IS CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *September 05, 1995*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*



By Authority of the
COMMISSIONER OF PATENTS AND TRADEMARKS

Margaret Bassford
MARGARET BASSFORD
Certifying Officer

EXHIBIT
2

U.S. Cl.: 200

United States Patent and Trademark Office

Reg. No. 1,917,066
Registered Sep. 5, 1995

COLLECTIVE MEMBERSHIP
PRINCIPAL REGISTER

NON NOBIS DOMINE, SED NOMINE TUO DA GLORIAM.

SOVEREIGN MILITARY ORDER OF THE
TEMPLE OF JERUSALEM, INC., THE (NEW
JERSEY CORPORATION)
C/O GEORGE E. VOYER
372 CHARLTON AVE
SOUTH ORANGE, NJ 07079

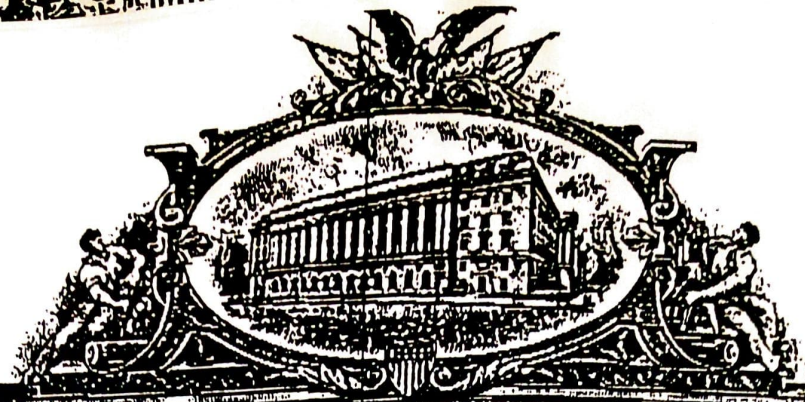
FOR: INDICATING MEMBERSHIP IN A
CHRISTIAN FRATERNAL ORGANIZATION,
IN CLASS 200 (U.S. CL. 200).

FIRST USE 5-9-1965; IN COMMERCE
5-9-1965.

THE ENGLISH TRANSLATION OF THE
MARK IS "NOT TO US, O LORD, BUT TO THY
NAME BE GIVEN GLORY".

SER. NO. 74-449,949, FILED 10-22-1993.

JEFFREY R. COHEN, EXAMINING ATTORNEY



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME;

**UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office**

November 03, 1995

THE ATTACHED U.S. TRADEMARK REGISTRATION 1,901,079 IS CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *June 20, 1995*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*



By Authority of the
COMMISSIONER OF PATENTS AND TRADEMARKS

Margaret Bassford
MARGARET BASSFORD

Certifying Officer

EXHIBIT
3

**COLLECTIVE MEMBERSHIP
PRINCIPAL REGISTER**

NOT TO US O LORD, BUT TO THY NAME BE GIVEN GLORY.

SOVEREIGN MILITARY ORDER OF THE
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C/O GEORGE E. VOYER
372 CHARLTON AVE.
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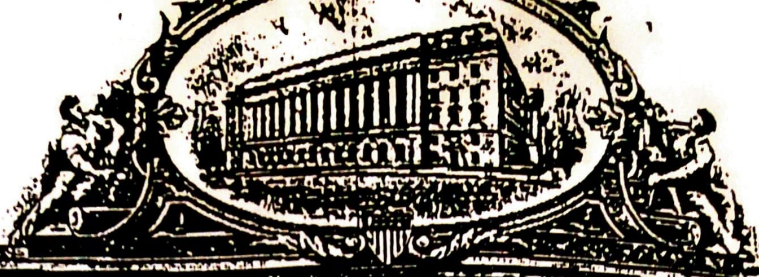
FOR: INDICATING MEMBERSHIP IN A
CHRISTIAN, PATRIOTIC, CHIVALRIC AND

FRATERNAL ORDER, IN CLASS 200 (U.S. CL.
200)

FIRST USE 5-9-1965; IN COMMERCE
5-9-1965.

SER. NO. 74-449,983, FILED 10-22-1993.

JEFFREY R. COHEN, EXAMINING ATTORNEY



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME;

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

November 03, 1995

THE ATTACHED U.S. TRADEMARK REGISTRATION 1,910,657 IS CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM August 08, 1995
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*



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EXHIBIT
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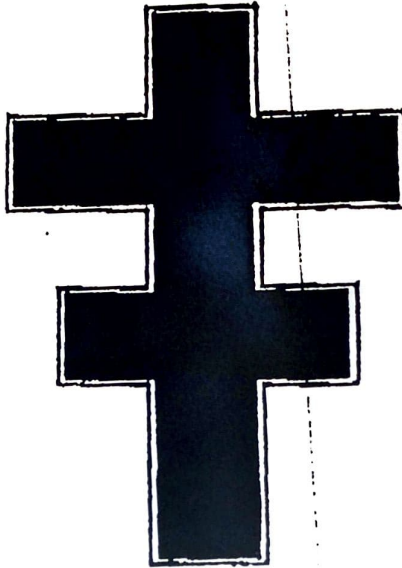
Margaret Bassford
MARGARET BASSEFORD
Certifying Officer

U.S. Cl.: 200

United States Patent and Trademark Office

Reg. No. 1,910,657
Registered Aug. 8, 1995

COLLECTIVE MEMBERSHIP
PRINCIPAL REGISTER



SOVEREIGN MILITARY ORDER OF THE
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JERSEY CORPORATION)
C/O GEORGE E. VOYER
372 CHARLTON AVE.
SOUTH ORANGE, NJ 07079

FOR: INDICATING MEMBERSHIP IN A(N) .
CHRISTIAN, PATRIOTIC, CHIVALRIC AND

FRATERNAL ORDER, IN CLASS 200 (U.S. CL.
200).

FIRST USE 5-9-1965; IN COMMERCE
5-9-1965.

SER. NO. 74-449,980, FILED 10-22-1993.

JEFFREY R. COHEN, EXAMINING ATTORNEY

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

November 03, 1995

THE ATTACHED U.S. TRADEMARK REGISTRATION 1,904,826 IS CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *July 11, 1995*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*



By Authority of the
COMMISSIONER OF PATENTS AND TRADEMARKS

Margaret Bassford
MARGARET BASSFORD
Certifying Officer

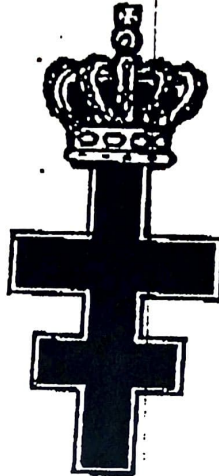
EXHIBIT
1 5

Prior U.S. Cl.: 200

United States Patent and Trademark Office

Reg. No. 1,904,826
Registered July 11, 1993

COLLECTIVE MEMBERSHIP
PRINCIPAL REGISTER



SOVEREIGN MILITARY ORDER OF THE
TEMPLE OF JERUSALEM, INC., THE (NEW
JERSEY CORPORATION)
C/O GEORGE E. VOYER
372 CHARLTON AVE.
SOUTH ORANGE, NJ 07079

FRATERNAL ORDER, IN CLASS 200 (U.S. CL.
200).

FIRST USE 5-9-1965; IN COMMERCE
5-9-1965.

FOR: INDICATING MEMBERSHIP IN A
CHRISTIAN, PATRIOTIC, CHIVALRIC AND

SER. NO. 74-449,981, FILED 10-22-1993.

JEFFREY R. COHEN, EXAMINING ATTORNEY



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

**UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office**

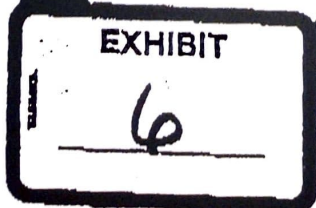
November 03, 1995

THE ATTACHED U.S. TRADEMARK REGISTRATION 1,909,058 IS CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM August 01, 1995
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*



By Authority of the
COMMISSIONER OF PATENTS AND TRADEMARKS



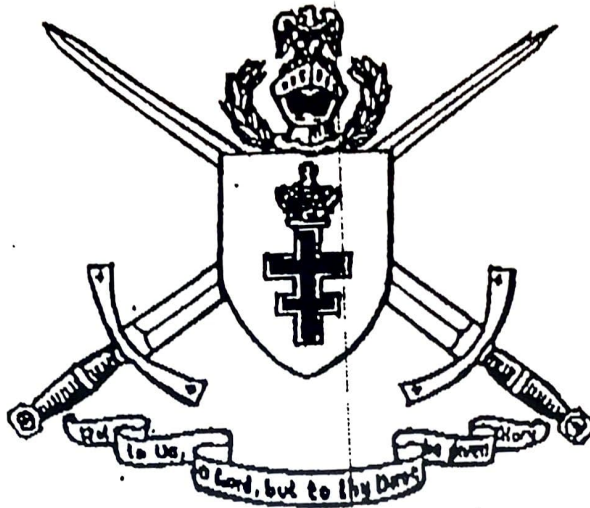
Margaret Bassford
MARGARET BASSFORD
Certifying Officer

or U.S. Cl.: 200

United States Patent and Trademark Office

Reg. No. 1,909,058
Registered Aug. 1, 1993

COLLECTIVE MEMBERSHIP
PRINCIPAL REGISTER



SOVEREIGN MILITARY ORDER OF THE
TEMPLE OF JERUSALEM, INC., THE (NEW
JERSEY CORPORATION)
C/O GEORGE E. VOYER
372 CHARLTON AVE.
SOUTH ORANGE, NJ 07079

FOR: INDICATING MEMBERSHIP IN A(N);
CHRISTIAN, PATRIOTIC, CHIVALRIC AND

FRATERNAL ORDER, IN CLASS 200 (U.S. CL.
200).

FIRST USE 5-9-1965; IN COMMERCE
5-9-1965.

SER. NO. 74-449,979, FILED 10-22-1993.

JEFFREY R. COHEN, EXAMINING ATTORNEY

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

The Sovereign Military Order of §
the Temple of Jerusalem, Inc. §
372 Charlton Avenue §
South Orange, New Jersey 07079 §
§
§
§
§
§
Plaintiff, §

vs. §

CIVIL ACTION NO. 3-95CV0890-G

Sovereign Military Order of the §
Temple of Jerusalem §
110 North Main Street §
Belton, Texas 76513, and §
E. Wayne Bachus, Lowell Barker, and §
H. E. Count Don Fernando Campello §
Pinto Peirera de Fontes §
§
§
Defendants. §

DECLARATION OF JOSEPH A. ESPOSITO

I, Joseph A. Esposito, am over the age of eighteen, of sound mind and body, and do state as follows based upon my personal knowledge and understanding:

1. I am presently the duly elected Grand Prior and Grand Prior General of the Grand Priory of NATO ("G.P. NATO"), a Grand Priory, or Great Priory, of the Sovereign Military Order of the Temple of Jerusalem (the "Order"), an international chivalric order of knighthood. I have been Grand Prior of G.P. NATO since 1989. I have been Grand Prior General of G.P. NATO since 1993.

2. I am also presently the duly elected President of the Order. I was elected President on November 4, 1995, at a special General Convent, or General Assembly, of

the Order held in Salzburg, Austria.¹ The purpose of this General Convent was, in part, to implement a decision made by the members of the Order at a General Convent in London in June, 1995, to elect a Grand Master of the Order and remove Count Don Fernando Campello Pinto Peirera de Fontes ("Fontes"), a defendant in the lawsuit referenced above, from whatever offices or positions of power he had assumed within the *Magnum Magisterium*, or office of Grand Master, within the Order.

3. Traditionally, the executive head of the Order has been a Grand Master. However, for more than a hundred years, the Order has been administered without a duly elected Grand Master, but was instead headed for much of that time by a series of Regents or Guardians. Fontes has held himself out as Grand Master and Regent of the Order, but Fontes is not, and never has been the duly elected Grand Master of the Order. Also, he may never have been Regent, other than self-proclaimed.

4. The basis for the Fontes's claim to the titles of Grand Master and Regent is that his father, as it were, passed the title of Regent to him without the assent or approval of the knights and dames of the Order (the "Members"), and he later assumed the office of Grand Master without election, assent or approval of the Members required by the Statutes of the Order. Fontes's father likewise had never been the duly elected

¹ Present at some or all of the Salzburg General Convent were the grand priors of Germany, Austria, Belgium, U.S.A., Finland, France, Scotland, England, Italy, Switzerland, Luxembourg, Spain, and NATO. Poland was present through proxy given to Maj. Gen. Sir Roy Redgrave, Grand Prior of England, who was elected Vice-President of the Order.

Grand Master but claimed to have been appointed Regent or Guardian during the turmoil of World War II.²

5. We have long been dissatisfied with Fontes' unofficial status as well as certain conduct and practices that were detrimental to the traditional chivalric goals of the order and to its good government. Fontes' creation of an autonomous priory in Texas, U.S.A. without any assent by, consultation with, or even notification of the Grand Prior of the United States, at issue in this lawsuit, is but one of Fontes' objectionable practices. Fontes has also written new statutes of the Order, which were never submitted for a vote of the Members. By tradition and law in the Order, a Grand Prior of the Order holds the exclusive right to invest Members into the Order within the national boundaries of the Grand Priory.

6. At the London General Convent in June, 1995, the Members present³, voted to reform the laws of the Order, among other things, to require a General Convent every three years, to elect a Grand Master, preferably from a family of European nobility, who will serve in that office for a term not to exceed six years, and to require the Grand Master to notify a national Grand Priory of his intention to admit new members within that country into the Order. Moreover, there may be only one Grand

² When World War II broke out, the Order was governed by a Guardian residing in Belgium. This Guardian of the Order entrusted the archives of the Order to the safekeeping of Fontes' father, who took them to ~~Poland~~ and assumed the title of Regent before the war had ended. He subsequently designated Fontes as heir to the office even though neither the office of Grand Master nor Regent was traditionally hereditary.

³ This included the Grand Priors, or their representatives, of Poland, Germany, Austria, Belgium, U.S.A., Finland, France, Scotland, England, Ireland, Italy, Switzerland, Luxembourg, Spain, and NATO. Absent from the assembly was Fontes, who called the General Convent in the first place.

Priory in a nation, and any priories created within a nation that has formed a grand priory must be or become part of the Grand Priory.⁴

7. At the special General Convent in Salzburg, the Members decided not to elect a Grand Master at that time, but instead voted to elect two interim officers, a President and Vice-President, to represent and govern the Order until the Members elected a suitable Grand Master.

8. As the sitting President of the Order, it is my task to preside over the Order with the full powers of the *Magnum Magisterium* of the Order working in conjunction with the Grand Council.

9. I have read Plaintiff's First Amended Complaint Under Lanham Act for Declaratory Relief, Plaintiff's Motion for Temporary Restraining Order, Order Setting Bond, Order Setting Temporary Injunction Hearing and Memorandum in Support, (and supporting Affidavits, with attachments, of Adrian Cronauer and Donald R. Perkins), Defendants' Response In Opposition to Plaintiff's Request for Injunctive Relief, the Affidavit of Count Don Fernando Campello Pinto de Sousa Fontes (and attachments), and correspondence after May 11, 1995, from Fontes to Donald R. Perkins.

10. Because he was never the duly elected Grand Master of the Order, Fontes does not have, and never had, the authority under the traditions and laws of the Order to remove from office, or otherwise expel from the Order, a sitting Grand Prior or other

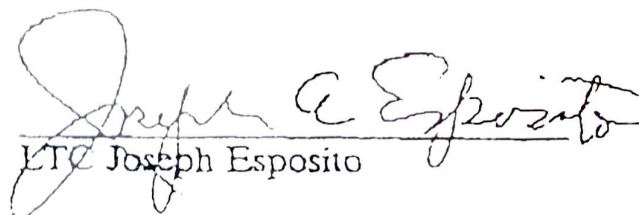
⁴ The one recognized and authorized exception is G.P. NATO which is an international grand priory because it admits as members only armed service personnel who are or have been attached to the North Atlantic Treaty Organization. Consequently, G.P. NATO has members who come to reside in various nations and often become members of national grand priories, or local priories that are part of national grand priories, in addition to being a member of G.P. NATO.

officer of the Grand Priory of the United States, as represented by Fontes in his letters of May 12, 1995 (to Colonel Donald R. Perkins, to the Grand Priory of the United States, the Grand Officers, Grand Priors, Priors, Commanders, Knights and Dames of the Order, and to Members of the Grand Magistracy).

11. Moreover, even if Fontes had been a Grand Master or Regent of the Order, which I deny, he would not have had the authority by himself to expel a Grand Prior or Grand Officers of a Grand Priory without convening a Court of Honor as provided by the laws of the Order. Furthermore, even if Fontes had had the authority and right as a Grand Master or Regent of the Order on or about May 12, 1995, which I deny, by virtue of the Proceedings of the Grand Priors in Salzburg this November, I, as President of the Order, hereby rescind and revoke such expulsions, and declare null and void Fontes' alleged ouster and expulsion of Colonel Donald R. Perkins, Colonel Adrian Cronauer, Edmond Voyer, Charles Cervantes, Esq. George E. Voyer, Esq. and other officers of the Grand Priory of the United States of America.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on December 18 1995


LTC Joseph Esposito

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

The Sovereign Military Order of
the Temple of Jerusalem, Inc.
372 Charlton Avenue
South Orange, New Jersey 07079

Plaintiff,

vs.

CIVIL ACTION NO. 3-95CV0890-G

Sovereign Military Order of the
Temple of Jerusalem
110 North Main Street
Belton, Texas 76513, and
E. Wayne Bachus, Lowell Barker, and
H. E. Count Don Fernando Campello
Pinto Pereira de Fontes

Defendants.

DECLARATION OF DONALD R. PERKINS

I, Donald R. Perkins, am over the age of eighteen, of sound mind and body, and do state as follows based upon my personal knowledge and understanding:

1. I am presently the duly elected Grand Prior or President of The Sovereign Military Order of The Temple of Jerusalem, Inc. ("SMOTJ #1"), the Plaintiff in this lawsuit. SMOTJ #1 is also known as the Grand Priory of the United States of America ("G.P. U.S.A."), a Grand Priory, of the Sovereign Military Order of the Temple of Jerusalem (the "Order"), an international chivalric order of knighthood. I have been President of SMOTJ #1 and Grand Prior of G.P. U.S.A. since January 1994. Before

assuming the office of Grand Prior, I was a member of the Grand Council of SMOTJ #1 from 1962 through 1994.

2. By tradition and under the General Statutes of the Order, only one Grand Priory is established per nation. That Grand Priory has the exclusive right within its national boundaries to recruit or invest members into the Order and to create local chapters, or Priories, which are subordinate to the authority of the national Grand Priory.

3. Since its creation in 1962, SMOTJ #1 has created more than ten Priories within the United States.¹ Each of these Priories are wholly-owned and operated subsidiaries of SMOTJ #1. At the present time, the existing Priories legally affiliated with SMOTJ #1 are as follows:

(a) the Priory of Greater New York, consisting of some of New York, New Jersey, Connecticut and the remainder of New England, known as the Priory of St. George;

(b) the Priory of Norfolk, Virginia, consisting of the tidewater area of Virginia, known as the Priory of the Monitor and the Merrimack;

(c) the Priory of Delaware consisting of the area of Delaware and known as the Priory of The Delaware;

(d) the Priory of Pennsylvania consisting of the area of Pennsylvania and known as the Priory of Philadelphia;

(e) the Priory of Illinois consisting of the states of Illinois, Wisconsin, Indiana and the Great Lakes country known as the Priory of St. John the Baptist;

(f) the Priory of Washington, D.C. consisting of the National Capital area known as the Priory of St. King Charles the Martyr;

(g) the Priory of Kansas City consisting of the area of Kansas City, Missouri, and Kansas City, Kansas, known as the Priory of St. Mary the Virgin;

¹ A Priory may lose membership and lapse, and so become relegated to the status of a "Commandery." For example, the Priory of Baltimore known as the Prior of St. Martin of Tours is at present a Commandery, not a Priory.

(h) the Priory of Northern California consisting of the State of California and known as the Priory of St. Francis;

(i) the Priory of West Point, New York, consisting of central and northern New York, known as the Priory of St. Patrick;

(j) all areas west of the Mississippi, except in California, known as the Priory of Our Lady of Sorrows; and

(k) the titular Priory of Niew Amsterdam to which all honorary members belong and which is governed exclusively by the Grand Prior and the Prior of the Priory.

4. As a not-for-profit charitable organization, SMOTJ #1, engages in fundraising activities for various worthy causes and collects membership dues from the members of its local Priories in the United States.

5. The Grand Priory in the person of the Grand Prior or some other member of the Grand Council, traditionally attends investitures of members, known as knights and dames, into the local Priories in the United States. On these occasions certain robes and other accoutrements are worn by the members bearing the names and emblems identified as the SMOTJ Marks in Plaintiff's First Amended Lanham Act Complaint in this lawsuit. SMOTJ #1 has the exclusive right to manufacture these accoutrements and emblems and raises funds through the sale of the SMOTJ Marks in the United States both at official investitures and at other times.

6. SMOTJ #1 is the owner and registrant of the SMOTJ Marks. Certified copies of registrations of the SMOTJ Marks with the United States Office of Patent and Trademarks are attached hereto as Exhibits "A" through "F" and incorporated herein.

7. Since I have been Grand Prior, as well as during my tenure on the Grand Council in SMOTJ #1, neither I, nor any other officer or agent of SMOTJ #1 has ever approved of the creation of any group or priory in Texas or authorized any such group

for any persons in Texas to hold itself out as part of the Sovereign Military Order of the Temple of Jerusalem or use, distribute, or sell any of the SMOTJ Marks. At the present time, I am not aware of any authorization granted by any officer or agent of SMOTJ #1 to approve the establishment of any group in Texas authorized to use the SMOTJ Marks or hold itself out as affiliated in any way with the Sovereign Military Order of The Temple of Jerusalem.

8. In the latter part of 1994, I was informed that certain advertisements had been circulated in various places in the United States advertising an investiture to be held in Texas some time in 1995. At that time, however, I did not know the identity of the person or persons who had sent such advertisement.

9. Some time in February, 1995, I was informed that one Lowell A. Barker ("Barker") was involved in the advertised investiture and was attempting to establish an organization in Texas which he was calling "The Sovereign Military Order of the Temple of Jerusalem" and "The Grand Priory of St. George the Martyr," and that he was attempting to collect money under the name of that organization. I did not know where Barker resided or how I could contact him at that time, but Barker was a person known to me in connection with a trademark dispute, similar to the dispute in this lawsuit, involving another chivalric organization called The Military and Hospitaller Order of St. Lazarus of Jerusalem. I attach hereto as Exhibit G a true and correct copy of a consent decree signed by Barker agreeing to an injunction against, among other things, his "using the names [of the organization] or any other confusingly similar name" in *The Military and Hospitaller Order of St. Lazarus of Jerusalem vs. The Right Reverend Mikhail, Lowell*

A. Barker, et al., No. CV 89 2315 RB(BX), United States District Court for the Central District of California.

10. After February, 1995, I was able to contact Barker who confirmed to me that he was, indeed, forming a group that he was calling the Sovereign Military Order of the Temple of Jerusalem and that he intended to hold an investiture ceremony at which he would induct a number of persons from throughout the United States and other countries into his organization. At that time, I informed Mr. Barker that he could not form any such organization, collect any money, nor hold any ceremonies under the name of the Sovereign Military Order of the Temple of Jerusalem. In response, Mr. Barker threatened various actions including threatening to sue me.

11. In early May 1995, I obtained sufficient documentation to identify the time and place that Mr. Barker was planning to conduct the investiture described above and that he had enlisted one E. Wayne Bachus, a retired judge, to assist him in this venture and that they were attempting to collect a sum of \$500 for each prospective member for a "passage fee."

12. I thereupon instructed SMOTJ #1's lawyers to take whatever steps were necessary to prevent these individuals or any other parties from holding themselves out as members of or affiliates with the Sovereign Military Order of the Temple of Jerusalem or from using the SMOTJ Marks. Our lawyers and I communicated with Defendant Bachus informing him of SMOTJ #1's trademark rights in the SMOTJ Marks. (See correspondence attached hereto as Exhibits H, I, and J, respectively). After I authorized SMOTJ #1's attorneys to file the present lawsuit, the Grand Council of SMOTJ #1 ratified and approved that action.

13. At or about the time that SMOTJ #1 corresponded with Defendant Bachus, I learned that Defendant Count Don Fernando Campello Pinto Pierera de Fontes ("Fontes") was planning to attend and conduct the unauthorized investiture. At that time, Fontes was the acting head of the Order by virtue of his assumption of the title of Regent of the Order. Fontes was also claiming to hold the powers and office of Grand Master. Despite his position in the Order, under the rules and traditions of the Order, neither Fontes nor anyone outside of the G.P.U.S.A. has the right or authority to induct members into the Order within the territory of G.P.U.S.A. without the approval of the Grand Prior of G.P.U.S.A. Furthermore, under the rules and traditions of the Order, neither Fontes nor anyone outside of the G.P.U.S.A. has the right or authority to create an autonomous priory of the Order, such as SMOTJ #2, within the United States.

14. In June, 1995, I attended a General Convent in London, England, which had been summoned by Fontes. Most of the known Grand Priories were represented either by their respective Grand Priors or other members of the grand councils within such Grand Priories.² The General Convent, which is a general assembly of all the members of the Order, is the only body with the power and authority to elect a Grand Master of the Order. Fontes has never been elected Grand Master. The members present at the London General Convent were unanimous in their agreement that Fontes should no longer act as head or Regent of the Order. Accordingly, the members voted

² The Grand Priors, or their representatives, who were present included the Grand Priories of Poland, Germany, Austria, Belgium, U.S.A., Finland, France, Scotland, England, Ireland, Italy, Switzerland, Luxembourg, Spain, and NATO.

to convene a special General Convent to be held in Salzburg, Austria in November 1995 to elect a Grand Master³.

15. The members also decided to redress the grievances of G.P.U.S.A. and other Grand Priors arising from Fontes' creation or attempted creation of one or more unauthorized autonomous priories, such as Defendant SMOTJ #2 in this lawsuit. Accordingly, the members at the London General Convent voted and declared there could be only one autonomous Grand Priory in a nation such that the Grand Master, Regent, or any other officer in the *Magnum Magisterium*, could not create any autonomous priories within a nation having a Grand Priory, as Fontes attempted to do in Dallas, Texas.

16. In November 1995, I was present at the special General Convent in Salzburg, Austria. Although the members at that special General Convent did not elect a Grand Master, they voted and resolved to redefine the goals of the Order and seek out suitable candidates for the office of Grand Master.

17. I was seated as the Grand Prior of G.P.U.S.A. at both the London General Convent and the Salzburg special General Convent despite Fontes' attempted removal of me and other officers of the Grand Council from their positions. Fontes had similarly attempted to remove from office the Grand Prior of the Grand Priory of Germany. Despite that attempt, the members present⁴ unanimously rejected Fontes' action as null

³ It is my understanding that the Order has not had a duly elected Grand Master for more than a hundred years.

⁴ These included the Grand Priors of Austria, Belgium, U.S.A., Finland, France, Scotland, England, Italy, Switzerland, Luxembourg, Spain, and NATO. Poland was present through proxy given to Maj. Gen. Sir Roy Redgrave, Grand Prior of England, who was elected Vice-President of the Order at Salzburg.

and void and of no effect and recognized the Grand Prior of Germany who, as the General Secretary of the Grand Council of the Order, presided over the special General Convent.

18. At the present time, the Order is under the leadership of the President, Lieutenant Colonel Joseph Esposito of the Grand Priory of NATO. Only President Esposito, and in his absence, the Vice President General Sir Roy Redgrave, Grand Prior of England, or the Grand Council consisting of all the Grand Priors of the Order, holds the rights and powers of the *Magnum Magisterium*.

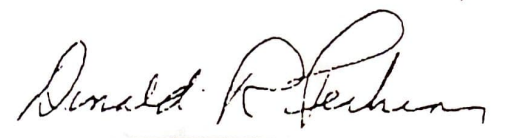
19. On other occasions, and at other times, SMOTJ #1 has resorted to legal action to vigorously pursue and protect its exclusive rights in the good name of the organization and the SMOTJ Marks. For, example, SMOTJ #1 has filed a lawsuit against individuals in New York who had previously been expelled from the a Priory affiliated with SMOTJ #1. That litigation is pending.

20. SMOTJ #1 is also presently in negotiations with a priory of the Grand Priory of the Scots, located in Scotland, which had attempted to create a local chapter in California. I anticipate that SMOTJ, Inc. will resolve this dispute without litigation. It is that dispute with the Grand Priory of the Scots that Defendants refer to in their Response to Plaintiff's Application for Temporary Restraining Order. (Defendants' Response in Opposition to Plaintiff's Request for Injunctive Relief, Exhibit "B").

21. Other than the instances cited above and the present lawsuit, I am aware of only a few other, sporadic, non-continuous attempted unauthorized uses of the SMOTJ Marks in the United States. In each instance, upon discovering such attempted

unauthorized uses of the SMOTJ Marks, an officer or representative of SMOTJ #1
investigated and put a stop to the infringement.

I declare under penalty of perjury that the foregoing is true and correct.



Donald R. Perkins

Executed on December 16th 1995

2. Before 1962, several Americans had been invited to join the Order by Anton Leuprecht, the Autonomous Grand Prior of Switzerland and Mondial Chief of all the Autonomous Grand Priorities in the world. At that time, to the best of my knowledge and belief, there existed no official chapter or Priory of the Order in the United States. Before 1962, I was aware of no official ceremonies, meetings or other activities in the United States carried out using the name The Sovereign Military Order of the Temple of Jerusalem. With the encouragement of Anton Leuprecht, some of the American members of the Grand Priory of Switzerland decided to create a Grand Priory in the United States.

3. In March of 1962, a number these members and others interested in joining the Order met at my house and formed the G.P.U.S.A. and began the process of incorporating SMOTJ, Inc. In June 1962, I and other members of G.P.U.S.A. again met in my house and signed the Certificate of Incorporation by which we incorporated G.P.U.S.A. A true and correct copy of the Certificate of Incorporation of SMOTJ, Inc. a New Jersey not-for-profit Corporation is attached hereto and incorporated herein as Exhibit A. Soon after 1962, SMOTJ, Inc. was formally recognized by the acting Regent of the Order as the one and only Grand Priory in the United States.

4. Soon after the creation of SMOTJ, Inc. local Priories were created within the G.P.U.S.A. First, in 1963, the Priory of St. Martin of Tours was formed in Baltimore. Other local Priories within G.P.U.S.A. soon followed in New York (1964), California (1965), Chicago (1968), and other areas within the United States. Each local Priory within G.P.U.S.A. was created as a subsidiary of SMOTJ, Inc.


5. In 1962, other than SMOTJ, Inc., I was aware of no other organization in the United States calling itself Sovereign Military Order of the Temple of Jerusalem or using any

of the emblems or marks of the Order. Between 1962 and 1995, I or others in SMOTJ, Inc. or its subsidiary Priories became aware of three different groups in California, Chicago, and part of New York who were using the name of the Sovereign Military Order of the Temple of Jerusalem. Upon learning of the existence of these groups, representatives of SMOTJ, Inc. contacted each of them and resolved the matter by arranging amicably for their induction into a Priory within SMOTJ, Inc. I am aware of no instance from 1962 to the present that SMOTJ, Inc. learned of the existence of other groups or persons claiming to be members of the Order without taking action to resolve the matter.

6. In order to allow SMOTJ, Inc. to more vigorously enforce its proprietary rights in the name and symbols of the Sovereign Military Order of the Temple of Jerusalem, if that should ever become necessary, I effected the registration of the name, motto, and some of the symbols of the Sovereign Military Order of the Temple of Jerusalem with the United States Office of Trademarks in 1969. A true and correct copy of this registration is attached hereto and incorporated herein as Exhibit B.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 17 1995


William Young Pryor

11/3
certified a true copy of an instrument
on file in my office on 10/9/97
NANCY DOHERTY, Clerk, U.S. District
Court, Northern District of Texas
By N. Butler Deputy

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
NOV 12 1996
NANCY DOHERTY, CLERK
BY [Signature] Deputy

THE SOVEREIGN MILITARY ORDER OF §
THE TEMPLE OF JERUSALEM, INC. §

Plaintiff, §

vs. §

COUNT DON FERNANDO CAMPELLO §
PINTO DE SOUSA FONTES §

Defendant. §

CIVIL ACTION NO. 3-95CV-0890-G

ENTERED ON DOCKET
11.13.96 PURSUANT
TO F. R. C. P. RULES
58 AND 79a

ORDER ON PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT

CAME ON for consideration the Motion for Partial Summary Judgment of Plaintiff,
the Sovereign Military Order of the Temple of Jerusalem, Inc. ("SMOTJ #1"), and upon
consideration of Plaintiff's Motion, the Affidavits, Declarations, and other evidence
submitted in support thereof, and the arguments of counsel, the Court finds and concludes as
follows:

FINDINGS AND CONCLUSIONS

SMOTJ #1 has submitted the Affidavit of Donald R. Perkins, Declaration of Joseph
A. Esposito, Declaration of William Young Pryor, Declaration of Robert Edward Andrews
Adams, and Declaration of David S. White, with attachments, establishing the following
factual findings:

1. SMOTJ #1 is a New Jersey not-for-profit corporation also known as the Grand
Priory of the United States of America ("G.P.U.S.A.").
2. SMOTJ #1 is the owner of the following federally registered marks:

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- a) "THE SOVEREIGN MILITARY ORDER OF THE TEMPLE OF JERUSALEM" (Registration No. 1,902,078);
- b) "NON NOBIS DOMINE, SED NOMINE TUO DA GLORIAM" (Registration No. 1,917,066);
- c) "NOT TO US O LORD, BUT TO THY NAME BE GIVEN GLORY" (Registration No. 1,901,079);
- d) A logo depicting or embodying the Patriarchal Cross (or cross of the Lorraine) (Registration No. 1,910,657);
- e) A logo depicting or embodying the Patriarchal Cross (or cross of Lorraine) surmounted by a crown (Registration No. 1,904,826); and
- f) A logo depicting or embodying a shield with crossed swords, a knights helmet and the motto of the order (Registration No. 1,909,058).

(collectively, the "SMOTJ marks").

3. Defendant Count Don Fernando Compello Pinto Peirera de Sousa Fontes ("Fontes") is an individual residing in Portugal who has appeared in this action.

4. Sovereign Military Order of the Temple of Jerusalem a/k/a Priory of St. George the Martyr ("SMOTJ #2") is a Texas Corporation based primarily in Texas.¹

5. E. Wayne Bachus ("Bachus") is an individual residing in Texas.

6. Lowell A. Barker ("Barker") is an individual residing in Florida.

7. The Sovereign Military Order of the Temple of Jerusalem (the "Order") is an ancient, international, chivalric, charitable order of knighthood tracing its origin back to the Crusades.

8. The Order is primarily comprised of national chapters called Grand Priories.

¹ SMOTJ #1 originally brought this Lanham Act lawsuit against four Defendants: Sovereign Military Order of the Temple of Jerusalem, a/k/a Priory of St. George the Martyr, E. Wayne Bachus, Lowell A. Barker, and Count Don Fernando Campello Pinto Peirera de Fontes. The Plaintiff subsequently settled with all of these Defendants except for Fontes, who is the sole remaining Defendant in the case. For the sake of simplicity, the parties are referred to collectively as the "Defendants" throughout this Order.

9. By both tradition and law within the Order, there may be only one Grand Priory in a nation.
10. A national Grand Priory, headed by a Grand Prior, has the exclusive right within its boundaries to invest or induct members into the Order and to create Priors.
11. Subchapters, called Priors, within the Order created in a nation having a national Grand Priory must be or become part of that Grand Priory.
12. There is no provision in the rules of the Order for the creation of Priors that are Priors not within a Grand Priory.
13. G.P.U.S.A. was formed by American members of the Order from the Grand Priory of Switzerland in 1962.
14. To facilitate the ability of the G.P.U.S.A. to act as a Grand Priory over the entire country, the founding members of G.P.U.S.A. incorporated the Grand Priory as the Sovereign Military Order of the Temple of Jerusalem, Inc. in 1962.
15. Before formation of G.P.U.S.A., there existed no continuous activities or ceremonies by any members of the Order in the United States.
16. William Pryor, the second Grand Prior of G.P.U.S.A. caused the name, motto, and some of the devices, symbols and distinctive marks to be registered with the United States Trademark Office in or about 1969.
17. After its formation, SMOTJ #1 proceeded to create a number of local Priors throughout the United States.
18. All authorized local Priors created in the United States are subsidiaries of SMOTJ #1.
19. At the present time there are more than ten local Priors legally affiliated with SMOTJ #1 as follows:

- a. the Priory of Greater New York, consisting of some of New York, New Jersey, Connecticut and the remainder of New England, known as the Priory of St. George;
- b. the Priory of Norfolk, Virginia, consisting of the tidewater area of Virginia, known as the Priory of the Monitor and the Merrimack;
- c. the Priory of Delaware consisting of the area of Delaware and known as the Priory of The Delaware;
- d. the Priory of Pennsylvania consisting of the area of Pennsylvania and known as the Priory of Philadelphia;
- e. the Priory of Illinois consisting of the states of Illinois, Wisconsin, Indiana and the Great Lakes country known as the Priory of St. John the Baptist;
- f. the Priory of Washington, D.C. consisting of the National Capital area known as the Priory of St. King Charles the Martyr;
- g. the Priory of Kansas City consisting of the area of Kansas City, Missouri, and Kansas City, Kansas, known as the Priory of St. Mary the Virgin;
- h. the Priory of Northern California consisting of the State of California and known as the Priory of St. Francis;
- i. the Priory of West Point, New York, consisting of central and northern New York, known as the Priory of St. Patrick;
- j. all areas west of the Mississippi, except in California, known as the Priory of Our Lady of Sorrows; and
- k. the titular Priory of New Amsterdam to which all honorary members belong and which is governed exclusively by the Grand Prior and the Prior of the Priory.

20. The SMOTJ marks include the traditional name, motto, symbols and emblems of the Order.

21. SMOTJ #1 was the first organization in the United States to consistently and continuously use the SMOTJ mark, and there are no known prior users of the SMOTJ marks in the United States.

22. SMOTJ #1 has continuously used the SMOTJ marks since 1962.

23. SMOTJ #1 holds valid registrations of the SMOTJ marks issued by the United States Office of Trademarks.

24. Since 1962, SMOTJ #1 has vigorously policed its superior rights to the SMOTJ marks.

25. Fontes has no knowledge or understanding that SMOTJ #1 has ever acquiesced to any consistent use of the SMOTJ marks by anyone not a member of SMOTJ #1 within the United States.

26. SMOTJ #1 holds the exclusive right to use the SMOTJ marks in the entirety of the United States.

27. SMOTJ #1 raises money in interstate commerce through fundraising activities including collection of membership dues and charges for use of the SMOTJ marks.

28. Although SMOTJ #1 had some information in late 1994 of Defendants' plans to conduct an investiture of members into the Order, SMOTJ #1 did not learn the identity of such Defendants until at least February, 1995.

29. Don Perkins, the Grand Prior of G.P.U.S.A., learned from Barker after February, 1995 of Defendants' specific plans to conduct an investiture in May, 1995 using the SMOTJ marks in Dallas, Texas.

30. Barker on at least one occasion had interfered with another chivalric order of knighthood in the use of its trademarks.

31. On at least one occasion before 1995, Barker had infringed on trademarks of another chivalric order of knighthood and had signed a consent order enjoining him from further infringement of such trademarks.

32. SMOTJ #1 advised the Defendants before May 12, 1995, that going forward with the investiture in May, 1995 in Dallas, Texas constituted a violation of SMOTJ #1's trademark rights.

33. Defendants have used the mails, faxes, telephones, and numerous interstate media to solicit and receive money for the purposes of the investiture held in Dallas, Texas on or about May 13, 1995.

34. Defendants mailed an advertisement to prospective members of SMOTJ #2 using the name "Grand Priory of the United States" and the names of at least two members of the Grand Priory of the United States in describing the "illustrious" Order that recipients were being invited to join.

35. SMOTJ #1 never authorized Defendants to use the SMOTJ marks in connection with the May, 1995 investiture or for any other reason.

36. Defendants collected money in interstate commerce in connection with the investiture in May, 1995 at Dallas, Texas, in part for the use of the SMOTJ marks.

37. Defendants used the SMOTJ marks in connection with the May 13 investiture in Dallas, Texas.

38. Defendants proceeded with the investiture ceremony on or about May 13, 1995 in Dallas, Texas.

39. Those individuals being inducted into SMOTJ #2 at the May 13, 1995 investiture ceremony in Dallas, Texas did not know that Defendants' right to use SMOTJ marks was being contested by SMOTJ #1.

40. Defendants' use of the SMOTJ marks in connection with the May 13, 1995 ceremony in Dallas, Texas caused confusion concerning the source, affiliation of sponsorship of the SMOTJ marks.

41. SMOTJ #1 is the senior user of the SMOTJ marks in the United States.

42. Defendants' use of the SMOTJ marks during the May 13, 1995 investiture in Dallas, Texas infringed upon SMOTJ #1's superior trademark rights.

43. Based upon the foregoing findings of fact, the Court finds that the SMOTJ marks are inherently distinctive and entitled to protection, and Plaintiff has duly registered the SMOTJ marks with the United States Office of Trademarks.

44. The Court further finds that Defendant, Don Fernando Campello Pinto Peirera de Fontes has, without authorization, used, and is likely to use in the future, the SMOTJ marks in a manner which is likely to cause confusion or deceive the public as to the true source or origin of Defendants' organization and goods.

45. Plaintiff has prevailed as a matter of law on its claims of violation of Section 43(a) of the Lanham Act.

46. Plaintiff has prevailed as a matter of law on its claim of trademark infringement under Section 32 of the Lanham Act.

47. Plaintiff SMOTJ #1 is suffering irreparable injury as a result of Fontes' use, without authority, of the SMOTJ marks. SMOTJ #1 will continue to suffer irreparable injury if permanent injunction is not entered against Fontes.

48. The potential harm that may be caused to Fontes is not sufficient to preclude the Court from entering permanent injunction.

49. The equities in this matter weigh heavily in favor of Plaintiff SMOTJ #1 and the entry of permanent injunction.

50. The public interest embodied in the Lanham Act will be furthered by entry of a permanent injunction prohibiting Fontes from future infringement of Plaintiff's trademark rights.

51. Plaintiff's Motion for Partial Summary Judgment is hereby GRANTED.

IT IS THEREFOR ORDERED, that Defendant Count Don Fernando Campello Pinto Peirera de Sousa Fontes, and all persons acting in concert or participation with him who receive actual notice of this Order, are permanently enjoined from:

- (1) Adopting or using in any way any SMOTJ mark or any confusingly similar mark in connection with Defendants' organization, activities, products, or services;
- (2) Committing any acts likely to cause the public to believe that he, or any person acting in concert or participation with him, is affiliated with, originated from, or is authorized, approved, or sponsored by SMOTJ #1;
- (3) Otherwise competing unfairly with SMOTJ #1 in any manner, including but not limited to using false designations of origin, false or misleading descriptions of fact, which misrepresent the nature, characteristics or qualities of Fontes' organization, goods, or fraternal activities; and
- (4) Attempting, causing, or assisting any of the above described acts.

ENTERED AND ORDERED this 12 day of November, 1996.


UNITED STATES DISTRICT JUDGE

NOV 27 1995 02:45PM TRK 111 954 1651

0.3/15

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

The Sovereign Military Order Of
the Temple of Jerusalem, Inc.

Plaintiff

v.

Sovereign Military Order of
the Temple of Jerusalem, et al

Defendants

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Civil Action No.
3:95-CV-0890-G

PLAINTIFF'S OBJECTIONS AND RESPONSES
TO DEFENDANTS' FIRST SET OF REQUESTS FOR ADMISSIONS

Plaintiff, The Sovereign Military Order of the Temple of Jerusalem, Inc. ("Plaintiff")
serves these objections and responses to Defendants' First Set of Requests for Admissions
pursuant to Rule 36 of the Federal Rules of Civil Procedure.

GENERAL OBJECTIONS

Plaintiff generally objects to Defendants' requirement that admissions be made "under
oath" and hereby puts Defendants on notice that it objects to, and refuses to comply with,
any requirement that is beyond the scope of Rule 36 of the Federal Rules of Civil Procedure.

A. DEFINITIONS

1. Plaintiff objects to the definition of "you" or "your" to the extent that it may
include attorneys and thus invades the attorney-client privilege as well as the attorney work
product doctrine.

2. Plaintiff objects to definition no. 5 as overly broad, burdensome and harassing. Plaintiff will make identifications within the scope required by Rule 26 of the Federal Rules of Civil Procedure.

3. Plaintiff objects to definition no. 6 as overly broad, burdensome and harassing. Plaintiff will make identifications within the scope required by Rule 26 of the Federal Rules of Civil Procedure.

4. Plaintiff objects to definition no. 7 as overly broad, burdensome and harassing. Plaintiff will make identifications within the scope required by Rule 26 of the Federal Rules of Civil Procedure.

5. Plaintiff objects to definition no. 12 as overly broad, vague and ambiguous as well as burdensome and harassing. Plaintiff will interpret these phrases in their plain, ordinary meaning.

6. Plaintiff objects to definition no. 13 as unintelligible because paragraph 6 of Plaintiff's complaint makes no reference to the "international order."

B. INSTRUCTIONS

1. Plaintiff objects to Instruction No. 1 as an attempt to restrict Plaintiff's responses beyond restrictions provided in Rule 36 of the Federal Rules of Civil Procedure. Plaintiff will respond to each request for admission as provided in Rule 36 of the Federal Rules of Civil Procedure.

2. Plaintiff objects to Instruction No. 2 as overly broad, vague and ambiguous as well as burdensome, harassing and beyond the scope of discovery provided in Rules 36 and 33 of the Federal Rules of Civil Procedure. Plaintiff will respond to each request for

admission and answer each Interrogatory, subject to objections, as provided within the scope of Rule 36 of the Federal Rules of Civil Procedure.

3. Plaintiff objects to paragraph no. 3 as overly broad, vague and ambiguous as well as burdensome, harassing and beyond the scope of discovery provided in Rules 36 of the Federal Rules of Civil Procedure. Plaintiff will respond to each request for admission, subject to objections, as provided within the scope of Rule 36 of the Federal Rules of Civil Procedure.

4. Plaintiff objects to paragraph no. 4 as overly broad, vague and ambiguous as well as burdensome, harassing and beyond the scope of discovery provided in Rules 36 of the Federal Rules of Civil Procedure. Plaintiff will respond to each request for admission, subject to objections, as provided within the scope of Rule 36 of the Federal Rules of Civil Procedure.

C. REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1: Plaintiff is a participating Grand Priory of the International Order.

RESPONSE:

Subject to objections stated above, admitted that Plaintiff is a Grand Priory of a chivalric order of knighthood, founded in or about 1124 A.D., known as The Sovereign Military Order of the Temple of Jerusalem.

REQUEST FOR ADMISSION NO. 2: The headquarters of the International Order is at Porto, Portugal.

RESPONSE:

In addition to objections stated above, Plaintiff objects to this request as vague and ambiguous, does not know what Defendants mean by the term "headquarters." Subject to these objections, denied.

JJ

REQUEST FOR ADMISSION NO. 3: The COUNT is the Grand Master of the International Order.

RESPONSE:

Subject to objections stated above, denied.

REQUEST FOR ADMISSION NO. 4: The COUNT is the Regent of the International Order.

RESPONSE:

Subject to objections stated above, Plaintiff is without sufficient information to admit or deny the request and therefore denies.

REQUEST FOR ADMISSION NO. 5: The Plaintiff is governed by the Statutes of the International Order.

RESPONSE:

Subject to the objections stated above, denied.

REQUEST FOR ADMISSION NO. 6: As the Grand Master and/or Regent of the International Order, the Count has the power and authority described in Article 11 of the Statutes of the International Order.

RESPONSE:

Subject to the objections stated above, denied.

REQUEST FOR ADMISSION NO. 7: The COUNT, as Grand Master and/or Regent of the International Order, has the power and authority to invest Knights of the Order in the United States without the approval or consent of the Plaintiff.

RESPONSE:

Subject to objections stated above, denied.

REQUEST FOR ADMISSION NO. 8: THE COUNT, as Grand Master and/or Regent of the International Order, has the power and authority to create priorities associated with the International Order in the United States, without the approval or consent of the Plaintiff

RESPONSE:

Subject to objections stated above, denied.

REQUEST FOR ADMISSION NO. 9: The COUNT as Grand Master and/or Regent of the International Order, has the power and authority to conduct the Investiture.

RESPONSE:

Subject to objections stated above, denied.

REQUEST FOR ADMISSION NO. 10: The COUNT, as Grand Master and Regent of the International Order, has the power and authority to create the International Priory of Saint George the Martyr.

RESPONSE:

Subject to objections stated above, denied.

✓ ✓ REQUEST FOR ADMISSION NO. 11: Certain of Plaintiff's officers and directors participated in a meeting in London in June, 1995, and proposed, encouraged and supported, at such meeting, the removal of the COUNT as Grand Master of the International Order.

RESPONSE:

Subject to objections stated above, denied.

adm ✓ REQUEST FOR ADMISSION NO. 12: Certain of Plaintiff's officers and directors are or have been members, directors or officers of at least one other Order of Chivalry which instituted litigation against Defendant, LOWELL A. BARKER.

RESPONSE:

Plaintiff objects to this request as vague and ambiguous because he does not know what Defendants mean by "Order of Chivalry." Subject to objections stated above, admit.

REQUEST FOR ADMISSION NO. 13: The autonomous Grand Priory of Switzerland was a member of the International Order while the COUNT has been Grand Master and/or Regent of the International Order.

RESPONSE:

Subject to objections stated above, denied because the Count is not, nor has been, Grand Master or Prince Regent of SMOTJ.

REQUEST FOR ADMISSION NO. 14: During the period the COUNT has been Grand Master and/or Regent of the International Order, persons who were members of the Grand Priory of Switzerland lived in the United States and used some or all of the Marks prior to the incorporation of Plaintiff without license from or authorization by the Plaintiff.

RESPONSE:

In addition to the objections stated above, Plaintiff further objects to this Request as vague and ambiguous. Subject to these objections, Plaintiff admits that before the incorporation of Plaintiff, certain United States residents who had been invested into SMOTJ in Europe came together and decided to create a Grand Priory in the United States, which became SMOTJ, Inc., Plaintiff in this action. Plaintiff is without knowledge or belief, and therefore denies, that before the incorporation of SMOTJ, Inc. anyone used the SMOTJ Marks in the United States who did not subsequently become a member of Plaintiff, the United States Grand Priory, or a local priory created under such Grand Priory. Before the formation of the United States Grand Priory, any use or display of the SMOTJ Marks by these future members of SMOTJ, Inc. was sporadic, informal, noncontinuous, and not in connection with any SMOTJ ceremony or function.

REQUEST FOR ADMISSION NO. 15: Persons who were members of or affiliated with the International Order lived in the United States and used some or all the Marks in the United States prior to 1940.

RESPONSE:

Subject to objections stated above, see Response and Objections to Request # 14.

REQUEST FOR ADMISSION NO. 16: You have never licensed, chartered or otherwise given approval to any "priory," "member organization" or "subsidiary" as such terms are used in paragraph 11 of Plaintiff's Complaint located in any of Texas, New Mexico, Oklahoma, Arkansas or Louisiana.

RESPONSE:

In addition to the objections stated above, Plaintiff further objects to this Request as vague and ambiguous. Subject to this objections, Plaintiff denies that Texas, New Mexico, Oklahoma, Arkansas or Louisiana are outside of the territory within the Priory of Our Lady of Sorrows of the West, which is a priory created under the United States Grand Priory.

REQUEST FOR ADMISSION NO. 17: You have never conducted in any of Texas, New Mexico, Oklahoma, Arkansas, or Louisiana an investiture of Knights affiliated with Plaintiff or any "priory," "member organization," or "subsidiary" of Plaintiff as such terms are used in paragraph 11 of the Complaint.

RESPONSE:

Admitted.

REQUEST FOR ADMISSION NO. 18: Mr. ADRIAN CRONAUER, acting on behalf of Plaintiff, in a letter dated on or about May 12-16, 1995, to the COUNT accused Defendants, E. WAYNE BACHUS and LOWELL A. BARKER of "perfidy."

RESPONSE:

Admitted that in a letter to the Court dated May 12, 1995, Mr. Cronauer stated, "The actions taken by renegades Barker and Bachus are improper and it grieves us that they have deceived your Excellency who, I am sure, is an unwitting victim of their perfidy."

REQUEST FOR ADMISSION NO. 19: Plaintiff has used the words "close affiliation" to describe its relationship with the International Order

RESPONSE:

Subject to objections stated above, Plaintiff is without sufficient information to admit or deny the request.

REQUEST FOR ADMISSION NO. 20: Plaintiff claims full participation and voting rights in the International Order.

RESPONSE:

Subject to objections stated above, admitted.

REQUEST FOR ADMISSION NO. 21: Plaintiff is a nonprofit entity.

RESPONSE:

Subject to objections stated above, admitted.

REQUEST FOR ADMISSION NO. 22: Plaintiff pays no Federal Income Tax.

RESPONSE:

Subject to objections stated above, admitted.

REQUEST FOR ADMISSION NO. 23: Plaintiff's bylaws, in Article 3C1C, require the annual payment to Plaintiff by each member of \$30 by March 1 of each year for support of the "Supreme Magistracy".

RESPONSE:

In addition to the objections stated above, Plaintiff further objects to this Request as vague and ambiguous. Subject to this objections, Plaintiff denies the Request.

REQUEST FOR ADMISSION NO. 24: Plaintiff received payments as described in the immediately preceding Request during 1995 from some or all of its members.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 25: Plaintiff has made no payment to the Supreme Magistracy in 1995.

RESPONSE:

Admitted

Admitted

REQUEST FOR ADMISSION NO. 26: Attached as Exhibit A is a true copy of a letter dated April 16, 1993 from Donald Weber as Grand Prior of Plaintiff.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 27: Attached as Exhibit 9 is a true copy of a letter dated May 12, 1995, from the COUNT as Grand Master and/or Regent of the International Order.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 28: Plaintiff recognizes the power and authority of the COUNT, as Grand Master and Regent of the International Order, to remove Knights from the International Order and declare such removed Knights "Non-Templar".

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 29: The COUNT has removed DONALD PERKINS, ADRIAN CRONAUER, EDMUND VOYER, CHARLES CERVANTES, GEORGE VOYER and other officers of Plaintiff as of May 12, 1995, from membership in the International Order and declared each of them to be "Non-Templar".

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 30: The Board of Directors, or its equivalent, of the Plaintiff did not vote to institute this lawsuit before its filing.

RESPONSE:

Plaintiff admits that the Grand Council of SMOTJ, Inc., which is the equivalent of the board of directors, did not vote to file this action before May 10, 1995 because of the

Handwritten initials/signature

emergency nature of the action. However, the Grand Council subsequently duly ratified the filing of this action.

REQUEST FOR ADMISSION NO. 31: You have never filed suit against any other entity than Defendants to enforce Plaintiff's claimed trademark rights.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 32: You have no evidence that any profit was made on the Investiture.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 33: You have no evidence of any confusion as to sponsorship, origin or affiliation of any entity related to the Investiture.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 34: That Plaintiff does not manufacture, license, franchise or sell in interstate commerce any product featuring or incorporating any trademark claimed by Plaintiff.

RESPONSE:

Denied.

REQUEST FOR ADMISSION NO. 35: That Plaintiff invests its members by the ceremony of Investiture as published on Page 19 et seq of Plaintiff's THE KNIGHTS MANUAL OF THE SOVEREIGN MILITARY ORDER OF THE TEMPLE OF JERUSALEM, INC.

RESPONSE:

Admitted.

REQUEST FOR ADMISSION NO. 36: That such ceremony includes an oath to "abide by all lawful precepts, statutes and regulations of ... the Grand Mastery ..."

RESPONSE

Admitted

REQUEST FOR ADMISSION NO. 37: That in the ceremony referred to in Request for Admissions 35 above, Knights and Dames are "dubbed" in the name of His Serene Highness the Grand Master and Prince Regent of the Order, COUNT F. DON FERNANDO CAMPELLO PINTO PERIRA de SOUSA FONTES OF PORTO, PORTUGAL.

RESPONSE:

Plaintiff admits that this formulation was used before May 12, 1995, based upon a mistaken belief that the Count was entitled to use the titles "Grand Master" and "Prince Regent", but denies that the Count is, or ever was, Grand Master or Prince Regent of SMOTJ.

REQUEST FOR ADMISSION NO. 38: That the "Grand Master" referred to in Request for Admissions 37 above is the same as is named as a Defendant in Plaintiff's Original Petition.

RESPONSE:

Plaintiff admits that the Count named as a Defendant in this action is the same person referred to in that ceremonial formulation, but denies that the Count is Grand Master or Prince Regent of SMOTJ.

REQUEST FOR ADMISSION NO. 39: That Plaintiff claims that the COUNT cannot do in person what Plaintiff does in his name.

RESPONSE

Plaintiff admits that the Count cannot in the United States legally invest knights into SMOTJ without the approval and sponsorship of the United States Grand Priory.

REQUEST FOR ADMISSION NO. 40: That the COUNT has terminated the permission and authority of DONALD PERKINS, EDMUND VOYER, GEORGE VOYER, ADRIAN CRONAUER, CHARLES CERVANTES and other officers and directors of Plaintiff from investing persons into the Order in his name.

RESPONSE

Denied.

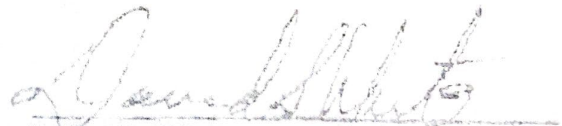
REQUEST FOR ADMISSION NO. 41 That after the date of their removal from the Order by the COUNT, the individuals named in Request for Admissions 40 above have continued to invest persons into the Sovereign Military Order of the Temple using the ceremony referred to in Request for Admissions 35 above and "in the name of" the COUNT.

RESPONSE

Denied.

Respectfully submitted,

By:



David S. White

State Bar No. 21295006

THOMPSON & KNIGHT, P.C.
1700 Pacific Avenue Suite 3100
Dallas, Texas 75201
(214) 969-1834
FAX (214) 969-1781

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Responses and Objections to Defendants' Request for Admissions was delivered by telecopy and first class mail, on the 27th day of November, 1995



David S. White

AFFIDAVIT

COUNTY OF BELL

STATE OF TEXAS

AFFIDAVIT OF E. WAYNE BACHUS

My name is E. Wayne Bachus and I am one of the Defendants in Cause No. 95-CV-890, now pending before the United States District Court, Northern District of Texas.

At the time the lawsuit was filed the other defendants and I were represented by attorneys with the Dallas office of Fulbright & Jaworski, who filed our initial response and some early motions regarding scheduling.

On August 4, 1995, Jose Angel Gutierrez, was substituted as counsel for all defendants, and on August 7, the Fulbright & Jaworski attorneys were allowed to withdraw.

Several motions concerning discovery appear to have been filed in August and September, however, I had no knowledge of those at the time. I did submit to Mr. Gutierrez office a large group of documents for initial disclosure when requested in September 1995.

To assist Mr. Gutierrez, Douglass Densmore, another attorney member of the defendant organization, and I prepared Interrogatories and Requests for Admission in October 1995 and submitted them to Mr. Gutierrez. After some weeks I was informed that Mr. Paul Rich of another firm was added and lead counsel for the defense. I had no knowledge of that until late it was done. I attempted for several weeks to contact Mr. Rich by telephone. He was not available and none of my calls were returned. I went to Mr. Rich's office December 5, 1995 and spoke with him briefly. I asked specifically, among other questions, whether the interrogatory responses were returned and suggested a compliance letter be sent to opposing counsel. No such letter was sent.

I subsequently learned from Mr. Gutierrez that discovery had not been answered by Defendant Count Fontes. Until December 1995 I did not know that any discovery had been requested of Count Fontes. I could have assisted with communications with him by having documents translated into Portuguese, his language, and telephoning him. To this day I have still not been given a copy of the discovery requested of the Count, and in December his testimony was stricken. I attended the hearing on that motion before Magistrate Boyle on December 14, 1995. That was the second time I saw or had any conversation with Mr. Rich. He did not inform me then or at any other time that on December 1, Plaintiff had filed a motion to amend its complaint, or that such motion, with no response by him, had been granted on December 8, or that the December 11 scheduling order had been entered.

On or about December 30, 1995, I was able to speak to Raul Canez, a new associate at Mr. Rich's office, who told me for the first time the following:

(1) that the reason we did not get any answers to interrogatories was that Mr. Rich had withdrawn the Plaintiff to their scope, and none other had been prepared for submission.

(2) the Plaintiff had filed an amended complaint on December 15 which we were required to answer by December 26, and we had done nothing to answer.

(3) he told me that rather than answer any of the Plaintiffs motions or pleadings Mr. Rich was preparing a motion to withdraw. He sent me copies of the Plaintiffs amended pleadings on or about December 30 or 31.

Following that I attempted several times to get Mr. Rich to return my phone calls, to ask the Court for leave to file late or extend the time. I understand he did file such a motion but it was unfiled for an error in form. He received a copy of his motion to withdraw and I filed an opposition with the court asking the he not be allowed to withdraw until he made an effort to rectify the damage done to our case by his failure to respond to motions and pleadings and his failure to keep his clients informed.

I prepared a response to Plaintiff's amended complaint and attempted for several weeks to get Mr. Rich's office to file it. I then got directly from the Plaintiff's counsel their motion for summary judgment. I attempted to get Mr. Rich's office to answer it. They would not although he was still attorney of record and lead counsel. I answered it as best I could and timely. I also filed my amended answer and counterclaim for myself since my attorney would not file it for me. It was stricken since it was late and, I suspect, since it was filed without joinder of my attorney. Since Mr. Rich would not do it, I scheduled by own deposition with Mr. White and sat for my deposition without benefit of counsel although Mr. Rich was still my attorney of record. Mr. Rich attended mediation with me but did not stay for the entire session. Then he was allowed to withdraw without a hearing.

I attended the pre-trial conference with Judge Fish by myself and asked for time to obtain an attorney who could clear up what had not been done and adequately prepare the case so that all the parties can receive a fair trial. The Judge reset the case and my present attorney Liza Farrow-Gillespie was retained the week after the Judges decision.

I then learned the co-defendant Bishop Barker had filed bankruptcy in Florida and listed the Plaintiff and me as creditors. I now understand that there is some action to exempt this lawsuit from the bankruptcy proceeding.

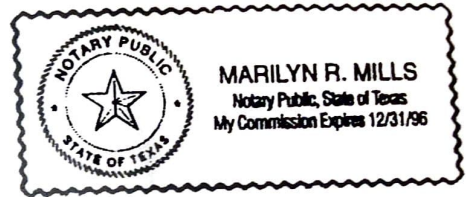
The foregoing statement is, under penalty of perjury, a true and correct recitation of what I know by personal experience or what was told to me by my then attorneys.

E. Wayne Bachus, Defendant

E. Wayne Bachus

SUBSCRIBED AND SWORN TO, BEFORE ME, by the said E. WAYNE BACHUS, on this the 3rd day of May, 1996, to certify which, witness my hand and seal of office.

Marilyn R. Mills
Notary Public in and for the
State of Texas



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of trademark Registration No. 1,904,826.

For the mark "a logo depicting or embodying the Patriarchal Cross
(or Cross of Lorraine) surmounted by a crown"

Date registered: July 11, 1995

E. Wayne Bachus, Petitioner

v.

Sovereign Military Order of the Temple, Inc., registrant

Cancellation No. _____

PETITION TO CANCEL

Petitioner, E. Wayne Bachus, is an individual member of the Supreme Military Order of the Temple of Jerusalem. Petitioner is also Chancellor of the International Priory of St. George the Martyr of the Supreme Military Order of the Temple of Jerusalem (St. George). Petitioner brings this action individually and in behalf of the members of St. George and other members of the Order of the Temple. Petitioner resides at 3512 Magnolia Blvd, Temple, Texas, 76502, and his office mailing address is 110 North Main Street, Belton, Texas 76513.

To the best of Petitioner's knowledge, the name and address of the current owner of the registration is THE SUPREME MILITARY ORDER OF THE TEMPLE OF JERUSALEM, (The International Order) of which registrant is a part, the address of which is Rua Goncalo Christovao, 96-4. D, 4000 Porto, Portugal.

The above-identified petitioner believes that he and others in his position will be damaged by the above identified registration, and hereby petitions to cancel the same.

The grounds for the cancellation are as follows:

1. Petitioner and others are members of The International Order who live in the United States and use the mark, as the emblem of the order in the United States, but are not members of Registrant, a subordinate entity within The International Order.

2. The International Order has existed in Europe for hundreds of years and has been active in the United States for over fifty years using the mark as the emblem of the order.


3. The registrant is a subordinate entity within the order, created by The International Order in 1962 and still remains a subordinate entity within The International Order.

4. Any right the registrant may have to hold the registration must be as agent for the true owner, The International Order, and may not be to the exclusion of The International Order of which registrant is a part nor of other members of The International Order in the United States not affiliated with the registrant other than by common membership in the same international order.

5. At the time registrant applied for this registration, registrant knew that members of The International Order not affiliated with the registrant, other than by common membership in the same order, had used the mark before registrant was created and continuing concurrently with the use of the mark by registrant as a subordinate entity within The International Order.

6. Registrant committed fraud upon the trademark office when and to the extent it represented and stated that no other person or entity claimed ownership rights to the mark.

BY: _____


E. Wayne Bachus
110 North Main Street
Belton, Texas 76513
817-939-3355
FAX 817-939-3355

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of trademark Registration No. 1,910,657.

For the mark "a logo depicting or embodying the Patriarchal Cross
(or Cross of Lorraine)"

Date registered: August 8, 1995

E. Wayne Bachus, Petitioner

v.

Sovereign Military Order of the Temple, Inc., registrant

Cancellation No. _____

PETITION TO CANCEL

Petitioner, E. Wayne Bachus, is an individual member of the Supreme Military Order of the Temple of Jerusalem and of the Grand Encampment of the United States of America of the Knights Templar of the York Rite of Freemasonry. Petitioner is Chancellor of the International Priory of St. George the Martyr of the Supreme Military Order of the Temple of Jerusalem (St. George). Petitioner files this action individually and in behalf of the members of St. George and other members of the Order of the Temple. Petitioner resides at 3512 Magnolia Blvd, Temple, Texas, 76502, and his office mailing address is 110 North Main Street, Belton, Texas 76513.

To the best of Petitioner's knowledge, the name and address of the current owner of the registration is THE SUPREME MILITARY ORDER OF THE TEMPLE OF JERUSALEM, (The International Order) of which registrant and Petitioner are members, the address of which is Rua Goncalo Cristovao, 96-4. D, 4000 Porto, Portugal; and/or the Grand Encampment of the United States of America of the Knights Templar of the York Rite of Freemasonry, (Grand Encampment) the address of which is Grand Recorder, 5097 N. Elston Avenue, Suite 101, Chicago, Illinois 60630-2460, and/or the Supreme Council of the Ancient and Accepted Scottish Rite of Freemasonry, the address of which is 1733 16th Street Northwest, Washington, D.C., and/or The American Lung Association, the address of which is 1740 Broadway, New York, New York 10019-4374; or it is in the public domain.

The grounds for the cancellation are as follows:

1. Petitioner and others are members of The International Order who live in the United States and use the mark, or similar mark, as the emblem of the order in the United States, but are not members of Registrant, a subordinate entity within the international order.

2. The international order has been active in the United States for over fifty years using the mark or mark similar to the mark as the emblem of the order.

3. The registrant is a subordinate entity within the order, created by The International Order in 1962 and still remains a subordinate entity within The International Order.

4. Any right the registrant may have to hold the registration must be as agent for the true owner, The International Order, and may not be to the exclusion of The International Order of which registrant is a part nor of other members of The International Order in the United States not affiliated with the registrant other than by common membership in the same international order; nor to the exclusion of the Church or the Masonic Orders who have widely, conspicuously and consistently used the mark as a religious or fraternal symbol for many years prior to the creation of registrant.

5. At the time registrant applied for this registration, registrant knew that the members of The International Order not affiliated with the registrant, other than by common membership in the same order, had used the mark before registrant was created and continuing concurrently with the use of the mark by registrant as a subordinant entity within the international order. Upon knowledge and belief Petitioner states that registrant was also aware of the use of this mark by the Church and the Masonic orders.

6. Registrant committed fraud upon the trademark office when and to the extent it represented and stated that no other person or entity claimed ownership rights to the mark.

7. The mark is actually an inverted Patriarchal Cross or Cross of Lorraine. It is widely used as a religious symbol within the Christian religion. It has been used for over one hundred fifty years as a symbol of the order by the Grand Encampment. It is also used as one of the symbols of the thirty third degree of the Ancient and Accepted Scottish Rite of Freemasonry. A very similar depiction is used as the emblem of the American Lung Association. The emblem itself, without any embellishment, is in the public domain.

BY: 

E. Wayne Bachus
110 North Main Street
Belton, Texas 76513
817-939-3355
FAX 817-939-3355

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of trademark Registration No. 1,909,058.

For the mark "a logo depicting or embodying a shield of the crossed swords, a knight's helmet and the motto of the order"

Date registered: _____, 1995

E. Wayne Bachus, Petitioner

v.

Sovereign Military Order of the Temple, Inc., registrant

Cancellation No. _____

PETITION TO CANCEL

Petitioner, E. Wayne Bachus, is an individual member of the Supreme Military Order of the Temple of Jerusalem. Petitioner is also Chancellor of the International Priory of St. George the Martyr of the Supreme Military Order of the Temple of Jerusalem (St. George). Petitioner brings this action individually and in behalf of the members of St. George and other members of the Order of the Temple. Petitioner resides at 3512 Magnolia Blvd, Temple, Texas, 76502, and his office mailing address is 110 North Main Street, Belton, Texas 76513.

To the best of Petitioner's knowledge, the name and address of the current owner of the registration is THE SUPREME MILITARY ORDER OF THE TEMPLE OF JERUSALEM, (The International Order) of which registrant is a part, the address of which is Rua Goncalo Cristavao, 96-4 D, 4000 Porto, Portugal.

The above identified petitioner believes that he and others in his position will be damaged by the above identified registration, and hereby petitions to cancel the same.

The grounds for the cancellation are as follows:

1. Petitioner, the members of St. George and others are members of The International Order who live in the United States and use the emblem, or similar emblem, of the order in the United States, but are not members of Registrant, a subordinate entity within The International Order.

2. The International Order has been active in the United States for over fifty years using the mark or mark similar to the mark, in that registrant is a subordinate entity within The International Order and in that the "shield" on this mark displays the emblem of The International Order.

3. The registrant is a subordinate entity within The International Order, created by The International Order in 1962 and still remains a subordinate entity within The International Order.

4. Any right the registrant may have to hold the registration must be as agent for the true owner, The International Order, and may not be to the exclusion of The International Order of which registrant is a part nor of other members of The International Order in the United States not affiliated with the registrant other than by common membership in the same international order.

5. At the time registrant applied for this registration, registrant knew that the members of The International Order not affiliated with the registrant, other than by common membership in the same order, had used the mark or similar mark before registrant was created and continued concurrently with the use of the mark or similar mark by registrant as a subordinate entity within The International Order.

6. Registrant committed fraud upon the trademark office when and to the extent it represented and stated that no other person or entity claimed ownership rights to the mark.

7. Registrant seeks, by means of its registration of this and other marks, to prohibit petitioners and others in their position from enjoying the benefits of their membership in The International Order including the use of this mark or similar marks including the name, motto and emblems of The International Order.

BY: 

E. Wayne Bachus
110 North Main Street
Belton, Texas 76513
817-939-3355
FAX 817-939-3355

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of trademark Registration No. 1,902,078.

For the mark "THE SOVEREIGN MILITARY ORDER OF THE TEMPLE OF JERUSALEM"

Date registered: June 27, 1995

E. Wayne Bachus, Petitioner

v.

Sovereign Military Order of the Temple, Inc., registrant

Cancellation No. _____

PETITION TO CANCEL

Petitioner, E. Wayne Bachus, is an individual member of the Supreme Military Order of the Temple of Jerusalem and of the Grand Encampment of the United States of America of the Knights Templar of the York Rite of Freemasonry; further, Petitioner is Chancellor of the International Priory of St. George the Martyr of the Supreme Military Order of the Temple of Jerusalem (St. George). Petitioner files this action in his individual capacity and in behalf of the members of St. George. Petitioner resides at 3512 Magnolia Blvd, Temple, Texas, 76502, and his office mailing address is 110 North Main Street, Belton, Texas 76513.

To the best of Petitioner's knowledge, the name and address of the current owner of the registration is THE SUPREME MILITARY ORDER OF THE TEMPLE OF JERUSALEM, (The International Order) of which petitioners and registrant are members, the address of which is Rua Goncalo Christovao, 96-4. D, 4000 Porto, Portugal.

The above-identified petitioner believes that he and others in his position will be damaged by the above-identified registration, and hereby petitions to cancel the same.

The grounds for the cancellation are as follows:

1. Petitioner and others are members of The International Order who live in and use the name, or similar name, of The International Order in the United States, but are not members of Registrant, a subordinate entity within The International Order. Petitioner St. George is also a subordinate entity within the same International Order.

2. The International Order has been active in the United States for over fifty years using the name or name similar to the mark.

3. The registrant is a subordinant entity within The International Order, created by The International Order in 1962 and still remains a subordinant entity within The International Order.

4. Any right the registrant may have to hold the registration must be as agent for the true owner of the mark, The International Order, and may not be to the exclusion of The International Order, of which registrant is a part, nor of other members of The International Order in the United States not affiliated with the registrant, other than by common membership in the same International Order.

5. At the time registrant applied for this registration, registrant knew that members of The International Order not affiliated with the registrant, other than by common membership in the same order, had used the mark before registrant was created and concurrently with the use of the mark by registrant as subordinate entities or members within The International Order.

6. Registrant committed fraud upon the trademark office when and to the extent it represented and stated that no other person or entity claimed ownership rights to the mark.

7. Registrant, by means of its registration of this and other marks, and litigation to enforce the same, seeks to restrict and terminate the right to use such marks in the United States by the International Order and its members in the United States who are not affiliated with registrant, except by common membership in the same International Order, to identify themselves as members of the same International Order.

BY: W. Wayne Bachus
E. Wayne Bachus, individually and as
Chancellor of the International Priory
of St. George the Martyr,
110 North Main Street
Belton, Texas 76513
817-939-3355
FAX 817-939-3123

THE PROLOGUE, LAW SUIT, FEDERAL COURT JUDGEMENT AND ITS EFFECT ON THE GRAND BAILIWICK OF THE SCOTS.

In 1995, the Order internationally underwent a series of unsuccessful semi-lateral schismatic episodes at an attempt to remove Grand Master Fontes from office. This was due to the individuals with megalomaniac egos who happened to be in positions of various levels of authority within the Order. The then Grand Priors of England, Germany, NATO and the U.S.A., all of whom had formerly sworn fealty oaths to Fontes as Grand Master and Prince Regent, violated those oaths and led the attempted coups.

In the United States, at the same time as the difficulties in Europe, the Prior of St. George the Martyr, which was chartered to operate in Central and South America, decided to hold an investiture. The individual chosen to host the investiture was a lawyer from Belton, TX who chose Dallas, TX as the site and invited the Grand Master and other Templars from within the United States. Unknown to him, the Prior of St. George the Martyr, had made it known to the Grand Priory of the United States that an investiture was to be held on American soil. The Prior, an individual formerly of the SMOTJ, was warned that as the SMOTJ held absolute authority for all Templar activities within the United States, the investiture was not approved.

Despite the warning, the Prior of St. George the Martyr and the Action Officer in Texas continued with plans for the investiture. The Grand Bailiwick of the Scots, not knowing about the negative interaction between the SMOTJ and St. George the Martyr, coordinated the investing of one of our Postulants by the Grand Master.

Upon the arrival of the Grand Master and his wife from Portugal, he was served with a Federal Warrant enjoining him from performing an investiture in the United States. This warrant was taken to Federal Court and permission was received to continue with the investiture, which was duly held with the Grand Master presiding.

The Grand Master summoned the Grand Prior of the Grand Priory of the United States to appear before him in Dallas, TX and explain his actions, which were contrary to Order Statutes. The excuse was made that he was "out of town" and could not be reached. Due to personal time limitations, the Grand Master and his wife had to return to Portugal. Upon his return to Portugal, the Grand Master withdrew the charter of the Grand Priory of the United States and expelled their hierarchy from the Order.

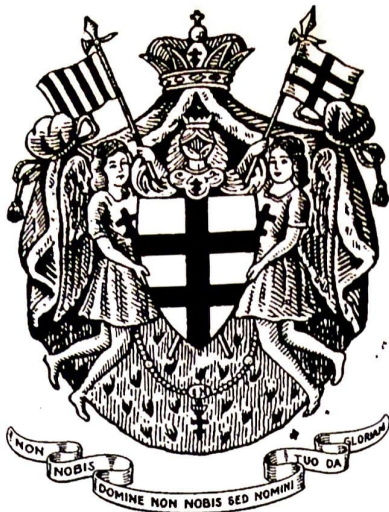
In the meantime, a frivolous law suit was filed. This law suit alleged that the Grand Master, named as a co-defendant by a branch of his own Order, had no right to use his own insignia and motto of the Order, which the Grand Priory of the USA had trademarked (with his approval) in the 1960s.

The marks are now and always have been of the International Order and used for several hundred years, including the motto which is a quotation from the Holy Bible. The SMOTJ claimed they were the first to use these marks in the United States beginning in 1962. Depositions were sworn by the then Grand Prior and several other "high ranking" individuals all attesting to this and other allegations which were pure falsifications.

The Grand Bailiwick of the Scots was specifically requested to assist the St. George the Martyr representative in the lawsuit. Against the then Grand Bailiff's desire, the Executive Board, led by the present Grand Bailiff and Deputy Grand Bailiff, voted to avoid any connection with the lawsuit and not assist the St. George the Martyr representative. They also voted to keep the law suit a secret from the membership.

The St. George the Martyr representative from Belton, TX eventually filed against the "SMOTJ marks" claiming SMOTJ application fraud. As the marks had previously been used in the United States by the Priory of New Spain in California, prior to 1962, the ease of proving the SMOTJ had falsified their depositions and filed a frivolous lawsuit was apparent. Knowing this, the SMOTJ sent a team of high ranking officers to negotiate with the St. George the Martyr representative. They were successful in persuading him to withdraw his opposition to the marks and to "join" them as a priory of the illegitimate SMOTJ.

As the Grand Master was the only one left in the lawsuit, the Federal Court Judge's Final Judgement was specifically aimed at him. The Court ordered the plaintiff recover from the Grand Master a money judgement of over \$100,000.



ORDO SUPREMUS MILITARIS TEMPLI HIEROSOLYMITANI

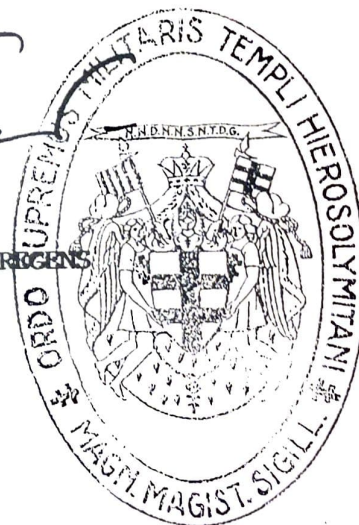
MAGNUM MAGISTERIUM

I, F. PINIO DE FONTES, Magnus Magister et Princeps Regens of the Order, together with the Grand Magistry of the Order, do officially recognize ORDO PAUPERES COMMILITES CHRISTI ET TEMPLUM SOLOMONIS as a true and legitimate Order of Knights Templar, brothers in arms through the fraternity of CHRIST, and do share with and extend to them the legitimate historical lineal descendency of the CHARTE TRANSMISSIONIS OF JOHANNES MARCUS LARMENTIUS of 1324 AD, 206 AO.
Oporto, 30th. September 2000 (882-40)



F. PINIO DE FONTES

ET MAGNUS MAGISTER ET PRINCEPS REGENS



PATRICK W. LEDRAY

ATTORNEY AT LAW
SUITE 242
1250 EAST MOORE LAKE DRIVE
MINNEAPOLIS, (FRIDLEY) MINNESOTA 55432-5135
(763) 574-9472
FAX (763) 571-0662

Vincent G. Zubras, Jr.
P.O. Box 600010
Dallas, TX 75360-0010

RE: Civil Action No. 3-95CV-0890-G

Dear Mr. Zubras:

Enclosed herewith and served upon you by United States Mail please find the Findings and Conclusions (Order) with regard to The Sovereign Military Order of the Temple of Jerusalem, Inc. vs. Count Don Fernando Campello Pinto De Sousa Fontes.

Very truly yours,



Patrick W. Ledray

Dear Mr. Ledray:

I am writing to you from my personal e-mail address, as my use of the Netscape e-mail software is easier for me, rather than the e-mail software provided on our Web Site.

Although your e-mail, a copy of which is reprinted below, was not directed specifically to me, but only CC'ed (to our OPCCTS address at "preceptor@knighttemplar.org"), I am responding with important information I feel needs addressing, regarding the COPY of your e-mail sent to The Grand Priory of England and Wales.

Your e-mail to them:

CHEVLEDRAY@aol.com

Date: Thu, 31 May 2001 06:35:27 EDT

To: TemplarInfo@aol.com

Cc: Prea@idfa.com, Apor1@ad.com, Deforth@aol.com, preceptor@knighttemplar.org

Subject: Unauthorized Use of Trademarks

Dear Webmaster/ Author / Maintainer of website www.theknightstemplar.org:

I have reviewed the web pages associated with The Supreme Military Order of the Temple of Jerusalem, and find that you have utilized protected trademarks granted to The Sovereign Military Order of the Temple of Jerusalem by the United States Patent and Trademark Office. Specifically, you have utilized a cross with two horizontal bars, and "Non Nobis Domini Sed Nomini Tuo Da Gloriam" or a similar Latin phrase. Such unauthorized usages of these protected trademarks must cease immediatly.

Please immediatly reply to this email transmission and verify that you shall cease and desist utilizing these protected trademarks.

The United States District Court for the Northern District of Texas, Dallas Division, in Civil Action No. 3-95-CV-0890-G entered Findings and Conclusions on November 12, 1996. The lawsuit is entitled, "The Sovereign Military Order of the Temple of Jerusalem, Inc. vs. Count Don Fernando Campbello Pinto De Sousa Fontes". In the decision of the Court Count Fontes, "and all persons acting in concert or participation with him who receive actual notice of this Order, are permanently enjoined from:

(1) Adopting or using in any way any SMOTJ mark or any confusingly similar mark in connection with Defendants' organization, activities, products, or services;

(3) Otherwise competing unfairly with SMOTJ #1 in any manner, including but not limited to using false designations of origin, false or misleading descriptions of fact, which misrepresents the nature, characteristics, or qualities of Fontes' organization, goods, or fraternal activities... ."

I believe that you are in violation of this Court Order. If you provide me with a mailing address I will forward to you a copy of the judicial decision.

I believe that your use of the name, "The Supreme Military Order of the Temple of Jerusalem" is a confusingly similar name to that of The Sovereign Military Order of the Temple of Jerusalem, which is a protected trademark name, registered with the United States Patent and Trademark Office. I

ask that you immediatly stop using that name. Note the language in the Court Order prohibiting such confusingly similar names.

Further, I have reviewed your Links page. I find your references to SMOTJ to be offensive, in violation of the Court Order, and defamatory. I demand that you immediatly remove any references to SMOTJ from your web site.

Please provide to me the folowing information:

1. The names, addresses, telephone numbers and email addresses of all leaders of your organization in the United States of America.
2. The identification of your legal counsel in the United States to include his or her name, address, telephone number, and email address.

If you have any questions with regard to this correspondence please contact me at your earliest convenience.

AGAIN, DEMAND IS MADE THAT YOU IMMEDIATLE CEASE AND DESIST FROM THE UTILIZATION OF THE TRADEMARKS GRANTED TO THE SOVEREIGN MILITARY ORDER OF THE TEMPLE OF JERUSALEM. THESE INCLUDE THE CROSS WITH TWO HORIZONTAL BARS, AND THE LATIN PHRASE "NON NOBIS NOMINI NON NOBIS SED NOMINI TUO DA GLORIAM".

Very truly yours,

Patrick W. Ledray
Attorney at Law
Suite 242
1250 East Moore Lake drive
Minneapolis, MN 55432

Telephone: 763-574-9472
Fax: 763-571-0662
email: chevledray@aol.com

I take it from your e-mail address (with "chev" as part of it) that you, Mr. Ledray, have been inducted into the SMOTJ in the United States. I do not recall having met you in the past, nor your name, so I am assuming you are a more recent inductee into that organization. Recent, that is, since 1997.

I will, at this point, give you a little information, and then make my point in all this. First, I was involved in the background of the exact Federal Trademarks case you are referring to. I was not a Defendant, but was a part of a Knight Templar group (the Grand Priory of the Scots, Grand Bailiwick in the United States) who, at that time, was independent of the SMOTJ's Grand Priory of the United States. I live in Dallas, Texas, and was inducted into the then-branch of the International Order whose "Primaries" were the Defendants in that law suit. I also was threatened with legal action by SMOTJ's then-counsel, as I had NOT been made aware of the Final Judgement and Court Order resulting from that case, when it was finally settled out of court.

Suffice to say that I am VERY familiar with the Court Order and all its elements. Although I

am involved with another, separate Templar organization now, myself and the other members of OPCCTS (our new and separate Templar Order) make it a clear and discernable point to be very careful to abide by the guidelines set in that Order.

Neither OPCCTS as an organization, nor any of its members in the United States as individuals, are violating ANY element of that Court Order.

The particular SMOTJ / OSMTH "Branch" to which you are addressing your complaint is the Grand Priory of England and Wales. They are the organization running that Web Site, which is located in England, and not in the United States.

It is also my understanding that they have applied for and received British Government approval for British Trademarks that are the same or similar to those you are complaining about. Therefore, they are very likely NOT in violation of any United States Trademarks that the separate "SMOTJ" has in the United States.

However, that situation is theirs to discuss with you... and not a matter for OPCCTS in the United States.

OPCCTS in the United States is "friendly" with, in a "fraternal manner," (i.e. our wording, "In Fraternal Relations with") the Grand Priory of England and Wales, and other Templar bodies, some of which are, and some of which are not, under the aegis of Grand Master Fontes.

We are an independent body of United States citizens, and as such, we have the Right to Free Association with whomever we wish... a guarantee that comes to us from the U.S. Constitution. We have the right to be "In Fraternal Relations with" anyone we choose. We are also a Christian Religious body as an Order, and have the right to practice our Religion in any manner we see fit.

We are NOT violating any of the provisions of this court order, as I said. OPCCTS is NOT an organization under the aegis, foundation, nor authority of Count Fontes. We are a separate, autocephalous body unto ourselves. We are not an organization that was founded by Count Fontes, nor are we financially involved with his Order. We are a part of the historical Templar Tree, in filial and Fraternal Spirit, and we DO have the right to recognize Count Fontes, and to be Friendly with him and his organization(s). THAT is guaranteed to us by the US Constitution, as I've already quoted. He, also, has the right to recognize us in that same filial and Fraternal Spirit... but he has NO authoritative control over OPCCTS in the United States.

As a further example that you will hopefully understand, we also recognize Jesus Christ as the Son of God, but He doesn't have direct authoritative control over us, either.

The Grand Priory of England and Wales elected to place our information on their Web Site, as well. We did not ask them to do this. They did it as a "filial gesture" on their part, but you will also note that the "autocephalous" (read that "autonomous") explanation about our OPCCTS Order is also included on that Web Site, and clearly explains our relationship to them.

We have no say in the Grand Priory of England and Wales' usage of the Cross, name, or mottoes you are claiming under Trademark Authority of the United States. WE, OPCCTS, are NOT using them. That is an issue you will have to take up with England. We (OPCCTS) are not a direct part of their Order, the International Order of Knights Templar whose Grand Magistry is located in Porto, Portugal, and under the aegis and authority of Grand Master Fontes.... we are simply a part of the historical Templar Tree... much like a child that is grown to adulthood, lives by himself, and pays his own bills. That child can still go visit and stay friends with their parents, but they are off living by themselves, autonomous of parental control or authority. That is a good pictorial analogy of what "autocephalous" means. The Eastern Rothodox Christian Churches are structured much in the same way.

To my knowledge, the Grand Priory of England and Wales has no "names, addresses, telephone numbers and email addresses of all leaders" of their organization in the United States of America" that you ask for, because they have no members here. They're all in the United

Kingdom, as one would expect.

I don't think they have a legal counsel here in the United States, either, because I don't think they need one. You'll have to ask them.

Just out of my own curiosity, if you don't mind answering, could you tell me what "references to SMOTJ you find to be offensive, in violation of the Court Order, and defamatory"? I can't see any... any references to SMOTJ that I am aware of on that non-US Web Site are all historical fact, and are a matter of public record, or the result of it.

I have a suggestion for you, sir: You might want to take a more friendly tone with them, instead of "demanding" things. You'll probably find them an amiable lot when taken this approach with, and a lot more likely to achieve more of your objective.

In fact, why doesn't the SMOTJ / OSMTH themselves take a direct approach, and be nice when they do it? In my estimation and experience, they have always used attorneys to do their talking for them (no offense to you, sir... only an observation). They might find things alot more receptive if they did their talking directly, and were nice about it. That's the way we do things down here in the South, and I've found our British "Brethren" to be much the same way.

My Dad always told me you could catch more flies with honey than you can with vinegar.

You are welcome to "CC" me on any communications you have with England, and if I can help with anything, please have your SMOTJ leadership call me.

Very Truly Yours,
Vincent Zubras, Jr.
OPCCTS-KT / NA

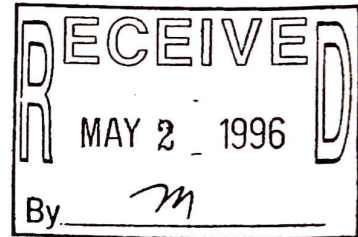
LIZA FARROW-GILLESPIE
Attorney at Law

3301 Elm Street
Suite 208
Dallas, TX 75226

214-939-9225
fax 214-939-9229
e-mail lfg@counsel.com

May 2, 1996

Mr. Wayne Bachus
Wayne Bachus & Associates
110 North Main Street
Belton, TX 76513
VIA FAX (817) 939-3123



Re: *Sovereign Military Order of the Temple of Jerusalem, Inc. v.*
Sovereign Military Order of the Temple of Jerusalem, et al., Civ.
No. 3:95-CV-0890-G (N. D. Tex.)

Dear Wayne:

I will be filing a motions for continuance, for additional limited discovery, and to file an amended answer and counter-claim on Monday or Tuesday. I must have the documents we discussed by then, including your affidavit of the facts of your representation up to the pretrial conference. I cannot file the motions with any chance of prevailing unless I receive that information from you.

Please Fedex whatever you have, including the amended pleading that you attempted to file (on diskette, if possible). At this point, even just a letter from your Lanham Act expert (ending with the phrase "I testify to the truth of the foregoing statements under penalty of perjury") attesting to the merits of your trademark challenge would be helpful.

If I do not get your information in time to get motions on file next week, I suspect that you should plan on going to trial in this case next month without discovery and without a counter-claim.

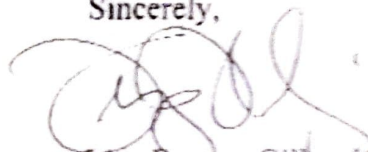
An option I have been trying to pressure David White into agreeing to is to refer the case to Magistrate Jane Boyle for trial by special setting. I recommend this course of action very highly, and I will presume you have no objection unless I hear otherwise from you. A referral would present the best chance of re-opening discovery and allowing an amended pleading.

Mr. Wayne Bachus
May 2, 1996
Page 2

Finally, I need to know what your settlement position is at this point. **If you want to settle this case, put an offer in writing and fax it to me.** It is my best advice to you to **take the amount that you are willing to pay me to defend you in this extremely risky case, and offer it to the plaintiff to settle instead.** Without a counter-claim, you stand to gain absolutely nothing and to pay substantial legal fees--even if the plaintiff loses.

Please call me tomorrow, or fax a response. Again, please send the information I requested immediately.

Sincerely,



Liza Farrow-Gillespie

LFG/jm

The State of New Jersey

Department of State

Corporate Records

CN 450

Trenton, New Jersey, USA, 08625

IN RE: The Sovereign Military Order of the Temple of
Jerusalem, Inc., a New Jersey Non-for-Profit
Corporation

NOTE: This Original Notice issued in the English language

TO WHOM IT MAY CONCERN, BE NOTIFIED:

My name is Count Dom Fernando Campello Pinto Pereira De Sousa Fontes, of Porto, Portugal. I am the historic Fifty-First (51st.) Grand Master and Prince Regent of the Sovereign (or Supreme) Military Order of the Temple of Jerusalem. This is an international Order of Knighthood. I took this position hereditarily from my Father, the Fiftieth Grand Master and Prince Regent, upon his death in 1960. I have been confirmed in the position of Grand Master and Prince Regent three times by international Convents (General Meetings) of our Order since 1960, and am recognized in my position by international associations of our Order in all countries of the world where our order has members.

My father, the 50th. Grand Master and Prince Regent, prior to 1960, authorized the Grand Priory (Association) of Switzerland. Through the branch in Switzerland, a further branch in the United States of America was established. This branch in the United States of America was made up of individuals and was incorporated into a not-for-profit corporation in 1962. They were incorporated as: **The Sovereign Military Order of the Temple of Jerusalem, Inc.**, in Essex County, New Jersey. Since that time, I have been to the United States of America in my position as Grand Master and Prince Regent of our international Order, and have been recognized by The Sovereign Military Order of the Temple of Jerusalem, Inc. as its Grand Master and Prince Regent.

Every branch of our Order, incorporated or not in whatever country including the United States of America, derives its authority from me as its Grand Master and Prince Regent, pursuant to its Charter.

As the ultimate authority to grant or revoke any Charter for any entity of our international Order, I am herewith serving on you as their New Jersey corporation authority this **OFFICIAL INTERNATIONAL NOTICE** that I am, this date, **revoking the Charter of the Sovereign Military Order of the Temple of Jerusalem, Inc., and that as an entity of the international Sovereign (or Supreme) Military Order of the Temple of Jerusalem, they no longer exist.**

Please take official NOTICE, and add it to whatever files you keep regarding them. As the Grand Priory of the United States no longer exist as a functional entity of our Order by virtue of my authority to revoke their Charter, they should therefore cease to exist as The Sovereign Military Order of the Temple of Jerusalem, Inc., a New Jersey Not-For-Profit Corporation.

Thank you for your cooperation in this matter.

Dom Fernando Campello Pinto Pereira De Sousa Fontes
Grand Master and Prince Regent
The Sovereign (or Supreme) Military Order of the Temple of Jerusalem
International Order
Ordo Supremus Militaris Templi Hierosolymitani

2 January 1996

TO: Don Fernando de Sousa Fontes, MM/PR

FROM: Vincent G. Zubras, Jr., Dallas, Texas, EUA

Excelencia:

I am very sorry to have to fax this to you on short notice, but time is very short. S.A.E. Dr. Wayne Bachus is recuperating from severe influenza, and has asked me to help with the law suit action. He cannot get a fax through to you from his office for some reason, but believed my fax would reach you.

The attorneys here (Jose Gutierrez and Paul Rich) have not acted timely to this case, because it is bringing them no money. They have since left the matter totally up to Snr. Bachus to fight, almost alone. I am trying to help as much as possible, as well as S.A.E. William Bell, Scott Macmillan and John McKay of the Grand Priory of the Scots.

Because of the terrible way the case has been handled by Gutierrez and Rich, many deadlines have passed, which you most likely have been unaware of because of non-contact from them.

MUY IMPORTANTE that you answer the following right away: 1) Did you receive a document, most likely in English and not translated, called "Request for Admissions?" 2) Would you agree to give a formal testimony in this case, probably by telephone (with a translator) by next Monday, perhaps this weekend? 3) Will you agree to appoint a new attorney that you trust to represent yourself and the Order? This could perhaps be Sr. Dr. Bachus, or S.A.E. Douglas Densmore, a Knight Templar here (suggested by Bachus).

This matter is absolutely critical!!! Also, another matter that is ridiculous beyond belief, but has happened. Joseph Esposito of G.P.-OTAN has made a statement in this case against you. He has joined forces with "Perkins & Co." at GP-EUA against you. Strongly suggest you look into this in light of the upcoming OTAN investiture you are scheduled to attend in Paris 16 March 1996. This may be a ruse to discredit you.

The time to fight is **NOW**, Excelencia!!! We must all take an active fighting position, and not just lay back and wait. The Time is critical, or all could be lost here in the EUA to these bastards, as well as do you great harm around the world.

My highest regards to you and Dona Maria Gloria, and my continued oath of commitment to you and the Order.

May God Help us all, for now is the time!!

Non Nobis Domine.....

Vincent Zubras, Jr.

Ordo Supremus Militaris Templi Hierosolymitani

Ordugh Rioghail Cathachail Teampuill Ierusalem
Sovereign Military Order of the Temple of Jerusalem

Grand Priory of the Scots /// Grand Bailiwick of the Scots
Preceptory of Prince Charles Edward Stuart
September 12, 1995

Sir Knight Charles R. Neumann
Grand Recorder
Grand Encampment, Knights Templar of the United States
5097 N. Elston Avenue, Suite 101
Chicago, Illinois, 60630-2460

Dear Sir Knight Neumann:

I write to you, Eminent Sir, across the fraternal lines of our respective Templar Orders, and ask for your help in the matter we discussed by telephone this afternoon.

It is truly a sad state of affairs when brother fights against brother. I hesitate, however, to call the opposing forces "brothers" in this particular situation, as it is caused only by a few renegade people in present positions of authority who seem to have forgotten the oaths they took. Although we of the Grand Priory of the Scots are not (yet, anyway!) directly involved in the lawsuit I mentioned, we are assisting another Priory in providing information to help fight this unjust act.

As I mentioned also, that, if successful, this lawsuit and its' "fallout" **will directly affect your Grand Encampment and all Masonic Knights Templar in the United States!!** What a sad state of affairs that would be.

To reiterate, certain of our International Order's (then) U.S. Grand Officers of the newly formed (in 1962) Grand Priory of the United States took it upon themselves to *trademark* virtually all of our Order's logos, mottos, etc. At that time, their aim may have been laudable in it's intention, which was, in the case of any *normal* trademark application, to protect these items against use by "unauthorized" organizations. Now, who all they may have had in mind then, God only knows! I'm sure they had in mind "renegade" groups, newly-founded, who stylized themselves as "Templars" and took to using our exact logos, mottos, etc. In all honesty, I don't know how they got away with trademarking these items, as you and I discussed, since these are Christian symbols and mottos that are phrases from the Holy Bible, and also have been used by Masonic Knights Templar in the United States since before the forming of the Grand Encampment in 1860!

I call your attention to the copy of the letter, attached hereto, with the "Grand Priory of the United States of America" on the top, dated January 1, 1994. The letter as you can see, is addressed to Col. William Bell, USAF (Ret.), who is presently the Grand Bailiff of the Grand Bailiwick of the Scots, which covers all of North America. The Grand Priory of the Scots is seated in Scotland, with our present Grand Prior seated at Balgonie, Scotland. From there, it extends it's "arms," if you will, into other parts of the world where ethnic Scots reside, through the establishment of Preceptories, Commanderies, Pories, and Bailiwicks (smallest to largest). The Grand Priory of the Scots, therefore, operates in North America, completely separate and apart from the Grand Priory of the United States. Originally this letter was an attempt by the then-U.S. Grand Prior Donald Weber, to "scare off" the Grand Priory of the Scots from operating in the U.S. as a separate Templar entity by threatening *us* with "Trade-

mark infringements," and the possibility of legal action.

Point to ponder here, Sir: look at their *List of Trademarks!!!* Most specially, note *ALL* of them but Numbers 2 and 8... *especially Number One!!* How would the Grand Encampment, Knights Templar of the United States like to go through a *name change*? Can you possibly imagine that happening simply because some over-inflated egos from some little fraternal order managed to "get it by" the U.S. Government Trademarks office (or some rubber-stamping clerk who didn't know what they were reading!) to trademark their logos, motto, etc.? Can you imagine having to change *your* motto (See No. 3!) on every Grand Standard in Christendom for the same reason?

I would imagine that you can't imagine that! Well, we can't either... and *we are part of the same Order!!* If they think there might be some money in it, they'll come after you next. Especially if they establish a successful court record with just one case, and that one being against another branch of their own Order.

I know, I might be "doomsaying," but we would rather fight this thing now than suffer the consequences of letting it go on in this manner. We of the Scottish branches are trying to help our brothers in the International Priory of St. George the Martyr here in Texas to win this case. One of those directly named as a defendant in the suit, by the way, is also a Masonic Knight Templar, and a Past Commander of Temple (Texas) Commandery No. 41, Sir Knight E. Wayne Bachus. Brother and Sir Knight Bachus is also the Chancellor of the St. George Priory, a retired judge and practicing attorney. He asked me to help with all of this, and knew that I was writing to you this evening.

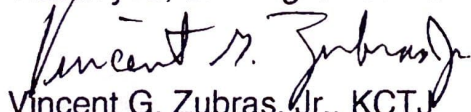
To shorten things a bit, here is what I am requesting of you (We also talked about this on the phone today): Please write a letter on Grand Encampment letterhead, duly signed and properly sealed by yourself with the seal of the Grand Encampment, addressing the Grand Encampment's historical usage of the historical term "Knights Templar," the use of the Latin Motto "Non Nobis, Domine....," and the uses of the "Patriarchal" and "Maltese" crosses. Please make a statement as to their historical use since the Grand Encampment's founding in 1860, and please include any copies of Grand Encampment Statutes showing their stated usage from any Grand Encampment Statutes **PRIOR TO 1962** when these trademark filings were originally filed. By the way, unknown to us, they were REFILED for *again in 1993, and approved!!* If you think the Grand Encampment may wish to join us in protesting these filings, which we will also do, *please* state so in the letter, and come and join us.

The Grand Encampment can only benefit from this, as you can see.

Allow me to thank you here for taking the time with me on the phone today, and for helping us with this situation. Your letter and any attachments you may wish to send along may be sent to myself at the address on the bottom of the face sheet of this letter, or to **Sir Knight E. Wayne Bachus at his office, 110 North Main Street, Belton, Texas, 76513; Phone 817-939-3355, FAX 817-939-3123.** A faxed copy of your letter and attachments may also be sent to the attorney in this case, Mr. Jose Gutierrez, FAX 214-948-1999.

We look forward in Fraternal Relations to hearing from you soon, as this matter is nearing the "Urgent" stage.

Thank you, Sir Knight Neumann, and may God Bless.


Vincent G. Zubras, Jr., KCTJ
Preceptor of Texas

Phone 214-368-6900
FAX 214-320-7800

COPY

October 5, 1995

The United States Department of Commerce
Patent and Trademark Office
2900 Crystal Drive
Arlington, VA, 22202-3513

Dear Sir or Madam:

Please send us the "file wrappers" (complete files including artwork submitted, correspondence, etc.) on the following-listed six (6) marks. Payment of \$300.00 (at \$50.00 each) is enclosed. All of the marks are Class 200.

<u>TM Reg. No.</u>	<u>Serial No.</u>	<u>Mark</u>
1,901,365	74/449,931	The Sovereign Military Order of the Temple of Jerusalem
1,917,066	74/449,949	"Non nobis Domine, sed Nomine Tuo da Gloriam."
1,901,079	74/449,983	"Not to us O Lord, but to Thy Name be given Glory."
1,910,657	74/449,980	Design: Patriarchal cross (or Cross of Lorraine)
1,904,826	74/449,981	Design: Patriarchal cross (or Cross of Lorraine) surmounted by a crown
1,909,058	74/449,979	Design: Shield with crossed swords, knight's helmet and motto "Not to us, O Lord, but to Thy Name be given Glory."

Please return these as soon as possible to the Post Office Box shown below. Thank you.

Very Truly Yours,

Vincent G. Zubras, Jr., KCTJ
Preceptor of Texas, The Preceptory of Prince Charles Edward Stuart
The Grand Bailiwick of the Scots
The Grand Priory of the Scots
Ordo Supremus Militaris Templi Hierosolymitani

VZ/nt
encl.

LETTER OF OPINION

My name is **ERWIN A. ELIAS**. From 1957 to 1993 I was a Professor of Law, including the field of Intellectual Law. I served as Professor of Law and Assistant Dean of Baylor University School of Law. During that time and since my retirement from teaching in 1993, I have consulted with attorneys on trademark matters. I have read the matters in Civil Action No. 3-95-CV-0890-G, The Sovereign Military Order Of the Temple of Jerusalem, Inc., Plaintiff v. Sovereign Military Order of the Temple of Jerusalem, et al, Defendants, now pending in the United States District Court for the Northern District of Texas, Dallas Division and have made myself familiar with the various claims in that cause of action. I am aware that the Defendants in such cause of action are applying to the Trademarks Office of the Department of Commerce for cancellation of the trademarks registrations made the subject of the law suit.

Based upon my experience in and knowledge of intellectual property law and the facts of this case, as I understand them to be from the papers I have read, my opinions are as follows:

1. The petitions by the Defendants for cancellation of the trademarks registrations are meritorious and have a reasonable chance of success.

2. It may be that if the Plaintiffs have a right to hold registration to any of the marks in question, they would hold that right only as a member group of and as agent for the International Order of which they were a part at the time of filing for the registrations and at the time of the filing of the instant law suit.

3. The character of this law suit is principally an internal dispute between members of the same organization rather than a trademark suit between diverse parties and the trade marks dispute appears to be more a means or vehicle for advancing the Plaintiff's cause in such internal dispute.

I testify that the foregoing statements are true and the opinions are my true and genuine belief under penalty of perjury.

WITNESS MY HAND this the 4th day of May, 1996.


ERWIN A. ELIAS

M-BOY

U.S. District Court
Northern District of Texas (Dallas)

CIVIL DOCKET FOR CASE #: 95-CV-890

Sovereign Military v. Sov Military Order, et al
Assigned to: Judge A Joe Fish
Demand: \$0,000
Lead Docket: None
Dkt# in other court: None

Filed: 05/11/95

Nature of Suit: 840
Jurisdiction: Federal Question

Cause: 15:1125 Trademark Infringement (Lanham Act)

SOVEREIGN MILITARY ORDER OF
THE TEMPLE OF JERUSALEM INC
plaintiff

David Sterling White, Attorney
at Law
214-969-1700
[COR LD NTC ret]
Thompson & Knight
1700 Pacific Avenue
Suite 3300
Dallas, TX 75201-4693
USA
214/969-1700

Edwin Meese, III, Attorney at
Law
202/293-1702 FAX
[COR NTC ret]
Maloney & Burch
1100 Connecticut Avenue NW
Suite 1200
Washington, DC 20036
USA
202/293-1414

v.

SOVEREIGN MILITARY ORDER OF
THE TEMPLE OF JERUSALEM
defendant

Dan Duncan Davison, Attorney at
Law
[term 08/07/95]
[COR LD NTC ret]
Joseph Clay Edwards, Attorney
at Law
[term 08/07/95]
214-855-8000
[COR ret]
Fulbright & Jaworski
Texas Commerce Bank Tower
2200 Ross Avenue
Suite 2800

Proceedings include all events.
3:95cv890

Sovereign Military v. Sov Military Order, et al

M-BOY

Dallas, TX 75201
USA
214/855-8000

Jose Angel Gutierrez, Attorney
at Law
[COR LD NTC ret]
Law Office of Jose A Gutierrez
1005 W Jefferson
Suite 305
Dallas, TX 75208
USA
214/941-1900

Paul David Rich, Attorney at
Law
[COR LD NTC ret]
Rich & Alonzo
NationsBank Bldg
400 S Zang Blvd
Suite 804
Dallas, TX 75208
USA
214/948-2000

Kerry Lawson Pedigo, Attorney
at Law
[term 08/07/95]
214/655-3144
[COR ret]
US Department of Justice
Tax Division
717 N Harwood
Suite 400
Dallas, TX 75201
USA

E WAYNE BACHUS
defendant

Dan Duncan Davison, Attorney at
Law
[term 08/07/95]
(See above)
[COR LD NTC ret]
Joseph Clay Edwards, Attorney
at Law
[term 08/07/95]
(See above)
[COR ret]

Jose Angel Gutierrez, Attorney
at Law
(See above)
[COR LD NTC ret]

Proceedings include all events.

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Sovereign Military v. Sov Military Order, et al

M-BOY

Paul David Rich, Attorney at
Law
(See above)
[COR LD NTC ret]

Kerry Lawson Pedigo, Attorney
at Law
[term 08/07/95]
(See above)
[COR ret]

LOWELL BARKER, Bishop
defendant

Dan Duncan Davison, Attorney at
Law
[term 08/07/95]
(See above)
[COR LD NTC ret]

Joseph Clay Edwards, Attorney
at Law
[term 08/07/95]
(See above)
[COR ret]

Jose Angel Gutierrez, Attorney
at Law
(See above)
[COR LD NTC ret]

Paul David Rich, Attorney at
Law
(See above)
[COR LD NTC ret]

Kerry Lawson Pedigo, Attorney
at Law
[term 08/07/95]
(See above)
[COR ret]

H E COUNT DON FERNANDO
CAMPELLO PINTO DE SOUSA FONTES
OF PORTUGAL
defendant

Dan Duncan Davison, Attorney at
Law
[term 08/07/95]
(See above)
[COR LD NTC ret]

Joseph Clay Edwards, Attorney
at Law
[term 08/07/95]
(See above)
[COR ret]

Jose Angel Gutierrez, Attorney
at Law
(See above)

Proceedings include all events.
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Sovereign Military v. Sov Military Order, et al

M-BOY

[COR LD NTC ret]

Paul David Rich, Attorney at
Law

(See above)

[COR LD NTC ret]

Kerry Lawson Pedigo, Attorney
at Law

[term 08/07/95]

(See above)

[COR ret]

Proceedings include all events.
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Sovereign Military v. Sov Military Order, et al

M-BOY

- 5/11/95 1 COMPLAINT filed Under to Lanham Act for Declaratory Relief, Injunctive Relief and Damages Filing Fee \$ 120.00 Receipt # 71228 (13) (jac) [Entry date 05/16/95]
- 5/11/95 2 SUMMONS(ES) issued for defendant Sov Military Order, defendant E Wayne Bachus, defendant Lowell Barker, defendant H E Count Don Fernan (issued 4) (4) (jac) [Entry date 05/16/95]
- 5/11/95 -- PRELIMINARY ASSIGNMENT TO Magistrate Judge Jane J Boyle (jac) [Entry date 05/16/95]
- 5/11/95 3 MOTION with memorandum in support by plaintiff Sovereign Military for temporary restraining order, order setting bond, and order setting preliminary injunction hearing (15+) (jac) [Entry date 05/16/95]
- 5/12/95 4 RESPONSE by defendant Sov Military Order, defendant E Wayne Bachus, defendant Lowell Barker, defendant H E Count Don Fernan in opposition to [3-1] motion for temporary restraining order, order setting bond, and order setting preliminary injunction hearing (15+) (jac) [Entry date 05/16/95]
- 5/12/95 5 RESPONSE by defendant Sov Military Order, defendant E Wayne Bachus, defendant Lowell Barker, defendant H E Count Don Fernan in opposition to [3-1] motion for temporary restraining order, order setting bond, and order setting preliminary injunction hearing/evidence in support of its motion for TRO (6) (jac) [Entry date 05/16/95]
- 5/12/95 6 AFFIDAVIT by defendant H E Count Don Fernan Re: [5-1] opposition response, [4-1] opposition response (6) (jac) [Entry date 05/16/95]
- 5/12/95 7 MEMORANDUM ORDER denying [3-1] motion for temporary restraining order, order setting bond, and order setting preliminary injunction hearing (signed by AJF) Copies to counsel: 5/16/95 Page(s) 4 (jac) [Entry date 05/17/95]
- 5/19/95 8 RETURN OF SERVICE executed as to defendant Sov Military Order 5/13/95 via process server. Answer due on 6/2/95 for Sov Military Order (1) (jac) [Entry date 05/22/95]
- 5/19/95 9 RETURN OF SERVICE executed as to defendant E Wayne Bachus 5/13/95 via process server. Answer due on 6/2/95 for E Wayne Bachus (1) (jac) [Entry date 05/22/95]
- 5/19/95 10 RETURN OF SERVICE executed as to defendant Lowell Barker 5/13/95 via process server. Answer due on 6/2/95 for Lowell Barker (1) (jac) [Entry date 05/22/95]

Proceedings include all events.
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Sovereign Military v. Sov Military Order, et al

M-BOY

- 5/19/95 11 RETURN OF SERVICE executed as to defendant H E Count Don Fernan 5/13/95 via process server. Answer due on 6/2/95 for H E Count Don Fernan (1) (jac) [Entry date 05/22/95]
- 5/25/95 12 ORDER...dfts shall submit any affidavits and/or depo and response to pla's proposed findings of fact and conclusions of law annotated to the evidentiary record and relevant case law by 9/21/95...dfts responses shall correspond to the numbered paragraphs used by pla...pla shall submit its reply by 10/11/95. (signed by AJF) Copies to counsel: 5/26/95 Page(s) 2 (jac) [Entry date 05/31/95]
- 6/1/95 13 Agreed MOTION by defendant Sov Military Order, defendant E Wayne Bachus, defendant Lowell Barker, defendant H E Count Don Fernan to extend time/to enlarge time to answer or otherwise move with respect to complaint (3) (jrb) [Entry date 06/05/95]
- 6/2/95 14 ORDER granting [13-1] motion to extend time/to enlarge time to answer or otherwise move with respect to complaint, RESET answer due for 6/30/95 for H E Count Don Fernan, for Lowell Barker, for E Wayne Bachus, for Sov Military Order (signed by AJF) Copies to counsel: 6/2/95 Page(s) 1 (jac) [Entry date 06/06/95]
- 6/29/95 15 MOTION by defendant Sov Military Order, defendant E Wayne Bachus, defendant Lowell Barker, defendant H E Count Don Fernan to extend time to answer or otherwise move with respect to complaint (2) (jac) [Entry date 06/30/95]
- 7/7/95 16 ORDER granting [15-1] motion to extend time to answer or otherwise move with respect to complaint, SETTING answer due for 7/10/95 for H E Count Don Fernan, for Lowell Barker, for E Wayne Bachus, for Sov Military Order (signed by AJF) Copies to counsel: 7-10-95 Page(s) 1 (svc) [Entry date 07/11/95]
- 7/10/95 17 ANSWER to Complaint by defendant Sov Military Order, defendant E Wayne Bachus, defendant Lowell Barker, defendant H E Count Don Fernan (Attorney Kerry Lawson Pedigo), (7) (svc) [Entry date 07/11/95]
- 7/10/95 18 STATUS REPORT ORDER. Joint Status report due on 7/31/95 (signed by AJF) Copies to counsel: 7/11/95 Page(s): 3 (jac) [Entry date 07/12/95]
- 7/11/95 -- Attorney update letter mailed to K Lawson Pedigo (svc)
- 7/28/95 19 ***UNFILED PER ORDER DATED 7/31/95***MOTION by defendant Sov Military Order, defendant E Wayne Bachus, defendant Lowell Barker, defendant H E Count Don Fernan to amend [17-1] answer and to dismiss pla's complaint (NOD) (5) (jac) [Entry date 07/31/95] [Edit date 08/02/95]

Proceedings include all events.
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Sovereign Military v. Sov Military Order, et al

M-BOY

- 7/31/95 20 ORDER unfiled [19-1] motion to amend [17-1] answer and to dismiss pla's complaint by defendant Sov Military Order, defendant E Wayne Bachus, defendant Lowell Barker, defendant H E Count Don Fernan Copies to counsel: 8/1/95 (signed by Judge A Joe Fish) Page(s) 1 (jac) [Entry date 08/02/95]
- 8/4/95 21 AGREED MOTION by defendant Sov Military Order, defendant E Wayne Bachus, defendant Lowell Barker, defendant H E Count Don Fernan for Joseph Edwards, Dan Davison and K. Lawson Pedigo to withdraw as attorney and to substitute Jose Angel Gutierrez (3) (jac) [Entry date 08/07/95]
- 8/7/95 22 JOINT STATUS REPORT by plaintiff Sovereign Military, defendant Sov Military Order, defendant E Wayne Bachus, defendant Lowell Barker, defendant H E Count Don Fernan (4) (jac) [Entry date 08/08/95]
- 8/7/95 23 ORDER granting [21-1] motion for Joseph Edwards, Dan Davison and K. Lawson Pedigo to withdraw as attorney and to substitute Jose Angel Gutierrez (Terminated attorney Kerry Lawson Pedigo for H E Count Don Fernan, attorney Joseph Clay Edwards for H E Count Don Fernan, attorney Dan Duncan Davison for H E Count Don Fernan, attorney Kerry Lawson Pedigo for Lowell Barker, attorney Joseph Clay Edwards for Lowell Barker, attorney Dan Duncan Davison for Lowell Barker, attorney Kerry Lawson Pedigo for E Wayne Bachus, attorney Joseph Clay Edwards for E Wayne Bachus, attorney Dan Duncan Davison for E Wayne Bachus, attorney Kerry Lawson Pedigo for Sov Military Order, attorney Joseph Clay Edwards for Sov Military Order, attorney Dan Duncan Davison for Sov Military Order (signed by AJF) Copies to counsel: 8/8/95 Page(s) 2 (jac) [Entry date 08/09/95]
- 8/22/95 24 MOTION by defendant Sov Military Order, defendant E Wayne Bachus, defendant Lowell Barker, defendant H E Count Don Fernan for protective order and to quash subpoenas duces tecum (17) (jac) [Entry date 08/23/95]
- 8/22/95 25 RESPONSE by defendant Sov Military Order, defendant E Wayne Bachus, defendant Lowell Barker, defendant H E Count Don Fernan in opposition to subpoenas duces tecum (4) (jac) [Entry date 08/23/95]
- 8/23/95 26 MOTION with memorandum in support by plaintiff Sovereign Military to compel depositions, or in the alternative to continue pla's motion for preliminary injunction (15+0 (jac) [Entry date 08/24/95]
- 8/23/95 27 ORDER OF REFERENCE: [24-1] motion for protective order and to quash subpoenas duces tecum referred to Magistrate Judge Jane J. Boyle (Signed by AJF) Copies to counsel: 8/24/95 Page(s): 1 (jac) [Entry date 08/25/95]

Proceedings include all events.

3:95cv890

Sovereign Military v. Sov Military Order, et al

M-BOY

- 8/25/95 28 ORDER OF REFERENCE: [26-1] motion to compel depositions, or in the alternative to continue pla's motion for preliminary injunction referred to Magistrate Judge Jane J. Boyle (Signed by AJF) Copies to counsel: 8/25/95 Page(s): 1 (jac) [Entry date 08/28/95]
- 9/8/95 29 ORDER granting [26-1] motion to compel depositions, or in the alternative to continue pla's motion for preliminary injunction...It is therefore Ordered, that pla's motion for preliminary injunction shall be continued for 90 days. (signed by JJB) Copies to counsel: 9/11/95 Page(s) 1 (jac) [Entry date 09/11/95]
- 9/11/95 30 Letter to file from Judge Boyle Re: Motion for Protective Order and to Quash Subpoena Duces Tecum (1) (tsp) [Entry date 09/13/95]
- 9/11/95 -- Motion(s) no longer referred: [24-1] motion for protective order and to quash subpoenas duces tecum (tsp) [Entry date 09/25/95]
- 9/11/95 -- WITHDRAWAL of (Motion termed: [24-1] motion for protective order and to quash subpoenas duces tecum) (tsp) [Entry date 09/25/95]
- 9/22/95 31 ORDER ESTABLISHING SCHEDULE AND CERTAIN PRETRIAL REQUIREMENTS setting Docket call set for 3/4/96 ; Joining of Parties on 12/1/95 ; Amending of Pleadings on 12/1/95 ; Deadline for filing of dispositive motions 12/1/95 ; Discovery cutoff 1/31/96 ; Pretrial materials due on 2/23/96 Pretrial conference for 9:00 3/1/96...See order for specifics. (signed by AJF) Copies to counsel: 9/25/95 Page(s): 11 (jac) [Entry date 09/27/95]
- 10/26/95 32 Designation of lead counsel for defendant Sov Military Order, defendant E Wayne Bachus, defendant Lowell Barker, defendant H E Count Don Fernan by Paul David Rich (2) (jyg) [Entry date 10/27/95]
- 11/3/95 -- Attorney letter sent regarding address to Paul D Rich at 400 South Zang, Suite 804, Dallas, Texas (jyg)
- 11/14/95 33 MOTION with memorandum in support by plaintiff Sovereign Military for Edwin Meese III to appear pro hac vice (4) (jyg) [Entry date 11/15/95]
- 11/16/95 34 ORDER granting [33-1] motion for Edwin Meese III to appear pro hac vice...this order shall not be considered admission to practice generally before this Court...it is further ordered that the above-referenced attorney make application for admission to practice before the Bar of the United States District Court for the ND/TX with sixty (60) days of the signing and entering of this order (signed by AJF) Copies to counsel: 11/17/95 Page(s) 2 (jyg)

[Entry date 11/17/95]

- 11/21/95 35 JOINT MOTION to extend time for filing dispositive motions by plaintiff Sovereign Military, defendant Sov Military Order, defendant E Wayne Bachus, defendant Lowell Barker, defendant H E Count Don Fernan (3) (jyg)
[Entry date 11/22/95]
- 11/21/95 36 MOTION with memorandum in support by plaintiff Sovereign Military to compel the deposition of dft fontes or, in the alternative to strike his testimony, for expedited hearing (15+) (jyg) [Entry date 11/22/95]
- 11/22/95 37 Standing ORDER OF REFERENCE - all discovery matters in this case are hereby referred to US Mag Judge Jane J Boyle for a hearing, if necessary, and for determination (Signed by AJF) Copies to counsel: 11/22/95 Page(s): 1 (jyg)
- 11/22/95 38 ORDER granting [35-1] joint motion to extend time for filing dispositive motions, reset motion filing deadline for 1/3/96 Response to motions due by 1/18/96 and any replies by 1/25/96...all other deadlines remain as scheduled (signed by AJF) Copies to counsel: 11/28/95 Page(s) 1 (jyg) [Entry date 11/28/95]
- 12/1/95 39 MOTION by plaintiff Sovereign Military for leave to file first amended [1-1] complaint under the Lanham Act for Declaratory Relief, Injunctive Relief and Damages (15+) NOD (complaint attached) (jyg) [Entry date 12/04/95]
- 12/8/95 40 MOTION by plaintiff Sovereign Military to extend time for filing preliminary injunction submissions (3) (mm)
[Entry date 12/12/95]
- 12/8/95 41 ORDER granting [39-1] motion for leave to file first amended [1-1] complaint under the Lanham Act for Declaratory Relief, Injunctive Relief and Damages within then days of the date of this order (signed by AJF) Copies to counsel: 12/13/95 Page(s) 1 (jyg) [Entry date 12/13/95]
- 12/11/95 42 ORDER granting [40-1] motion to extend time for filing preliminary injunction submissions...pla shall submit any affidavits, etc. by 12/18/95; dft shall submit any such affidavits by 1/8/96; dfts' responses shall correspond to the numbered paragraphs used by pla...pla shall submit its reply by 1/18/96 (signed by AJF) Copies to counsel: 12/13/95 Page(s) 1 (jyg) [Entry date 12/13/95]
- 12/14/95 -- Motion hearing re: [36-1] motion to compel the deposition of dft fontes or, in the alternative, to strike his testimony, for expedited hearing (ldm) [Entry date 12/15/95]

- 12/14/95 43 Minute order for 10:30 motion to compel depo hearing: Held before Magistrate Judge Jane J. Boyle Court Reporter: electronic; 11:00 adjourn (1) (ldm) [Entry date 12/15/95]
- 12/15/95 44 First AMENDED COMPLAINT Under the Lanham Act for Declaratory Relief, Injunctive Relief and Damages by plaintiff Sovereign Military , (Answer due 12/26/95 for H E Count Don Fernan, for Lowell Barker, for E Wayne Bachus, for Sov Military Order) amending [1-1] complaint (15+) (jyg) [Entry date 12/18/95]
- 12/18/95 45 MOTION with memorandum in support by plaintiff Sovereign Military for preliminary injunction (15+) (jyg) [Entry date 12/19/95]
- 12/18/95 46 Proposed findings of fact and conclusions of law in support of motion for preliminary injunction by plaintiff Sovereign Military (15+) (jyg) [Entry date 12/19/95]
- 12/19/95 47 MOTION with memorandum in support by plaintiff Sovereign Military to compel the deposition of dft Bachus or, in the alternative to strike his testimony, for expedited hearing (15+) (jyg) [Entry date 12/22/95]
- 12/21/95 48 ORDER granting [36-1] motion to compel the deposition of dft fontes or, in the alternative to strike his testimony, for expedited hearing...it is ordered that Fontes present himself for oral deposition duces tecum in this action on or before 1/8/96...it is further ordered that in the event dft Fontes fails to so present himself, his affidavit on file in this action shall be stricken and no other testimony from him shall be admitted into evidence...it is further ordered that the date by which Fontes must present himself for such depo may be extended after 1/8/96 if this court's scheduling orders of 9/22/95 and 11/22/95...see order for details (signed by JJB) Copies to counsel: 12/22/95 Page(s) 2 (jyg) [Entry date 12/22/95]