

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

GENERAL CONFERENCE CORPORATION  
OF SEVENTH-DAY ADVENTISTS, a  
District of Columbia Corporation,

Plaintiff,

v.

JOE GRESHAM, STERLING TRICE,  
LINDA TRICE, BILL MATHIS, GAY  
MATHIS and JOHN DOES 1-20, all  
individuals,

Defendants.

Case No: 4:22-cv-395

**PLAINTIFF'S ORIGINAL COMPLAINT FOR INJUNCTIVE RELIEF**

Plaintiff General Conference Corporation of Seventh-day Adventists ( GCC ) hereby sues Defendants Joe Gresham, Sterling Trice, Linda Trice, Bill Mathis, Gay Mathis and John Does 1-20, and pursuant to Rule 8, Federal Rules of Civil Procedure, alleges as follows:

**I.**

**INTRODUCTION**

The Seventh-day Adventist Church has in excess of 92,000 Churches and a Church membership exceeding 21 million persons throughout more than 200 countries worldwide. It has a widespread evangelistic direction that is furthered by its extensive educational and humanitarian health care ministries. Plaintiff General Conference Corporation of Seventh-day Adventists (GCC) is the trademark owner and enforcement arm of the General Conference of Seventh-day Adventists (the Seventh-day Adventist Church). This action is brought to obtain appropriate relief from Defendants Joe Gresham, Sterling Trice, Linda Trice, Bill Mathis, Gay Mathis and John Does 1-

20, who are collectively continuing the counterfeit and unauthorized use of Plaintiff GCC's federally registered and common law service marks and trademarks.

## II.

### JURISDICTION AND VENUE

1. This is an action for statutory trademark counterfeiting, trademark infringement, false designation of origin and unfair competition in violation of the Lanham Act, 15 U.S.C. Sections 1051, *et seq.*

2. This Court has subject matter jurisdiction over this action pursuant to 15 U.S.C. Sections 1119 and 1121 and pursuant to 28 U.S.C. Sections 1331 and 1338, because this action presents questions arising under the trademark laws of the U.S. to which Congress has granted exclusive subject matter jurisdiction to the federal courts.

3. This Court has personal jurisdiction over Defendants in that Defendants have committed tortious acts in Texas and in this District. Further all Defendants reside in this District. Defendants have improperly represented to others that they are entitled to use the name "Fort Worth Northwest Seventh-day Adventist Church," when they are not. For example, Defendants (as a collective Plaintiff) in the name of the Fort Worth Northwest Seventh-day Adventist Church have brought suit in Tarrant County, Texas state court ( in the 48<sup>th</sup> Judicial District, Cause No. 048-313499-19 ) seeking redress of certain actions of the Texas Conference of Seventh-day Adventists and others. Upon information and belief, Defendants continue to have worship services, have church board meetings, publish church bulletins, and operate under the name Fort Worth Northwest Seventh-day Adventist Church, when in fact they have no such authorization from the Plaintiff.

4. Venue is proper in this District pursuant to 28 U.S.C. Sections 1391(b) and (c) because this cause of action arises in substantial part out of the activities of Defendants in this District.

### III.

#### PARTIES

5. Plaintiff General Conference Corporation of Seventh-day Adventists ( GCC ) is a corporation formed under the laws of the District of Columbia, having its principal office located at 12501 Old Columbia Pike Silver Spring MARYLAND 20904.

6. Defendant Joe Gresham is an individual residing at 6425 Welch Avenue, Fort Worth, Texas 76133.

7. Defendants Sterling Trice, and spouse Linda Truce, are individuals residing at 5816 Wimbledon Way, Fort Worth, Texas 76133.

8. Defendants Bill Mathis, and spouse Gay Mathis, are individuals residing at 1512 Long Avenue, River Oaks, Texas 76114.

9. Defendants John Does 1-20 are believed to be additional potential Defendants residing in Tarrant County, Texas that are participants in the below identified infringing activities.

10. Defendants Joe Gresham, Sterling Trice, Linda Trice, Bill Mathis, Gay Mathis, and John Does 1-20 are collectively hereinafter referred to as “Defendants.”

### IV.

#### BACKGROUND FACTS

##### **A. The Structure and Organization of the Seventh-day Adventist Church and its Trademark Rights**

11. The mission of the Seventh-day Adventist Church (the “Church”) is to fulfill the Gospel’s “commission of making disciples in all the world.” *See* Seventh-day Adventist Church Manual (“*Church Manual*”) (19th ed. 2015) at 116, 129-30; *see also* *Matt.* 28:18-20, *Acts* 1:8, *Rev.* 14:6-12. “The Church, individually and collectively, shares responsibility for ensuring that every church member remains part of the body of Christ.” *Church Manual* at 130.

12. The General Conference of Seventh-day Adventists (“the General Conference”) is the governing body of the Church. *Rayburn v. Gen. Conference of Seventh-day Adventists*, 772 F.2d 1164, 1165 (4th Cir. 1985). As described by one court, the General Conference “is the Seventh-day Adventist Church.” *Gen. Conference Corp. of Seventh-day Adventists v. Perez*, 97 F.Supp.2d 1154, 1156 (S.D. Fla. 2000). The General Conference vests all right, title and interest in and to all trademark and service mark rights of the General Conference and all associated goodwill in Plaintiff GCC. Plaintiff GCC is charged with the responsibilities of prosecuting, maintaining, licensing and enforcing such trademarks and service marks.

13. GCC is the owner of all right, title and interest in and to US Registration No. 1,176,153 registered November 3, 1981 for the mark “ADVENTIST”, a true and accurate copy of which is attached hereto as Exhibit 1. This mark and registration are valid and subsisting.

14. GCC is the owner of all right, title and interest in and to US Registration No. 1,177,185 registered November 10, 1981 for the mark “SEVENTH-DAY ADVENTIST”, a true and accurate copy of which is attached hereto as Exhibit 2. This mark and registration are valid and subsisting.

15. GCC is the owner of all right, title and interest in and to US Registration No. 1,218,657 registered November 30, 1982 for the mark “ADVENTIST”, a true and accurate copy of which is attached hereto as Exhibit 3. This mark and registration are valid and subsisting.

16. All statutory and common law trademark and service mark rights in and to “Fort Worth Northwest Seventh-day Adventist Church” as associated with each of the above U.S. Registrations are hereinafter collectively referred to as “GCC’s Marks”.

17. Per General Conference Working Policy BA 40 Seventh-day Adventist Trademark Policy, Plaintiff GCC is authorized to license all such trademarks and to “revoke permission for

the use of any trademarks that it owns at any time, with or without cause.” BA 40 45 . In the event of unauthorized use of any such trademark, GCC may “implement trademark protection procedures.” BA 40 50. The Plaintiff GCC reserves the right to initiate such legal action on its own in consultation with the divisions and other Church entities located where the unauthorized use occurs. BA40 50.

### **B. Defendants’ Actions**

18. Since the 1860’s the Seventh-day Adventist Church has existed, growing to a membership of over 92,000 churches worldwide and a Church membership exceeding 21 million worldwide. In the Texas Conference alone, there are 256 authorized Seventh-day Adventist Churches having a Church membership in excess of 63,000.

19. On or about August 7, 1982, the original Fort Worth River Oaks Seventh-day Adventist Church was formed and approved to perform all Church functions. By June 1990, the name was changed to the Fort Worth Northwest Seventh-day Adventist Church. At that time the Fort Worth Northwest Seventh-day Adventist Church was authorized by the Texas Conference of Seventh-day Adventists (“the Texas Conference”) to use all of GCC’s trademarks and service marks.

20. From 1992 to December 2018, Defendant Gresham served as an authorized pastor of the Fort Worth Northwest Seventh-day Adventist Church, last located at 2705 Biway, Fort Worth, Texas. As of about 2013, Defendant Gresham previously had retired, but nonetheless continued to pastor.

21. In December 2018, the Texas Conference terminated Defendant Gresham for noncompliance with conference and division policies.

22. Thereafter Defendants began meeting at 632 N Las Vegas Trail, Fort Worth TX 76108, while continuing to use the counterfeit and infringing name “Fort Worth Northwest Seventh-day Adventists”. Exemplar of such use is the fact that Defendants (as a Plaintiff) have filed a lawsuit in the name of the counterfeit and infringing “Fort Worth Northwest Seventh-day Adventist Church” in Tarrant County, Texas state court (in the 48th Judicial District, Cause No. 048-313499-19) seeking redress of certain actions of the Texas Conference and others. True and accurate copies of the filed stamped copy of the first page of the original Petition dated November 22, 2019, The First Amended Petition dated May 15, 2020 and its Motion to File a Second Amended Petition dated February 7, 2022 are attached hereto as Exhibit 4. In each Petition, Defendants (as Plaintiff) claim that the Fort Worth Northwest Seventh-Day Adventist Church is a “religious non profit organization having its principal place of worship in Tarrant County, Texas.” Upon information and belief, Defendants use the counterfeit and infringing name of the “Fort Worth Northwest Seventh-day Adventist Church” in association with their religious services, church publications (i.e. bulletins), board meetings, and minutes of same.

23. Defendants’ use of “Seventh-day Adventists” and “Adventists” is not licensed nor authorized by GCC, but rather such use was specifically terminated by April 2019 by letter from the Texas Conference.

24. Plaintiff does not seek to stop Defendants from meeting as a religious body, worshiping together, conducting services, or engaging in any of the normal activities of a church. Rather, it only seeks to prevent these individuals from using the marks “ADVENTIST” or “SEVENTH-DAY ADVENTISTS”.

V.

**COUNT I**

**Federal Trademark Counterfeiting -15 U.S.C. § 1114 and 1117**

25. GCC hereby re-alleges and incorporates by reference the allegations set forth above in Paragraphs 1 - 24.

26. GCC has never granted Defendants the authorization to use GCC's Marks. Defendants have nevertheless used spurious designations that are identical with or substantially indistinguishable from GCC's Marks in association with identical religious services and related goods ("Infringing Services").

27. Defendants have intentionally used these spurious designations, knowing they are counterfeit, in connection with the promotion and offering of such Infringing Services. Defendants' use of GCC's Marks to promote, offer and provide their Infringing Services bearing the infringing trademarks was at all times and is currently without GCC's authorization, license or consent. Defendants' unauthorized use of GCC's Marks on and in connection with Defendants' promotion, offering and providing Infringing Services constitutes a use of GCC's Marks in commerce.

28. Defendants' unauthorized use of GCC's Marks is likely to: (a) cause confusion, mistake and deception; (b) cause the public to believe that the Defendants' Infringing Services are legitimate, and/or that the Infringing Services are authorized by, sponsored by or approved by GCC, or that Defendants' are affiliated with, connected to, associated with or in some way related to GCC; (c) resulting in Defendants unfairly benefiting from GCC's promotion, offering and providing its services ; and (d) resulting in Defendants unfairly benefiting from GCC's reputation

and GCC's Marks, all to the substantial and irreparable harm of the public, GCC, GCC's Marks, and the substantial goodwill they represent.

29. Defendants acts constitute willful trademark counterfeiting in violation of Section 32 of the Trademark Act, 15 U.S.C. § 1114, making this an exceptional case.

30. By reason of the foregoing, Defendants are liable to GCC for (a) statutory damages as provided by 15 U.S.C. § 1117(c) of the Lanham Act and (b) reasonable attorneys' fees, investigative fees and prejudgment interest pursuant to 15 U.S.C. § 1117(a) and (b).

## VI.

### COUNT II

#### **Federal Trademark Infringement – 15 U.S.C. Section 1114**

31. GCC hereby re-alleges and incorporate by reference the allegations set forth above in Paragraphs 1- 24.

32. Without GCC's authorization, license, or consent, Defendants have knowingly used and continue to use in commerce GCC's Marks in connection with their Infringing Services. Defendants have used GCC's Marks with the knowledge of and intent to call to mind and create a likelihood of confusion with regard to and/or trade off the fame of GCC's Marks.

33. Defendants' use of GCC's Marks is likely to (a) confuse, mislead, or deceive potential or existing congregational members of the general public as to the origin, source, sponsorship, or affiliation of Defendants with GCC and their Infringing Services and related materials (b) is likely to cause such people to believe in error that Defendants have been authorized, sponsored, approved, endorsed, or licensed by GCC or that they are in some way affiliated with GCC.

34. GCC has no control over Defendants' use of GCC's Marks and cannot control the fact that Defendants have used GCC's Marks to promote and identify their church as the Fort



Worth Northwest Seventh-day Adventist Church. Therefore, GCC's reputation and goodwill have been and continue to be damaged – and the value of GCC's Marks are jeopardized by Defendants continued use of GCC's Marks and colorable imitations thereof. Because of the likelihood of confusion between Defendants' use of the name Fort Worth Northwest Seventh-day Adventist Church and GCC's Marks, any objections or faults found with respect to Defendants' use will negatively reflect upon and injure the exceptional reputation that GCC has established for its services and related materials that it offers in connection with GCC's Marks. As such, Defendants are liable to GCC for infringement of GCC's Marks pursuant to 15 U.S.C. Section 1114.

35. Defendants acts as alleged herein have caused, and if not permanently enjoined will continue to cause, irreparable and continuing harm to GCC's Marks, religious institution and goodwill. GCC has no adequate remedy at law as monetary damages are inadequate to compensate GCC for the ongoing injuries caused by Defendants to GCC's Marks, reputation and goodwill.

36. Defendants' infringement of GCC's Marks is deliberate, willful, fraudulent, and constitutes a knowing use of GCC's Marks, so as to make this an exceptional case within the meaning of 15 U.S.C. Section 1117(a).

37. GCC is entitled to permanent injunctive relief as well as costs and reasonable attorney's fees pursuant to 15 U.S.C. Sections 1116 and 1117.

## VII.

### COUNT III

#### **Federal False Designation of Origin/Unfair Competition — 15 U.S.C. § 1125**

38. GCC hereby re-alleges and incorporates by reference the allegations set forth above in Paragraphs 1 — 24.

39. Defendants' use, promotion, offers to sell, and provide unlicensed Infringing Services violates Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a). GCC's Marks are federally registered and entitled to protection under both federal and common law.

40. Defendants' use of colorable imitations of GCC's Marks constitutes a false designation of origin that is likely to cause consumer confusion, mistake, or deception as to the origin, sponsorship, or approval of the Infringing Services by creating the false and misleading impression that the Infringing Services are authorized by, or otherwise associated with GCC .

41. Defendants' use of colorable imitations of the GCC's Mark has caused, and unless enjoined will continue to cause, substantial and irreparable injury to GCC for which GCC has no adequate remedy at law, including at least substantial and irreparable injury to the goodwill and reputation and/or quality associated with GCC's Marks.

42. Defendants' use of colorable imitations of GCC's Marks has been intentional and willful. Defendants' bad faith is evidenced at least by Defendants' use of a mark identical to GCC's Marks in association with its Infringing Services. GCC is entitled to injunctive relief and is also entitled to recover its costs, and reasonable attorneys' fees pursuant to 15 U.S.C. § 1125(a), 1116 and 1117.

### **VIII.**

#### **GENERAL PRAYER FOR RELIEF**

**WHEREFORE**, General Conference Corporation of Seventh-day Adventists respectfully prays for:

A . Judgment that Defendants have (i) willfully engaged in trademark counterfeiting in violation of 15 U.S.C. Section 1114 and 1117; (ii) willfully infringed GCC's Marks in violation

of 15 U.S.C. §1114; and, (iii) willfully used false designations of origin and/or engaged in federal unfair competition in violation of 15 U.S.C. Section 1125(a);

B. A permanent injunction against further counterfeiting, infringement, false designation of origin, and federal unfair competition directed against GCC's Marks by Defendants as a group, their agents, servants, employees, attorneys, and all persons in active concert or participation therewith;

C. A finding that this is an exceptional case in accordance with 15 U.S.C. Section 1117(a) and an award to GCC as the prevailing party of its reasonable attorneys' fees; and,

D. Such other and further relief as this Court deems just and proper.

Dated: May 9, 2022

Respectfully submitted,

/s/ Richard L. Schwartz

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Fax: (301) 680-6329

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*Counsel for Plaintiff General Conference  
Corporation of the Seventh-day Adventists*

**EXHIBIT NO. 1**

Int. Cls.: 16, 36, 41 and 42

Prior U.S. Cls.: 38, 100, 102 and 107

**United States Patent and Trademark Office**

**Reg. No. 1,176,153**

Registered Nov. 3, 1981

**TRADEMARK  
SERVICE MARK  
Principal Register**

**ADVENTIST**

The General Conference Corporation of Seventh-Day  
Adventists (District of Columbia corporation)  
6840 Eastern Ave., NW.  
Washington, D.C. 20012

For: RELIGIOUS BOOKS, MAGAZINES,  
PAMPHLETS, NEWSLETTERS, BROCHURES,  
ENCYCLOPEDIAS, DICTIONARIES, COMMENTARIES,  
FLIERS, BULLETINS, BOOKLETS  
AND BIBLES, in CLASS 16 (U.S. Cl. 38).

First use 1861; in commerce 1861.

For: ESTABLISHMENT AND ADMINISTRATION  
OF EMPLOYEE HEALTH CARE AND  
BENEFIT PROGRAMS AND MEDICAL INSURANCE  
PROGRAMS, in CLASS 36 (U.S. Cl. 102).

First use 1973; in commerce 1973.

For: FILM PRODUCTION AND DISTRIBUTION  
SERVICES, in CLASS 41 (U.S. Cl. 107).

First use 1894; in commerce 1894.

For: HEALTH CARE SERVICES—NAMELY,  
HOSPITAL, DENTAL, PHARMACEUTICAL,  
NURSING HOME, AND MEDICAL LABORATORY  
SERVICES, in CLASS 42 (U.S. Cl. 100).

First use 1860; in commerce 1860.

Ser. No. 261,132, filed May 7, 1980.

MARTIN MARKS, Primary Examiner

BRUCE A. TASSAN, Examiner

**EXHIBIT NO. 2**

**Int. Cls.: 16, 36, 41 and 42**

**Prior U.S. Cls.: 38, 100, 102 and 107**

**United States Patent and Trademark Office**

**Reg. No. 1,177,185**

**Registered Nov. 10, 1981**

**TRADEMARK  
SERVICE MARK**

**Principal Register**

**SEVENTH-DAY ADVENTIST**

General Conference Corporation of Seventh-Day  
Adventists (District of Columbia corporation)  
6840 Eastern Ave., NW.  
Washington, D.C. 20012

For: RELIGIOUS BOOKS, MAGAZINES,  
PAMPHLETS, NEWSLETTERS, BROCHURES,  
ENCYCLOPEDIAS, DICTIONARIES, COMMENTARIES,  
FLIERS, BULLETINS, YEARBOOKS,  
BOOKLETS AND BIBLES, in CLASS 16 (U.S. Cl.  
38).

First use 1861; in commerce 1861.

For: ESTABLISHMENT AND ADMINISTRATION  
OF EMPLOYEE HEALTH CARE AND  
BENEFIT PROGRAMS AND MEDICAL INSURANCE  
PROGRAMS, in CLASS 36 (U.S. Cl. 102).

First use 1973; in commerce 1973.

For: EDUCATIONAL INSTRUCTION SERVICES  
IN ACADEMICS AT GRADE SCHOOL,

HIGH SCHOOL AND COLLEGE LEVEL; FILM  
PRODUCTION AND DISTRIBUTION SERVICES,  
in CLASS 41 (U.S. Cl. 107).

First use 1894; in commerce 1894.

For: HEALTH CARE SERVICES—NAMESLY,  
HOSPITAL, DENTAL, PHARMACEUTICAL,  
NURSING HOME, AND MEDICAL LABORATORY  
SERVICES; CONDUCTING RELIGIOUS  
OBSERVANCES AND MISSIONARY SERVICES,  
in CLASS 42 (U.S. Cl. 100).

First use 1860; in commerce 1860.

Ser. No. 261,134, filed May 7, 1980.

MARTIN MARKS, Primary Examiner

BRUCE A. TASSAN, Examiner

**EXHIBIT NO. 3**



Int. Cls.: 41 and 42

Prior U.S. Cls.: 100 and 107

**Reg. No. 1,218,657**

Registered Nov. 30, 1982

**United States Patent and Trademark Office**

**SERVICE MARK**  
Principal Register

**ADVENTIST**

The General Conference Corporation of Seventh-Day  
Adventists (District of Columbia corporation)  
6840 Eastern Ave., NW.  
Washington, D.C. 20012

For: EDUCATIONAL INSTRUCTION SER-  
VICES IN ACADEMICS AT GRADE SCHOOL,  
HIGH SCHOOL AND COLLEGE LEVELS, in  
CLASS 41 (U.S. Cl. 107).

First use 1894; in commerce 1894.

For: RELIGIOUS OBSERVANCES AND MIS-

SIONARY SERVICES, in CLASS 42 (U.S. Cl. 100).

First use 1860; in commerce 1860.

Owner of U.S. Reg. Nos. 1,171,760, 1,172,224,  
1,176,153 and 1,177,185.

Sec. 2(f).

Ser. No. 312,118, filed May 22, 1981.

CARLISLE WALTERS, Examining Attorney

**EXHIBIT NO. 4**

FILED  
TARRANT COUNTY  
11/22/2019 9:44 AM  
THOMAS A. WILDER  
DISTRICT CLERK

CAUSE NO. 048-313499-19

**FORT WORTH NORTHWEST  
SEVENTH-DAY ADVENTIST  
CHURCH,  
Plaintiff,**

vs.

**TEXAS CONFERENCE OF  
SEVENTH-DAY ADVENTISTS,  
SOUTHWESTERN UNION  
CONFERENCE CORPORATION OF  
SEVENTH-DAY ADVENTISTS, TEXAS  
CONFERENCE ASSOCIATION OF  
SEVENTH-DAY ADVENTISTS, AND  
ALICE CASH  
Defendants.**

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**IN THE DISTRICT COURT**  
  
**\_\_\_\_\_ JUDICIAL DISTRICT**  
  
**TARRANT COUNTY, TEXAS**

**ORIGINAL PETITION, APPLICATION FOR INJUNCTIVE RELIEF  
& REQUESTS FOR DISCLOSURE**

TO THE HONORABLE COURT:

Plaintiff Fort Worth Northwest Seventh-Day Adventist Church (“FW NW SDA” or “Plaintiff”) complains of Defendants Texas Conference of Seventh-day Adventists (the “Conference”), Southwestern Union Conference Corporation of Seventh-day Adventists (the “Union”), and Texas Conference Association of Seventh-Day Adventist (the “Association”), and Alice Cash (“Treasurer Cash”) (collectively referred to herein as “Defendants”), and for cause of action shows:

**I. DISCOVERY**

1. Plaintiff pleads that discovery should be conducted in accordance with Level 3 under Texas Rule of Civil Procedure 190.4.

048-313499-19

FILED  
TARRANT COUNTY  
5/15/2020 1:44 PM  
THOMAS A. WILDER  
DISTRICT CLERK

**CAUSE NO. 048-313499-19**

<b>FORT WORTH NORTHWEST</b>	§	<b>IN THE DISTRICT COURT</b>
<b>SEVENTH-DAY ADVENTIST</b>	§	
<b>CHURCH,</b>	§	
<b>Plaintiff,</b>	§	
	§	
<b>vs.</b>	§	<b>48th JUDICIAL DISTRICT</b>
	§	
<b>TEXAS CONFERENCE OF</b>	§	
<b>SEVENTH-DAY ADVENTISTS,</b>	§	
<b>SOUTHWESTERN UNION</b>	§	
<b>CONFERENCE CORPORATION OF</b>	§	
<b>SEVENTH-DAY ADVENTISTS, TEXAS</b>	§	
<b>CONFERENCE ASSOCIATION OF</b>	§	
<b>SEVENTH-DAY ADVENTISTS, AND</b>	§	
<b>ALICE CASH</b>	§	
<b>Defendants.</b>	§	<b>TARRANT COUNTY, TEXAS</b>

**FIRST AMENDED PETITION & APPLICATION FOR INJUNCTIVE RELIEF**

TO THE HONORABLE COURT:

Plaintiff Fort Worth Northwest Seventh-Day Adventist Church (“Plaintiff” of the “Fort Worth Church”) complains of Defendants Texas Conference of Seventh-day Adventists (the “Conference”), Southwestern Union Conference Corporation of Seventh-day Adventists (the “Union”), and Texas Conference Association of Seventh-Day Adventist (the “Association”), and Alice Cash (“Treasurer Cash”) (collectively referred to herein as “Defendants”), and files its first amended petition as follows:

**I. DISCOVERY**

1. Discovery in this case is being conducted in accordance with an Agreed Discovery Control Plan (Level 3).

048-313499-19

FILED  
TARRANT COUNTY  
2/7/2022 12:00 AM  
THOMAS A. WILDER  
DISTRICT CLERK

CAUSE NO. 048-313499-19

FORT WORTH NORTHWEST  
SEVENTH-DAY ADVENTIST  
CHURCH,  
Plaintiff,

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IN THE DISTRICT COURT

vs.

48th JUDICIAL DISTRICT

TEXAS CONFERENCE OF  
SEVENTH-DAY ADVENTISTS,  
SOUTHWESTERN UNION  
CONFERENCE CORPORATION OF  
SEVENTH-DAY ADVENTISTS, TEXAS  
CONFERENCE ASSOCIATION OF  
SEVENTH-DAY ADVENTISTS, AND  
ALICE CASH  
Defendants.

TARRANT COUNTY, TEXAS

**PLAINTIFF’S MOTION FOR LEAVE FILE AMENDED PETITION**

TO THE HONORABLE COURT:

Plaintiff Fort Worth Northwest Seventh-Day Adventist Church moves for leave to file a second amended petition, a copy of which is attached as Exhibit A and incorporated by reference. Leave to file this amended petition is requested by the plaintiff to correct an omission that will subserve the presentation of the merits of the action.

**I. STANDARD**

Trial courts are directed to grant leave to amend by a late-filed pleading “unless there is a showing that such filing will operate to surprise the opposite party.” TEX. R. CIV. P. 63; *see also* TEX. R. CIV. P. 67 (“the court may allow the pleadings to be amended and shall do so freely when the presentation of the merits of the action will be subserved thereby and the objecting party fails to satisfy the court that the allowance of such amendment