

# Fraud Case Against LDS Church

## Proceedings of Friday, March 14, 2014

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Someone inside the courtroom passed information to “Cityworker” who posted it on [RfM](#) boards. This is not an actual court transcript, but rather a live commentary, so there are subjective asides. Accuracy has not been verified nor can it be guaranteed. MormonThink takes no responsibility for the content.

When an official court transcript is available, it will be posted on MormonThink <http://www.mormonthink.com/monson-summons.htm>

{live blogger’s asides in squiggly braces}

[an editor’s clarifications are in square brackets]

### **Preface:**

It seems the people representing the LDS Church are 6 [British] lawyers [apparently not all of them are members of the LDS church based on comments they make during the proceedings – see next comment].

The LDS Church’s legal team are implying that Tom Phillips has harassed Judge Rosco and that [the case] is vexatious.\*

The lawyer has also named the Church as “The Church of Jesus and Latter Day Saints.”

He is arguing that Judge Rosco guided Tom Phillips how to [proceed] and therefore was out of jurisdiction.

[There are] 3 lawyers from Tom Phillips’ side.

Much discussion at the moment about vexation and discussions [of the case] on Facebook/MormonThink.

[\*] Vexatious Litigation (Wikipedia)

[http://en.wikipedia.org/wiki/Vexatious\\_litigation](http://en.wikipedia.org/wiki/Vexatious_litigation)

Vexatious litigation is legal action which is brought, regardless of its merits, solely to harass or subdue an adversary. It may take the form of a primary frivolous lawsuit or may be the repetitive, burdensome, and unwarranted filing of meritless motions in a matter which is otherwise a meritorious cause of action. Filing vexatious litigation is considered an abuse of the judicial process and may result in sanctions against the offender.

A single action, even a frivolous one, is usually not enough to raise a litigant to the level of being declared vexatious. Repeated and severe instances by a single lawyer or firm can result in eventual disbarment.

Some jurisdictions have a list of vexatious litigants: people who have repeatedly abused the legal system. Because lawyers could be disbarred for participating in the abuse, vexatious litigants are often unable to retain legal counsel, and such litigants therefore represent themselves in court. Those on the list are usually either forbidden from any further legal action or are required to obtain prior permission from a senior judge before taking any legal action. The process by which a person is added to the list varies among jurisdictions. In liberal democratic jurisdictions, declaring someone a vexatious litigant is considered to be a serious measure and rarely occurs, as judges and officials are reluctant to curtail a person's access to the courts.]

### **Today's proceedings:**

The LDS Church has 6 lawyers present.

The Church is trying to set aside the summons because of service irregularities. They spent 30 minutes arguing this.

Then church lawyer spent 10 minutes saying that the claims are teachings—not beliefs.

10:43 The Church lawyer is trying to discredit Phillips, saying he repeatedly corresponded with the court trying to persuade court to issue a summons, but a judge refused this a few times through late 2013.

They are saying Phillips complained about Judge Roscoe.

Going through reasons the judge originally declined to issue summons.

Then judge said Phillips had to produce statements from injured parties, Church lawyer saying it's wrong that judge advised Phillips of this. {boos in court!}

Mentioned Christopher Ralph's statement then Stephen Bloor's statement. The judge observed Bloor should have mentioned **when he was defrauded**. The Church lawyers saying with respect that it's wrong that judge advised Phillips how to proceed.

Now ripping into Phillips' lawyer, trying to say he is wrong on a number of points of law.

Church lawyer saying Phillips is mischief and not authorized to lay summons.

Lots of arguing minutiae.

Church lawyer just wrongly quoted church name, Church of the Jesus of the Latter Days!

[Church lawyers] keep arguing it is vexatious saying Phillips kept asking for summons and warrant.

Now on page 88! [not sure what this refers to]

Church lawyer keeps referring to Mormon Church.

MormonThink being dissected, referred to it as Phillips' own site...

Talking about legal fees, saying it's astonishing that summons is published in MormonThink, saying it shows it's for humiliation of church and vexation.

[Discussing that the age of the earth is] 6000 years, saying a lot of Christian believe this.

Saying the motivation is promoting the crazy beliefs through 80,000 missionaries. Church lawyer says this is entitled under religious freedom human rights.

Saying it is an attack on church scriptures, and designed to harass.

One person shouted in court and judge says he will be asked to leave if he shouts again.

Quoting a lot of internet stuff, saying people want money back. Judge said that's nothing to do with case, Church lawyer said it is.

{To those who said it will be over in 10 mins., it's now one hour 10 mins.}

Now continually quoting FB chats, trying to assert that it's a bunch of idiots commenting, saying people just want Monson arrested.

Dredging through lots of internet speculation.

{3 reporters, 5 exmos and one TBM [active, believing LDS member] in court.}

Heart of defence, he is trying to say: it is civil and not criminal.

Trying to say that the questions of belief are not allowed in law.

How can a court possibly embark on judging such issues, is main issue... Non-justicability.

Again saying they are not fact, they are belief. Saying nothing is ever said is said as fact, just belief!

{That's dissed practically every testimony given!}

Now talking about catholic Eucharist!

Gay marriage being discussed.

Off on a tangent talking about very obscure case law ref freedom to hold religious belief. The right to express belief is allowed, therefore no case.

{It's 11:40, I think this will run until this afternoon, prosecution still has to state case.}

Now saying that if Phillips won, how could Church continue its operations. And that would be judicial interference, a secular court cannot decide such issues.

Trying to say it's absurd that a religion would lie to obtain money, especially with 14 million members! {Oo no church would do that, all exmormons in court thumbs up, Church lawyer just dug a big hole!}

More freedom of right to follow teachings talk. Lots of case law asserting this right, saying court cannot rule on this, quoted Australia, Canada and USA, said the same in court.

Freedom of religion phrase used many times, state has no jurisdiction asserted many times.

Lord Bingham's speech quoted a lot, and custom and practice of religion used.

Just said Phillips is a disgruntled ex member {he is still a member!}

{Church lawyer has been very inaccurate on several key facts such as this. I think Church lawyer has missed the whole point of the summons, I think that it should make Phillips' lawyer's job easier.}

Lunch break then back for the final bit of the church's defence.

Church Lawyers are talking about the first vision!

Then onto talking about the quad and tithing. {Not utterly sure he has a point here.}

And is stumbling around vexatious again.

End of defence submission.

Went through beliefs told first vision story,

Going through tithe. Gasps when it's stated as optional!

Emphasizing Tom getting media attention!

Final argument, ref private prosecution, saying Phillips is not authorized - solicitor, or exempt, e.g. a victim. {Very complex here, I'm just summarizing, lots of legal talk.}

Judge asking questions and clarification. {Google if you wish [legal services act](#).}

Church lawyer saying proceedings are not allowed by Phillips... Trying to say it's criminal that Phillips brought action because he does not fit the authorized criteria?!

It's all section 3 sub paragraph 4 it's conjunctive with section 4a:b.... type stuff, meaning Phillips cannot bring prosecution.

<http://www.legislation.gov.uk/ukpga/2007/29/contents>

{I think church lawyer is clutching at straws, with obscure rules.}

Church summarizing ten points of why it's not valid:

1. not compliant with criminal justice act
2. non justiciable
3. allegations are about belief not fact
4. no evidence Monson does not hold the beliefs
5. no vicarious criminal liability in UK law so Monson not accountable
6. Monson did not cause the fraud
7. vexatious harassment of church
8. prosecutor must refine evidence to prove it's not a flippant case and an abuse of process wrong to subject church to abusive process
9. it contravenes Monson's human rights
10. Phillips is not qualified to bring the action

Judge straightaway threw out point 10 because Phillips is not being paid, the legal services rules exist to stop any fool practicing as a lawyer.

Judge now adjourning until 2:30, says he won't decide today.

{that's 2 hours 35 for what was to be thrown out in ten mins!}

Tom Phillips' lawyers up now.

Running through the history of the summons.

On his feet, going through skeleton argument then going to refute the 10 points.  
Phillips' lawyers very up-beat and clearer.

Going through judge Roscoe's process, confirming that she followed due process.

It was not a **rubber stamp summons**.

Judge Roscoe even rephrased the summons, after much consideration and thought.

Phillips has **right** to bring a private prosecution as is his constitutional right.

Case law quoted where this has happened.

\*\*\*Cases have started as a private prosecution in the past like this, and taken over by the CPS - in the UK the crown prosecution service is the queen ultimately who prosecutes people for crime, but Phillips has the right to start the prosecution\*\*\*

Quoting the start of private prosecution in British law. Phillips again does have the right, \*parliament gives the right for this\*.

The CPS can take it over and choose to continue or drop the case.

Belief not fact being discussed.... The big one....

If someone says a belief (e.g., god) is the almighty father, that is a statement of belief.

If someone says this book is translated from this document then that is a statement of fact. {Wow!}

He says **that** is the key issue at stake here.

Now saying let's talk this out at a future date.

Asking court to decide on the Church's assertion of facts, which he says may be proved to be false.

Case not about attacking beliefs of the church, but about fraud.

Saying that the Church is not immune to prosecution and cannot hide behind doctrine because of belief, but when lies are involved, absolutely the church can be held to account.

Quoting other cases, Catholics, Jews, Muslims, Sikhs, Church of England, courts cannot decide on doctrinal validity. BUT... They are in civil jurisdiction... And not above the law of the land; it's about where you draw the line. And done with caution.

E.g., A Rastafarian in possession of cannabis, he was prosecuted. Because it was part of an act, worship was no defence. It was illegal according to law, so the Rastafarian was convicted!

So it's now about religion versus law... If any religious group, however well-established, carries out an illegal act, then the law can cross into belief observance.

If a priest carries out sexual assault in a confessional, it is no defence for the priest to say what happens in the box is religion.

Lots of sex crime talk.

{... (Irony much)}

Talking about Book of Abraham now, saying church states it as a fact, [refers to it as] a translation, this can be proven.

Book of Mormon, Phillips want to discuss, is created by Smith.

America populated via Israel can be proven by DNA.

Joseph's and Hyrum's deaths, [and the] circumstances surrounding, this is taught as fact not belief.

6000 year[s of] life question discussed.

Adam and Eve discussed.

{Phillips' lawyer talking like the above is laughable. See Monty Python type talk.}

Monson, did he know? Did he act dishonestly? Did he expose to risk of loss?



All can be answered without crossing to belief, just stating that this is fact, is fraud, if indeed it can be proved as known to be false and with intent to defraud.

Church conceded that everything it says is merely belief not fact. {THIS IS THE BIG ONE}

One hour 10 minutes in...

Publicity... Phillips' lawyer hands magistrate a document, UK version of Huffington Post, talking about summons, Monson pic on it, quote from church, the one where they say bizarre allegations, Neil [Addison].

This one [http://www.huffingtonpost.co.uk/2014/02/05/mormon-church-uk\\_n\\_4729050.html](http://www.huffingtonpost.co.uk/2014/02/05/mormon-church-uk_n_4729050.html)

or this one: [http://www.huffingtonpost.com/2014/02/05/thomas-monson-fraud\\_n\\_4733418.html](http://www.huffingtonpost.com/2014/02/05/thomas-monson-fraud_n_4733418.html)

The QC [Queen's Counsel] the Church has used today, saying the court was in error issuing the summons, a QC giving quotes to press that a case he is defending is nonsense! {DRAMA!}

{Red face and neck for Anderson in court... Wow, the arrogance!}

Ripping into Monson now, saying he is educated and knows it's false, and Quote "lying for The Lord."

Asking for trial, because if Phillips, Bloor and Ralph made up allegations then they attempted to pervert the course of justice therefore there should be a trial.

Next up... Dealing with 10 points.

Went through points... Merely said opposite of what church lawyer said.

Monson aided, abetted or procured or counselled people to make false representations.

Basics exist for this to proceed.

Talking about Community of Christ [formerly known as the Reorganized Church of Jesus Christ of Latter Day Saints – RLDS] denying validity of the Book of Mormon.

False representations made in order to procure tithing for the church.

Judge wants evidence that Monson made these statements, sources given.

Taught by all leaders.

{Phillips' lawyer taking church to pieces, it's like a boxing match where Rocky comes back off the floor.}

Listing sources for statements of facts.... {Woah!} Ensign, websites, talks, videos, the list goes on...

{I'm tired out, it's relentless.}

Judge Roscoe really looked into things and filled gaps that she found.

{Wish I could take a picture of Devonshire's 5 man and 1 woman team, all laid back in their seats with swag. Phillips' 2 guys one girl team up and down consulting Phillips, working and doing.}

Human rights, Monson, he has right to practice religion, but not to commit fraud any more than he has the right to smoke his cannabis. {lol Phillips' lawyer is funny.}

One hour 45 minutes

Now Church [lawyer] is on his feet again,,

{He did a tongue slip} Monson is not responsible for what the "company"...errrr I mean, "church," says. {Funny !}

Fact vs. belief brought up again.

Church saying there is no differentiation between the two, saying that if church is in court then all religion would have to be.

Trying to say again that religion is not a justice matter. Trying to say all this is an abuse of process, no one has ever complained to the police about church.

Saying Monson is not identifiable as responsible for what the church says.

If there is a trial then it brings church into disrepute.

Judgment as to how things will proceed along with reasons to be given next Thursday, March 20, 10:00 am.

Magistrate all done