

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

*TE-TA-MA Truth Foundation --  
Family of URI, Inc.,*

Plaintiff,

v.

*The World Church of the Creator,*

Defendant.

Case No. 00 C 2638

Judge Joan Humphrey Lefkow

**ORDER ON DEFENDANT'S CONTEMPT OF INJUNCTION**

1. This Court issued an Order and Injunction on November 19, 2002 (the "Injunction"). The Injunction is expressly incorporated herein and made part of this Order.
2. Based on the conduct of Defendant, those acting in concert with it, and specifically its leaders Messrs. Matthew Hale (Defendant's "Pontifex Maximus"), Thomas Kroenke (Defendant's "Hasta Primus" and State Leader of Defendant's Wyoming chapter), Christopher Lee Peterson, Olivier Devalez, and others (acting on behalf of the Defendant as the so-called "Guardians of the Faith Committee") from November 19, 2002 to the present, this Court finds that the Defendant is in contempt of the Injunction.
3. Some examples of the contemptuous conduct by Defendant, Mr. Hale, Defendant's other members and those acting in concert with it include:
  - ~ Defendant has not removed infringing marks from its websites;
  - ~ Defendant has not delivered to the Foundation or its representatives the materials listed in paragraph 6 of the Injunction so that the infringing marks may be obliterated or the materials destroyed if the infringing marks cannot be obliterated therefrom;

- ~ Defendant's members and others acting in concert with Defendant continue to use the marks "Church of the Creator," "World Church of the Creator," "COTC" and "WCOTC" in a source-indicative manner;
- ~ Defendant and others acting in concert with Defendant have stated publicly that they will *not* comply with the Injunction;
- ~ Sworn affidavits by Christopher Lee Peterson, Olivier Devalez, and Mr. Hale, filed by Mr. Hale himself and also by the Defendant, confess that Mr. Hale (acting on behalf of the Defendant and apparently on instructions of other leaders of the Defendant's Organization (the so-called "Guardians of the Faith Committee")), purposely and deliberately moved articles containing infringing marks out of state in an attempt to frustrate this Court's jurisdiction in anticipation of the Injunction being issued; and
- ~ Defendant's required report under oath setting forth in detail the manner and form in which the Defendant has complied with the terms of the Injunction is inadequate and fails to depict full compliance with the injunction.

4. The above list is illustrative, but by no means exhaustive, of the ways in which Defendant, its members, and those acting in concert with it have violated, and continue to violate, the Injunction. Defendant and its members have not only failed to act in accordance with any provision of the Injunction, they have affirmatively and knowingly flouted its express terms.

5. Accordingly, I find that Defendant, its members, representatives, attorneys, employees, agents, and those acting for, with, by, or under authority from it, specifically including Matthew Hale, Thomas Kroenke, Olivier Devalez, Christopher Lee Peterson, and the remaining members of Defendant's Guardians of the Faith Committee, are in contempt of the Injunction.

**THE COURT, THEREFORE, ORDERS AS FOLLOWS:**

6. Defendant will pay Plaintiff \$1,000.00 per day beginning on April 24, 2003, until Defendant is found to be in complete compliance with the Injunction.

7. Defendant will immediately inform the Court and Plaintiff of the identify of all bank accounts, brokerage accounts, and/or any other accounts held by Defendant, including the

address and telephone number of the institution through which such account is held, the account number, and the present balance of such account (collectively, "Defendant's Accounts"). This includes specifically, but without limitation, the following accounts:

- (A) Union Planters Bank, account number 3066700929.
- (B) CEFCU, Peoria, IL., (309) 633-7000, account number 554799.
- (C) any account held or maintained by Mr. Thomas Kroenke.

8. Defendant's Accounts are to be immediately frozen. The banks or other financial institutions in which the Defendant's Accounts exist are hereby ordered to freeze the funds in any such account pending further Order of this Court, and hold the funds in any such account in trust for the Court and for the Plaintiff.

9. Defendant must immediately comply with the provisions of Paragraph 6 of the Injunction. Defendant and its members, officers, directors, predecessors, successors, assigns, agents, employees, representatives, attorneys, and all other persons acting for, with, by, or under authority from it, or in concert or participating with it, and others having knowledge of the Injunction, in accordance with 15 U.S.C. § 1118, will deliver to Plaintiff's counsel (Kirkland & Ellis, attn: Custodian, TE-TA-MA Truth Foundation - Family of URI, Inc. v. World Church of the Creator, 200 East Randolph, Chicago, IL 60601) for destruction (or, where feasible, removal or obliteration of any infringing mark from) all letterhead, labels, signs, flags, banners, clothing, tee-shirts, prints, packages, books, products, digital images or Web Site copy, in any media or form, in their possession, custody or control, which contains the name and mark CHURCH OF THE CREATOR or any colorable facsimile thereof, including specifically WORLD CHURCH OF THE CREATOR, WCOTC, COTC, or the words "Church" and "Creator(s)" together in the same name or mark, in connection with Defendant's proselytizing, business, products, services or

Web sites. Regarding books, the prior sentence relates specifically to the appearance of one or more infringing marks on the cover and/or title page of the book but not to phrases within the text of the book. Additionally, all plates, molds, matrices, computer media, disks, computer memory, or other media containing such information is to be delivered to Plaintiff's counsel for destruction or deleted, with evidence and proof of such deletion to be provided in verified form to this Court and to Plaintiff. Any article(s) listed above that are not delivered to Plaintiff's counsel for destruction (or, where feasible, removal or obliteration of any infringing mark therefrom) are to be seized in accordance with 15 U.S.C. § 1116(d)(1)(A). The Court will separately direct the United States Marshal's Service to cooperate in this seizure.

10. On May 21, 2003, Mr. Thomas Kroenke is to appear before this Court as representative of Defendant and report on the following: where the infringing articles referenced in Paragraph 6 of the Permanent Injunction are located, where all money generated from donations and the sale of Defendant's merchandise is located, who is currently in charge of the Defendant's website and its maintenance, and where this person is located, and why Mr. Kroenke personally is not in contempt of the Permanent Injunction. In lieu of appearing before this Court on May 21, 2003, Mr. Kroenke may file on or before May 20, 2003, a sworn affidavit presenting the information described above. If Mr. Kroenke fails to either timely file such an affidavit or appear before this Court on May 21, 2003 to report this information, he will be held in contempt with appropriate sanctions to be determined.

11. Mr. Thomas Kroenke is to provide Plaintiff a detailed list of all shipping, sales, receipts, accounting records or computer records, stating, referring to, or reflecting donations to or sale of merchandise made by Defendant. If Mr. Kroenke files a sworn affidavit pursuant to Paragraph 10, the information required by this Paragraph may be provided in that affidavit.

12. The Court will draft a letter to the United States Department of Justice requesting that the Department of Justice provide Plaintiff and its counsel a copy of Defendant's membership lists and any other membership-related files seized from Mr. Hale. This disclosure will be made pursuant to an appropriate Protective Order.

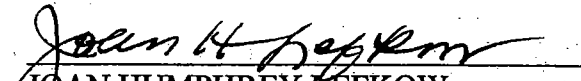
13. Internet service provider 1st-Amendment.net is to take down the websites presently located at [www.creator.org](http://www.creator.org) and [www.churchfliers.com](http://www.churchfliers.com); and internet service provider Rackshack.net is to take down the website presently located at [www.racialistforums.com](http://www.racialistforums.com). No other internet service provider is to host these or any other website(s) operated by Defendant, its members, representatives, employees, agents, or anyone acting for, with, by, or under authority from Defendant until this Court determines that such website does not contain in visible text, hidden text (such as metatags) or other source code the name and mark CHURCH OF THE CREATOR or any colorable facsimile thereof, including specifically WORLD CHURCH OF THE CREATOR, WCOTC, COTC, or the words "Church" and "Creator(s)" together in the same name or mark.

14. Defendant is to comply with the provisions of Paragraph 8 by placing a copy of the Injunction in every new issue of Defendant's publication "The Struggle," sending every member and supporter of Defendant's organization a copy of the Injunction, and post a conspicuous copy of the Injunction on every website, chat room, and/or Internet forum run by, directed by, or affiliated with Defendant.

15. Defendant and its members, officers, directors, predecessors, successors, assigns, agents, employees, representatives, attorneys, and all other persons acting for, with, by, or under authority from it, or in concert or participating with it, and others having knowledge of the Injunction are not to use in a source-indicative manner any quote(s) containing the name and

mark CHURCH OF THE CREATOR or any colorable facsimile thereof, including specifically WORLD CHURCH OF THE CREATOR, WCOTC, COTC, or the words "Church" and "Creator(s)" together in the same quote. Use of these phrases within the text of a book is not source-indicative and, therefore, is not a violation of this paragraph.

SO ORDERED

  
JOAN HUMPHREY LEFKOW  
United States District Judge

Dated: May 1, 2003