

EXHIBIT 53

11:00 AM

W.P.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

THE NATIONAL SPIRITUAL ASSEMBLY OF)
THE BABA'IS OF THE UNITED STATES OF)
AMERICA UNDER THE HEREDITARY)
GUARDIANSHIP, INC., a not-for-profit)
Corporation under the laws of New)
Mexico,)
Counter-Defendant)

V.)

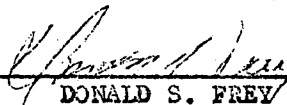
Civil Action No. 64C1878

THE NATIONAL SPIRITUAL ASSEMBLY OF)
THE BABA'IS OF THE UNITED STATES OF)
AMERICA, INC., a not-for-profit)
Corporation under the laws of Illinois,)
Counterclaimant.)

MOTION FOR NEW TRIAL

SECTION TO AMEND JUDGMENT

Pursuant to Rule 59 of the Rules of and Procedures for the United States District Court, the undersigned party moves for a new trial and/or to amend the judgment entered in the case on June 28, 1966, and in support of said motion, the attached affidavit is presented herewith.

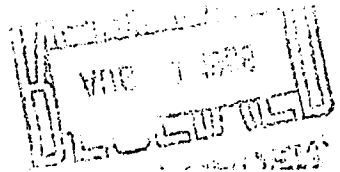


DONALD S. FREY
Attorney for

THE NATIONAL SPIRITUAL ASSEMBLY OF
THE BABA'IS OF THE UNITED STATES OF
AMERICA UNDER THE HEREDITARY GUIDANCE,
INC.

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OFFICE OF THE CLERK OF THE COURT
U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA



to achieve an amicable settlement of the conflict between the parties over the common use of the religious name - BAHAI';

(5) That deponent's clients share with the defendant party the desire that their common use of the religious name (within the spirit and law of religious freedom) will not cause any individual to mistake one group for the other, or one doctrine or program to originate or to be espoused by the other group contrary to fact.

(6) That deponent's clients feel the proposed judgment violates the spirit of religious freedom, healthy dialogue and debate, and suggests the following amended wording of the proposed judgment:

IT IS ORDERED, ADJUDGED AND DECREED that the counter-defendant, THE NATIONAL SPIRITUAL ASSEMBLY OF THE BAHAI'S OF THE UNITED STATES OF AMERICA UNDER THE HEREDITARY GUARDIANSHIP, INC., its officers, agents, servants, employees, attorneys, and all persons in active concert or participation with them, including affiliated local spiritual assemblies, groups, and individuals, or any of them, be and they are hereby enjoined from using in their activities the designations "National Spiritual Assembly of the Baha'is of the United States of America Under the Hereditary Guardianship, Inc.," - "Baha'i News Bureau" - "Baha'i Round Robin" - "Baha'i" - trademark representations of the Baha'i House of Worship - the Arabic design "The Greatest Name" - and any other designation which, in any manner, by colorable imitation or otherwise, is likely to be mistaken for or confused with the counter-claimant's name or marks as indicated above, or is likely to create the erroneous impression that counter-defendant's religious activities, publications or doctrines originate with counterclaimant, and from otherwise competing unfairly in any commercial way with counterclaimant or infringing counterclaimant's rights.

(underscoring indicates additions)

¶7) Deponent offers the following "Conclusions of Law" for consideration of the court;

"CONCLUSIONS OF LAW"

- A. No individual or group has a right to a monopoly of the name of a religion. McDaniels et al v Mirza Ahmad Sohrab et al., 27 N.Y.S.2d 525, aff. 262 A.D. 838, 29 N.Y.S.2d 509 (1941).

DONALD S. FREY
COUNSELLOR AT LAW
1514 ELMWOOD AVENUE
EVANSTON, ILLINOIS 60201
TELEPHONE 328-1321-1322

22 December 1966

Mr. A. S. Petzoldt
2500 Vermont Street
Quincy, Illinois

Dear Mr. Petzoldt:

Thank you for your letter of December 19.

You asked for an explanation of the "procedure" the Sans Guardian attorney used to get the judge to issue the injunction. We both submitted our pleadings on what public use was being made of the different names of the Faith.

On one occasion, the Sans Guardian attorney presented oral testimony to substantiate the facts with reference to the size and operations of the Sans Guardian people. I was not present on this occasion. If I had been present, no objections could have been raised. Therefore, no harm was done by my absence.

The answers both sides made to the interrogatories served on both sides were also a part of the evidence. All legal points made by both sides were also submitted to the judge, including the references to the New York opinion.

You state you have not heard from the chairman whether or not "the mail ballot carried to dissolve the NSA."

As requested, we enclose our statement for services since August 14, 1966.

Wishing you and yours a Happy Holiday Season!

Sincerely,

Donald S. Frey
Donald S. Frey

enc.

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