EXHIBIT F

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

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

MOTION FOR NEW TRIAL

MOTION 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 BAHA'IS OF THE UNITED STATES OF AMERICA UNDER THE HEREDITARY GUIDANCE, INC.

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

THE NATIONAL SPIRITUAL ASSEMBLY OF THE BAHA'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,	CIVIL ACTION NO. 64 C 1878
vs	
THE NATIONAL SPIRITUAL ASSEMBLY OF THE BAHA'IS OF THE UNITED STATES OF AMERICA, INC., a not-for-profit Corporation under the laws of Illinois,	
Counter-Claimant.	

AFFIDAVIT

DONALD S.FREY, being duly sworn deposes and says:

(1) That he is the Attorney for the plaintiff in the above-entitled action;

(2) That the Guardian and Legal and Spiritual head of the plaintiff organization resides in Florence, Italy. This fact has made it extremely difficult to receive instructions promptly as to how to answer the notices and motions brought by the defendant and counterclaimant in the action;

(3) That only yesterday (July 27, 1966) did deponent receive sufficient instructions to feel authorized to respond to the court order of June 1, 1966, requesting the filing of "Proposed Findings of Fact, Conclusions of Law, and Judgment";

(4) That deponent and his clients have been earnestly at work in efforts

> and permanently deprived of that hereditary [illegible], which, as 'Abdu'l-Baha' has written, has been invariably upheld by the Law of God. (Bisp., p. 54)

In order for defendant-faction to prove that the Baha'i Faith which it now holds out to the world manifests the "true" Baha'i Faith as intended by the Authors of the Faith, it would have to prove that the organization which existed during Shoghi Effendi's life-time did not manifest the true intent of the Authors. Justice certainly will not permit defendant-faction to disparage and prove as false the organization to which it at one time adhered; but neither is the law interested in the "metaphysical validity" of the religious positions put forth by parties:

> Religious doctrines and practices are listened to by the courts solely as facts upon which civil rights and the right to property are made to depend regardless of the ultimate truth or soundess of such doctrines, practices, and beliefs. Smith v. Pedigo, 145 Ind. 261, 33 N.E. 777.

All that is required is that plaintiff-faction demonstrate continued and faithful adherence to the Baha'i Faith which was accepted and promulgated by all parties before the schism occurred; and show in defendant-faction a substantial abandonment of the religion. By its own admission that it has rejected the structure of the Baha'i Faith which existed during the life-time of Shoghi Effendi, defendant-faction's abandonment is established as a matter of law.

DONALD S. FREY
Attorney for the Plaintiff

1514 Elmwood Avenue
Evanston, Illinois
328-1321

STATE OF ILLINOIS)
) SS
COUNTY OF C O O K)

Subscribed and sworn to before me this day of July, 1966.

Mildred T. Doyle, Notary Public