EXHIBIT T

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FILED JUL 15 2003
SHIRLEY E. FAUST, CLERK
By Deputy

MONTANA FOURTH JUDICIAL DISTRICT COURT, MISSOULA COUNTY

THE SECOND INTERNATIONAL BAHA'I COUNCIL [sic], Plaintiff, vs. NEAL CHASE, Defendant.	Department No. 3 Cause No DV-02-410 **MOTION TO DISMISS OR ALTERNATIVE MOTIONS FOR DISMISSAL OR SUMMARY JUDGMENT, AND BRIEF IN SUPPORT**

COMES NOW Defendant Neal Chase, by and through counsel of record, and moves the Court, pursuant to Rule 12(b)(1) and (6) of the Montana Rules of Civil Procedure, for an order dismissing this case on the grounds that this Court is without subject matter jurisdiction to hear and decide this case. Adjudication of this case would require the Court to interpret and apply ecclesiastical doctrines and teachings of the Baha'i faith. Such an inquiry would be an impermissible violation of the constitutional requirement of separation of church and state.

In the alternative, if the Court determines that it does have subject matter jurisdiction

over this case and denies the foregoing motion, Mr. Chase makes two additional motions. First, Mr. Chase moves the Court to dismiss the action pursuant to Rule 17(a) of the Montana Rules of Civil Procedure, on the grounds that it is not being prosecuted by the real party in interest. Second, Mr. Chase moves for summary judgment on all of Plaintiffs' claims, on the grounds that Mr. Chase had authority to take all actions complained against him, that there are no material facts in dispute as to those claims, and that Mr. Chase is entitled to judgment as a matter of law.

These motions are supported by the following brief. The motions are also supported by the contemporaneously filed Affidavits of Victor Woods and Kay Woods, and the deposition testimony of Carlotta Geesen and John Geesen.

BACKGROUND

This case involves a dispute between two factions of a religious organization. Each faction claims to be the true second International Baha'i Council (sIBC). Both factions agree to the following facts.

The sIBC is the administrative, judicial and legislative body of the Baha'i religious faith. (Carlotta Geesen Depo., Exhibit A, 51:23-25; 76:22 – 77:11). It is the supreme authority in the Baha'i faith to settle all difficult matters or matters that have caused difference. (Id., 182:22 – 183:1). The members of the true Baha'i faith are called the Bahai's under the provision of the Covenant (BUPC)." (Id. 51:16-22).

The Baha'i faith is hierarchical in nature. BUPC's consist of many local councils throughout the United States and some parts of the world. (Id. 50:13 – 51:10). The sIBC is the governing body that provides the administration and leadership for the local councils.

coagulated droplets of Baha'u'llah's sacred blood. (Id.). The hair and blood constituted the "token" that gave further evidence of Mason's adoption by 'Abdul-Baha' as guardian of the Baha'i faith and adopted descendent of the Davidic Kingship. (C. Geesen Depo. 17:21 – 22:5).

The Baha'i faith experienced a split in its membership after Mason was adopted and appointed guardian. Most of the Baha'i members refused to recognize Mason as the guardian, because he was adopted through the simple method of being called "Aghsan,"or "my son," rather than through a court procedure. The largest part of that group split off and now forms a group that is headquartered in Haifa, Israel. The members of the large group that split off are no longer considered by the parties to belong to the true Baha'i faith. (Id. 135:25 – 137:4). The small part of the original group that accepted Mason Remey as guardian followed him, and that group developed into what is now known as the sIBC. (Id. 13:13-25). That group is collectively referenced as the Bahai's Under the Provisions of the Covenant ("BUPC'). (Id. 38:15 – 39:3).

Mason Remey did not have any children. He adopted Pepe Remey through a court procedure after Pepe reached adulthood. (Id. 14:2-7). This time a medallion was the "token" that gave further evidence of Pepe's adoption of Mason and his appointment of Mason as a descendent of the Davidic Kingship. (Id. 25:1-15). Pepe refused during his lifetime to publicly accept the role of guardian. (Id. 14:8-10).

Defendant Neal Chase contends that he is the guardian of the Baha'i faith. (Id. 128:10-18). The plaintiff in this case, who purports to be the second International Baha'i Council, denies that Mr. Chase is the guardian. (Id. 133:3-6). Mr. Chase, in turn, denies that

on the list of officers in the minutes, Dr. Jensen refused to move Mr. Chase's name. (Id.).

Furthermore, Dr. Jensen had Mr. Chase show Pepe's letters and ring to the members of the sIBC. (V. Woods Affidavit, ¶ 8; K. Woods Affidavit, ¶ 8). He would not have done so unless it was to inform the members of Mr. Chase's appointment as guardian by Pepe.

The evidence in this case establishes that Mr. Chase is the guardian of the Baha'i faith. Although Ms. Geesen and her supporters deny that Mr. Chase is the guardian, they nevertheless admit that they have no evidence to prove otherwise. (John Geesen Depo., Exhibit J, 23:10-14). They also admit that they are aware of no individual, other than Mr. Chase, who claims to have been adopted by Pepe or to have been appointed by Pepe as guardian. (C. Geesen Depo., 176:12 – 177:12; J. Geesen Depo., 23:15 – 24:6). Plaintiff simply has no evidence with which to dispute Mr. Chase's claim that he is the guardian of the Baha'i faith.

Furthermore, the Baha'i religious texts make clear that the true sIBC is the one that has the guardian at its head. (Book of Order of the Second International Baha'i Council, Exhibit K, p. 3). In fact, members of the BUPC are required to sign a statement of belief in which they accede that a fundamental principle of their organization is that the true sIBC has the guardian at its head. Id. Ms. Geesen and her supporters admit that they do not have an identified guardian at the head of their organization. (C. Geesen Depo. 137:16 – 138:5).

The foregoing facts are not refuted, and establish a complete defense to Plaintiff's claims. Thus, there are no material issues of disputed fact, and Mr. Chase is entitled to judgment as a matter of law on his defense that he had the right to exercise control over the sIBC bank account and personal property. Accordingly, Mr. Chase respectfully requests that