

Speak of the time of trouble, Yahweh is careful ever to remind us of His promises:

“Alas! for that day is great, so that none is like it; it is even the time of Jacob's trouble; but he shall be saved out of it.” (Jer 30:7)

“For in the time of trouble He shall hide me in His pavilion; in the secret of His tabernacle shall He hide me; He shall set me up upon a rock.” (Psa 27:5)

“But the salvation of the righteous is of Yahweh; He is their strength in the time of trouble.” (Psa 37:39)

“O Yahweh, be gracious unto us; we have waited for thee. Be thou their arm every morning, our salvation also in the time of trouble.” (Isa 33:2)

In this last generation, the CSDA Church teaches that the Trademark Law formed through the union of the mainstream SDA Church's corporation and the United States civil government constitutes a final test of the people of Yahweh. It is a test of their loyalty to the instructions of Heaven. It is a test of their spiritual sensitivity. It is a test of their commitment to keeping the Sabbath in both letter and spirit. It is a test of their understanding of prophecy. It is a test of their adherence to the teachings of the Three Angels of Revelation 14, and in particular the Third Angel that is leading a united people through the valley of the shadow of death.

Those who are on the outside of the mainstream church are tempted with fear for the persecution that is upon them.

Those that are inside the mainstream church are tempted with the Laodicean tendency to do nothing when the facts are presented before them. They are taught that a National Sunday Law will arise to restrict their religious liberty, yet when they are told that a law for which they are corporately responsible is now, just now, attempting to strip other commandment-keeping Christians of their religious liberty... this is when their true characters are revealed in those who abide by the Messiah's “Golden Rule,” and those who are not followers of Christ at all, “for this is the law and the prophets.” (Mat 7:12)

Those that are neither SDAs nor CSDAs are tested on their ability to see the leading of the Spirit of God. They see the attacks made by one supposedly Christian organization against a small group of believers, for this is the prophecy of Scripture. This small group does not “desire” persecution, but it knows the statements of Christ, and is seeking the blessing in even this. The question the spiritually alert must ask themselves is, “Why?” There is no legitimate legal, monetary or even reputation-based reason for the attacks... the answer can only be spiritual in nature. The right questions, inspired by the leadings of the Holy Spirit, will lead to the right answers in this test of the relative “outsiders” to this issue.

The Force of Memory is what keeps those who are enduring these tests on the right path. We remember the way that Yahweh has protected His people in times of trouble.

We remember the way that Yahweh leads His people out of apostasy and unions with civil government to a pure and holy Woman. We remember the way that Yahweh has used even the seemingly insignificant events to affect great changes in human history.

We remember that Yahweh has always had a people, a single and united people, who have been charged with doing His will in the earth. This does not mean that there are no sincere or devoted followers of Christ in other organizations, but it is the work of the Holy Spirit to awaken in the minds of such individuals the knowledge that a religious organization is not always the same as a Church, an *Ekklesia*. The Church of Christ is, according to the definition of the word, both a “called out” people (from error and darkness) and a “called together” people in a public assembly.

The Force of Memory reminds us that Yahweh is able to do miracles for the deliverance of His people, and this gives us peace in times of trouble. We also know that His deliverance is *perfectly* timed, which is not always to say “timed as we would like.” Paul had to endure several disadvantages, and for two different reasons. He said, “And lest I should be exalted above measure through the abundance of the revelations, there was given to me a thorn in the flesh, the messenger of Satan to buffet me, lest I should be exalted above measure. For this thing I besought the Lord thrice, that it might depart from me. And He said unto me, ‘My grace is sufficient for thee: for my strength is made perfect in weakness.’ Most gladly therefore will I rather glory in my infirmities, that the power of Christ may rest upon me.” (2Cor 12:7-9)

And of another event Paul writes, “For I am in a strait betwixt two, having a desire to depart, and to be with Christ; which is far better. Nevertheless to abide in the flesh is more needful for you. And having this confidence, I know that I shall abide and continue with you all for your furtherance and joy of faith; that your rejoicing may be more abundant in Jesus Christ for me by my coming to you again.” (Phil 1:23-26)

Thus, while we remember that Yahweh is able to “speedily” deliver His people, (Luke 18:8) we find that there are two reasons why this deliverance may be delayed. First, it is often of benefit to us that we endure trial, “That the trial of your faith, being much more precious than of gold that perisheth, though it be tried with fire, might be found unto praise and honour and glory at the appearing of Yahshua the Messiah.” (1Pet 1:7) Second, it is often of benefit to others that they witness our endurance, our persecution, and our final triumph through faith.

But whether we are dealing with temptations to fear persecution, or the persecution itself, it is the memory of Yahweh's love for us, and deliverance of His people, and the patience we are being trained to manifest, that allows us to rely entirely upon Him, and thus to stand fast in the promises we have been given; and “Let us hold fast the profession of our faith without wavering; for He is faithful that promised.” (Heb 10:23)

- D.P. Aguilar

Additionally, at the hearing held on Plaintiffs' Motion, Defendant's counsel suggested that certain of the violative domain names and websites may be registered and/or operated by individuals other than the Defendant. In this event, it is likely that such individuals are also violating the terms of the Injunction Order as it expressly applies to "Defendant and his agents, servants and employees, and all those persons in active concert or participation with them[.]" (See D.E. No. 98 and Fed.R.Civ.P. 65(d)(2)).

Accordingly, the Plaintiffs requested at the hearing that they be allowed to conduct limited discovery in order to determine the extent of Defendant's violation of the Injunction, including third party discovery to ascertain the identities of and/or the extent to which Defendant's agents, servants, employees, and those persons in active concert or participation with them have assisted Defendant in violating the Permanent Injunction.

The scope of discovery is within the sound discretion of the trial court. Chrysler Corp. v. Fedders Corp., 643 F.2d 1229, 1240 (6th Cir. 1981). Further, this Court's authority to enforce its orders through the contempt process includes the authority to allow discovery of Defendant and those persons in active concert or participation with Defendant as it relates to continued violations of the Injunction Order. See, Palmer v. Rice, 231 F.R.D. 21 (D.D.C. 2005) (granting plaintiff's request to take discovery in aid of enforcement of 10-year old permanent injunction); see also, E. & J. Gallo Winery v. Andina Licores S.A., 2007 WL 333386 (E.D. Cal. 2007) (holding that court retained jurisdiction to implement and enforce permanent injunction, including by way of post-judgment discovery related thereto, and allowing plaintiff to conduct post-judgment discovery directed to compliance with and enforcement of permanent injunction).

Accordingly, the Court finds that ascertaining the identities of those persons acting on behalf of or in concert with the Defendant, as well as the extent to which those persons have assisted Defendant, will help this Court with enforcement of its Injunction Order. Accordingly, this Court finds that limited discovery is appropriate and Plaintiffs shall be permitted to take reasonable discovery of Defendant and/or third parties concerning the identity of those acting in concert with Defendant and the extent and methods by which Defendant and those acting in concert with him are continuing to violate the terms of the Injunction Order.

Finally, it is uncontested that since the entry of the Injunction Order the creation and use of domain names and websites that are violative of the Injunction has proliferated. It is also not contested that such actions have been carried out by Defendant and/or individuals acting in concert with him. These domain names and the websites found at such domain names have been as identified as follows:

www.creationseventhdayadventistchurch.ca
www.csdadventistchurch.co.cc
www.csdachurch.co.cc/
www.csdachurch.0adz.com
www.creationsdadventistrelief.to
www.csda-adventistchurch.to
www.creationsdadventistrelief.to
www.adventistry.org
www.creationseventhdayadventist.org.rw
www.creationsdarelief.0adz.com
www.seventhdayadventistsda-v-creation7thdayadventistsda-uslawsuit.net
www.seventhdayadventism.org
www.7thdayadventism.org/
www.whypastorwaltermcgillisnotaffiliatedwithqcsdaadventistchurch.net
www.csdachurch.wordpress.com
www.csda-korea.org
www.creationseventhdayadventistreliefprojectsint.ltd.ug
www.seventhdayadventistchurchfoundwanting.us
www.home.comcast.net/~7thdayadventist
www.home.comcast.net/~csdachurch
www.home.comcast.net/~creationsda
www.home.comcast.net/~creation-adventist
www.binaryangel.net
www.thefourthangel.net
www.home.comcast.net/~creation-sabbath
www.home.comcast.net/~barbara_lim
www.home.comcast.net/~crmin

(See D.E. No. 105, Exhibit 1, 8/7/09 email from Galanter to Holliday)

Accordingly, in addition to the more general prohibitions contained in the Injunction Order, it is Ordered that these domain names and the websites found at the domain names are also violative of the Injunction Order and that all persons acting in concert with Defendant, including any website hosting companies and domain name registrars, are hereby enjoined from using or enabling the use of such domain names and websites.

3. Remedies Related to Defendant's Signage and other Promotional Material

It is also uncontested that Defendant has failed to either (i) deliver Defendant's Infringing Articles to Plaintiffs' attorney, or (ii) permanently dispose of Defendant's Infringing Articles himself, and certify in writing and under oath that he has personally complied with this order. Defendant has also failed to file a report in writing, under oath, setting forth in detail the manner and form in which Defendant has complied with the terms of the Permanent Injunction. Accordingly, due to Defendant's failure to act and to take down and/or dispose of signage and other promotional materials that are violative of the injunction, the Court hereby Orders that such materials be seized for destruction by the United States Marshal. The United States Marshal of this District is directed to take all appropriate steps to ensure that this order is executed. *See*, 28 U.S.C. § 566(c) and 15 U.S.C. § 1118; *see also* Kabushiki Kaisha Hattori Seiko v. Star Mart, 1985 WL 1142 *2 (N.D.Ill. April 30, 1985)(directing United States Marshal to seize for destruction pursuant to 15 U.S.C. § 1118, all labels, signs, prints, packages, wrappers, receptacles, brochures and advertisements, in the possession, custody or control of the Defendants, bearing the infringed trademark). In accordance with 28 U.S.C. § 566(c), the United States Marshal shall command all necessary assistance to execute this order and the costs of such services shall be presented to the Court for further Order directing their payment by Defendant. Plaintiffs' counsel shall accompany the United States Marshal in executing this Order in case questions arise during the execution. *See*, www.usmarshals.gov/process/attachment.htm. Additionally, at his discretion, Defendant's counsel may also accompany the United States Marshal in executing this Order.

4. Civil Commitment

Fed.R.Civ.P. 4.1(b) provides in relevant part that: "An order of civil commitment of a person held to be in contempt of a decree or injunction issued to enforce the laws of the United States may be served and enforced in any district." An order of civil commitment is entirely appropriate here. *See*, Federal Trade Commission v. Verity International, Ltd., 140 F.Supp.2d 313, 318-19 (S.D.N.Y. 2001)(holding individuals in contempt of court and sanctioning such individuals with an order of civil commitment with arrest to be carried out whenever contemnors returned to the United States and their incarceration pending their full and complete compliance with the Court's injunction). As in Verity International, the contempt of Defendant is deliberate, calculated and willful. Similarly, while Defendant, like the contemnors in Verity International, may be able to remain outside the country for a long period in order to avoid arrest, it is likely that this order will give Defendant an incentive to comply with the Court's order. *See*, Id. at 318, *see also* Electrical Workers Pension Trust Fund of Local Union #58 v. Gary's Elec. Serv., 340 F.3d 373, 379 (6th Cir. 2003) (holding that judicial sanctions may be imposed in civil contempt proceedings to coerce the defendant into compliance with the court's order).

Accordingly, the Court hereby Orders the arrest of Defendant, wherever he may be found within the jurisdiction of the United States, and his incarceration in this District pending his full and complete compliance with the Injunction Order. This Court will release him upon his full and complete compliance with the Injunction Order. The United States Marshal of this District is directed to take all appropriate steps to ensure that this order of arrest and civil commitment is executed wherever Defendant may be found within the United States or its territories, including appropriate notification of the United States Customs Service. *See*, Id. at 319 and 28 U.S.C. § 566(c).

IT IS SO ORDERED.

HON. EDWARD G. BRYANT
U.S. DISTRICT COURT MAGISTRATE JUDGE

1. This Order applies to signage and other promotional materials that contain words, phrases and or acronyms prohibited by the Injunction Order, and which may be found at 1162 Old Highway 45 South, Guys, Tennessee, which is the location of Defendant's "Creation Seventh Day Adventist Church," and 1321 Hwy 72 East, Suite #6, which is the location of Defendant's "Help 4-U" office. At the November 5, 2009 Hearing, Plaintiffs' counsel presented to the Court photographs taken on November 4, 2009, depicting, in part, the violative signage at these locations.

