

**FORM NO. 353-3 - CITATION
THE STATE OF TEXAS**

ATTY

CITATION

To:

MRS. SOLOME MEKONNEN
1010 BROOKVIEW DR
ALLEN, TEXAS 75002

GREETINGS:

You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10 o'clock a.m. of the Monday next following the expiration of twenty days after you were served this citation and **ORIGINAL PETITION AND APPLICATION FOR INJUNCTIVE RELIEF** petition, a default judgment may be taken against you. Your answer should be addressed to the clerk of the **101st District Court** at 600 Commerce Street, Dallas, Texas 75202.

Said Plaintiff being **TEKOLA MEKONEN, ETAL**

Filed in said Court **7th day of May, 2010** against

YOSEF RETTA, ETAL

For suit, said suit being numbered **DC-10-05578**, the nature of which demand is as follows:
Suit On OTHER (CIVIL) etc. as shown on said petition, a copy of which accompanies this citation. If this citation is not served, it shall be returned unexecuted.

WITNESS: GARY FITZSIMMONS, Clerk of the District Courts of Dallas, County Texas.
Given under my name and the Seal of said Court at office on this **7th day of May, 2010**

ATTEST: GARY FITZSIMMONS
Clerk of the District Courts of Dallas County, Texas

By _____, Deputy

SHELIA BRADLEY

No.: DC-10-05578

TEKOLA MEKONEN, ETAL

vs.

YOSEF RETTA, ETAL

ISSUED

on this the **7th day of May, 2010**

GARY FITZSIMMONS
Clerk District Courts,
Dallas County, Texas

By **SHELIA BRADLEY**, Deputy

Attorney for Plaintiff

DAVID R GIBSON
1801 N HAMPTON RD
SUITE 210
DESOTO, TX 75115
972/291-9300

3. Tsehay Tsiddk Betemariam is an individual resident of Texas and a naturalized citizen of the United States. Mr. Betemariam has been a member of St. Michael's church for 16 of its 22 years.
4. Defendant Yosef Retta is chairman of St. Michael's board of trustees and may be served with process at 1601 Mosswood Ct., Garland, TX 75042.
5. Defendant Muluaem Fantahun is vice chairman of St. Michael's board of trustees and may be served with process at 645 Goodwin Dr., Richardson, TX 75081.
6. Defendant Dr. Girma Wolde Rufael is the financial officer of St. Michael's board of trustees and may be served with process at 2012 Hearth Side Ln., Garland, TX 75044.
7. Defendant Abebe Ewnetu is secretary of St. Michael's board of trustees and may be served with process at 2017 Mistletoe, Richardson, TX 75081.
8. Defendant Eyoel Negga is a member of St. Michael's board of trustees and may be served with process at 10107 Barn Wood Ln., Dallas, TX 75243.
9. Defendant Abera Fitta is the auditor of St. Michael's board of trustees and may be served with process at 4702 Clay Dr., Row let, TX 75088.
10. Defendant Mrs. Tewabech Tadesse is the purchaser of St. Michael's board of trustees and may be served with process at 3104 Silver Spring Ln., Richardson, TX 75082
11. Defendant Bizuayehu Getachew is the public relations officer of St. Michael's board of trustees and may be served with process at 11917 Oak Highland Dr., Dallas, TX 75243
12. Defendant Mrs. Solome Mekonnen is the treasurer of St. Michael's board of trustees and may be served with process at 1010 Brookview Dr., Allen, TX 75002.
13. This Court has subject matter jurisdiction over this controversy because the amount at issue exceeds the minimum jurisdictional limit of the Court. Venue is proper in Dallas

County, Texas, because all or a substantial part of the acts or omissions giving rise to this cause of action occurred in Dallas County.

14. Although the First Amendment prohibits civil courts from resolving church disputes on the basis of religious doctrine and practice, a state may adopt an approach, including neutral principles of law, for resolving church disputes that involve no consideration of doctrinal matters. *Jones v. Wolf*, 443 U.S. 595, 602 & 604 (1979). Under such an approach, a court may interpret church documents, such as a church constitution, in purely secular terms without relying on religious precepts in resolving the conflict. *Id.* at 604. None of the relief Plaintiffs seek in this lawsuit require consideration of doctrinal matters.

Factual Background

15. Plaintiffs are members and elders of The Ethiopian Orthodox Tewahedo Dabre Mehret St. Michael's Church in Dallas, which is actually located in Garland. The Ethiopian Orthodox Church, like the better-known Russian Orthodox Church, is a Christian denomination.

16. St. Michael's Church has been in existence for approximately 22 years, and Plaintiffs have been members for almost all of that time.

17. The day-to-day affairs of St. Michael's Church are run by a nine-member board of trustees, each of whom is elected by the membership to staggered three-year terms. One-third of the board of trustees is up for election every year at the annual meeting. Defendants constitute the current board of trustees.

18. Governance of the church more broadly is determined by reference to written bylaws. Plaintiffs seek, among other things, a declaration as to the validity of two competing sets of bylaws, one properly enacted by the membership and one purportedly enacted by the current board of trustees.

19. Beginning in 2007 or 2008 a committee was set up by the then board of trustees to amend the bylaws of the church. Although the membership rejected the proposed amendment, the board of trustees purported to enact the amended bylaws over the membership's objection. Thereafter, the board of trustees dispensed with the established procedure for electing trustees at the annual meeting and began selecting trustees much in the manner that the former Soviet Union selected members of the Politburo and the Central Committee. Trustees were no longer elected by the membership, but imposed on the membership by the trustees themselves.

20. In addition to dispensing with democratic elections of the trustees, the purported new bylaws also radically altered the qualifications for membership in the church. Under the old, and Plaintiffs contend still valid bylaws, "all Christians baptized in the Ethiopian Orthodox Tewahedo Church in accordance with its rites and canons, who are willing to discharge the traditional religious obligations and accept all the provisions of these Bylaws, and whose names are recorded in the membership register, qualify as member of the Church." Under the purported new bylaws, prospective members have to complete an application, pay a \$50 fee, and then be formally approved for membership by the Board of Trustees. Moreover, instead of honoring to the ancient tradition of tithing, Defendants now require each member to pay dues of \$30 per month. Thus what used to be open and free membership is now ostensibly controlled by the Board of Trustees and comes with a financial price.

21. Another key change Defendants included in their supposed new bylaws highlights their illicit objective of total control. Whereas the old (and still valid) Bylaws clearly subordinated the Board of Trustees to the ecclesiastical dictates of the membership and the larger Ethiopian Orthodox Tewahedo Church and gave the board authority only over administrative and

other non-ecclesiastical matters, the purported new bylaws removes those restrictions and purports to grant the board of trustees absolute authority over all church matters.

22. Since seizing control of the church, Defendants have used the purported new bylaws to purge the membership, which has fallen from over 900 to less than 150.

23. Toward the end of April, Defendants summarily terminated the senior priest and subsequently refused to explain their decision to the membership. Although termination of a priest is an ecclesiastical matter beyond this Court's jurisdiction, the authority of the Defendant trustees to make that decision in accordance is not since their authority is a function of the bylaws under which they were "elected."

24. Regardless, on May 2, 2010, the first service following termination of the senior priest, Plaintiffs arrived at church for the Sunday morning service to find the parking lot lined with Garland police cars and 8-10 uniformed Garland police officers inside the church menacing the parishioners. These apparently off-duty officers were hired using church funds. Toward the end of the service, during the announcements portion of the service, one of the female parishioners politely and peacefully rose to inquire about the presence of the police. At that point and with no provocation whatsoever, Defendant Fitta led a throng of police officers down the center aisle of the church to the women's side of the hall,¹ whereupon the officers forcibly and violently removed one of the female parishioners from the hall bringing the service to an end and causing a general panic in the church.² These strong-arm tactics were largely caught on film. Amazingly, the woman detained was not even the woman who stood to ask a question, but another parishioner sitting peacefully in her seat. After being bruised, hand-cuffed, thrown onto

¹ As is traditional in many orthodox churches, the women and children sit on one side of the church, whereas the men sit on the other.

² The police, as well as Defendant Fitta, were all wearing shoes inside the sanctuary, which is considered sacrilegious in the Ethiopian Orthodox Church.

the trunk of a squad car, and left to sit in the back of the squad car for half an hour or more, this innocent parishioner was finally released from custody, but only after being forced to apologize to Defendant Ewnetu, the trustee who had been making the announcement when another parishioner simply asked a question. Suffice it to say, she was not read her rights, arrested, or charged with any crime.³

25. Since this past Sunday, Plaintiffs and others have been put on notice that they and other parishioners not in alignment with Defendants will not be permitted enter the church for Sunday services, despite the fact that they are registered members of the church.

26. On information and belief, Defendants are using church funds to their own personal benefit, as evidenced by the hiring of 8-10 off-duty uniformed Garland police officers. The board currently has in its possession, custody or control funds belonging to the membership in the amount of \$600,000 to \$800,000. The church property itself is valued at approximately \$1.6 million.

27. In addition, despite repeated requests from Plaintiffs and others, Defendants have refused to call a general meeting of the membership as permitted under the valid bylaws to address the issues presented herein, nor will Defendants make church books and records available for inspection. More specifically, the valid Bylaws provide that the trustees shall call a membership meeting upon the request of 10% of the registered members. Despite receiving a petition from 25% of the membership, Defendants refused to call a membership meeting.

³ A complaint has been filed with the Garland police and internal affairs is currently investigating.

CLAIMS

Count 1: Declaratory Judgment

28. Plaintiffs seek a declaration declaring the April 12, 2009 purported bylaws null and void. Plaintiffs further seek a declaration declaring the pre-existing Bylaws to be the valid and subsisting Bylaws of the church.

29. Plaintiffs further seek a declaration invalidating the "election" of each Defendant to the board of trustees to the extent their elections were not in accordance with the valid Bylaws of the church as determined by this Court and removing each such Defendant from the board of trustees.

30. Plaintiffs further seek recovery of their reasonable and necessary attorney's fees as are reasonable and just.

Count 2: Accounting

31. Plaintiffs seek an accounting of all church funds received or expended since any defendant first served on the board of trustees.

Application for Temporary Restraining Order and Temporary Injunction

32. Pursuant to Texas Rule of Civil Procedure 680 and Chapter 65 of the Texas Civil Practice and Remedies Code, Plaintiffs request the Court to issue an *ex parte* temporary restraining order followed by a temporary injunction prohibiting Defendants, individually or collectively, and any person or entity acting on their behalf, including in particular any security guard or service or on- or off-duty law enforcement officers from excluding, preventing or interfering in any way with any person seeking to attend church services or otherwise entering the church premises for any purpose traditionally associated with the church.

33. Pursuant to Texas Rule of Civil Procedure 680 and Chapter 65 of the Texas Civil Practice and Remedies Code, Plaintiffs further request the Court to issue an *ex parte* temporary restraining order followed by a temporary injunction prohibiting Defendants, individually or collectively, and any person or entity acting on their behalf, from expending any funds or transferring any property of the church except in the ordinary course of the church's business, which shall not be construed to include the hiring of security guards or off-duty police officers.

34. Pursuant to Texas Rule of Civil Procedure 680 and Chapter 65 of the Texas Civil Practice and Remedies Code, Plaintiffs further request the Court to issue an *ex parte* temporary restraining order followed by a temporary injunction prohibiting Defendants, individually or collectively, and any person or entity acting on their behalf, from hiding, secreting, destroying or otherwise disposing of any church documents or records, including without limitation financial records of the church.

35. Pursuant to Texas Rule of Civil Procedure 680 and Chapter 65 of the Texas Civil Practice and Remedies Code, Plaintiffs further request the Court to issue an *ex parte* temporary restraining order followed by a temporary injunction prohibiting Defendants, individually or collectively, and any person or entity acting on their behalf, from hiring, inviting, or otherwise permitting any security service or guards or off-duty police officers onto the premises of the church on any day church services are conducted or in the sanctuary at any time, except as otherwise permitted under federal, state, and municipal law for a legitimate for a legitimate matter warranting the involvement of on-duty law enforcement.

36. Relief should be granted *ex parte* because Plaintiffs will suffer irreparable injury, loss or damage if such TRO is not granted. More specifically, upon receiving notice of this application, Defendants would certainly and immediately destroy records to cover their trail

before the Court would have an opportunity to hear this application. Moreover, Plaintiffs are seeking to enforce their constitutional right to freely exercise their religion, the denial of which cannot be adequately redressed at law.

37. Plaintiffs are entitled as a matter of law to the relief sought in this lawsuit, and all or part of that relief requires the restraint of acts prejudicial to Plaintiffs. The principles of equity and the laws of Texas relating to injunctions further entitle Plaintiffs to the requested relief. Because the rights involved are constitutional in origin, irreparable injury will result if Defendants are allowed to deny Plaintiffs and the church membership generally access to worship.

38. Plaintiffs have a probable right to the relief they seek on final trial.

39. Plaintiff will suffer a probable injury if injunctive relief is not granted. More specifically, harm is imminent, Plaintiff's injury would be irreparable, and Plaintiff has no other adequate legal remedy. Plaintiff's damages cannot be measured by any certain pecuniary standard.

40. After notice and an opportunity to be heard, Plaintiffs request issuance of a temporary injunction and following a trial on the merits a permanent injunction along the lines set forth above.

41. Plaintiffs are willing to post a bond but suggest, under the circumstances, that it should be minimal.

Conditions Precedent

42. All conditions precedent to Plaintiffs' recovery have been performed, have occurred, or have been waived.

Request for Disclosure

43. Pursuant to Rule 194, you are requested to disclose, within 50 days of service of this request, the information or material described in Rule 194.2.

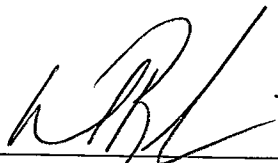
Request for Expedited Discovery

44. Pursuant to Rule 191.1, Plaintiffs request expedited discovery.

Prayer

WHEREFORE, Plaintiffs request that Defendants be cited to appear and answer, and that on final trial by jury, Plaintiffs have judgment against Defendants as set forth above.

Respectfully submitted,

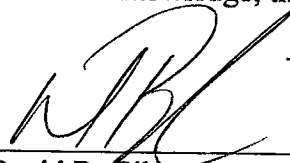


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(972) 291-9300
(972) 291-0636 Facsimile

COUNSEL FOR PLAINTIFFS

Local Rule 2.02 Certificate

Pursuant to Local Rule 2.02(b), counsel for Plaintiffs hereby certifies that irreparable harm is imminent and there is insufficient time to notify the opposing parties. Moreover, to notify the opposing parties would impair or annul the court's power to grant relief because the subject matter of the application could be accomplished or property removed, secreted or destroyed, if notice were required. To the best of counsel's knowledge, this case is not subject to transfer under Local Rule 1.06.



David R. Gibson

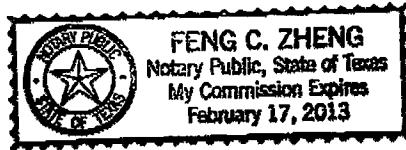
VERIFICATION


STATE OF TEXAS §
 §
 §
COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, personally appeared Tekola Mekonen, a person whose identity was proven to me, who after being duly sworn stated under oath that he has personal knowledge of the facts stated in the foregoing instrument and that said facts are true and correct.


Tekola Mekonen

SUBSCRIBED AND SWORN to before me, the undersigned Notary Public in and for the State of Texas, on this 7th day of May 2010.

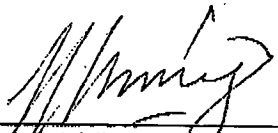



Notary Public in and for
The State of Texas

VERIFICATION

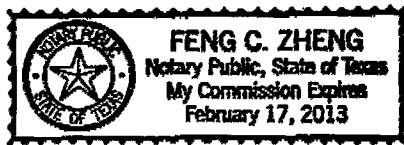
STATE OF TEXAS §
 §
COUNTY OF DALLAS §


BEFORE ME, the undersigned authority, personally appeared Tsehaye Tsidk Betemariam, a person whose identity was proven to me, who after being duly sworn stated under oath that he has personal knowledge of the facts stated in the foregoing instrument and that said facts are true and correct.



Tsehaye Tsidk Betemariam

SUBSCRIBED AND SWORN to before me, the undersigned Notary Public in and for the State of Texas, on this 7th day of May 2010.





Notary Public in and for
The State of Texas

No. DC-10-05578-E

SUIT PENDING IN THE DISTRICT COURT OF DALLAS COUNTY, TEXAS

TEKOLA MEKONEN, ETAL

VS.

YOSEF RETTA, ETAL

THE STATE OF TEXAS

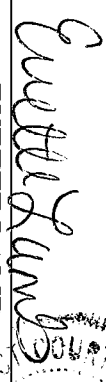
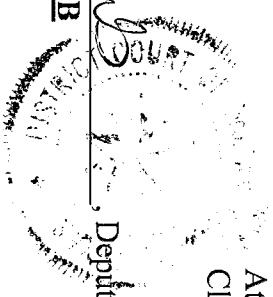
To: MRS. SOLOME MEKONNEN
YOU ARE HEREBY COMMANDED TO BE AND APPEAR BEFORE THE HONORABLE JUDGE OF THE 101ST DISTRICT
COURT OF TEXAS, at the Courthouse in Dallas, Texas, on 18TH DAY OF MAY, 2010 AT 10:00 A.M.
THEN AND THERE TO SHOW CAUSE, if any, WHY
A TWMPORARY INJUNCTION PRAYED FOR SHOULD BE GRANTED

Herein Fail Not, but of this writ, and how you have executed the same, make due return.

WITNESS: GARY FITZSIMMONS, Clerk of the District Court of Dallas County, Texas.

Given under my hand and seal of office, at Dallas, **ON THIS THE 7TH DAY OF MAY, 2010.**

Attest: GARY FITZSIMMONS
Clerk, District Courts, Dallas County, Texas



Evette Lamb, Deputy.
EVETTE LAMB