

# LETTERS RECEIVED IN KALANGALA: (Received via email in America, July 5, 2012)

## 1. ORDER ADOPTING IN PART AND MODIFYING IN PART REPORT AND RECOMMENDATION (D.E. NO. 160)

THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE, EASTERN DIVISION

PLAINTIFFS: General Conference Corporation of Seventh-Day Adventists and General Conference of Seventh-Day Adventists.

DEFENDANT: Walter McGill, Creation Seventh Day Adventist Church

[I believe you have this document, so, I will just copy the Conclusion:]

CONCLUSION:

Following a de novo review of the objected to portions of the Magistrate Judge's report, the report and recommendation is ADOPTED IN PART and MODIFIED IN PART to reflect that the sanctions imposed herein are civil. The Plaintiffs are AWARDED attorney's fees associated with filing the notice of additional violations of court orders and motion for setting evidentiary show cause hearing and for appearing in Court for the evidentiary hearing on that motion. Counsel for the Plaintiffs is DIRECTED to submit an affidavit detailing those fees within thirty (30) days from the entry of this order. McGill and Chartier are each FINED \$500.00 to be payable to the Clerk of Court for the United States District Court for the Western District of Tennessee. Finally, McGill and Chartier are DIRECTED to file with the Clerk of this Court and serve on Plaintiffs, within fifteen (15) days after issuance of the Order, a report in writing, under oath, setting forth in detail the manner and form in which they have complied with the Court's orders and injunction. If McGill and Chartier fail to timely submit this written report, under oath, the Court will direct the United States Marshals Service to issue a warrant for their arrest.

IT IS SO ORDERED this 5<sup>th</sup> day of April, 2012.

J. DANIEL BREEN, UNITED STATES DISTRICT JUDGE.

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## 2. ADAMS AND REESE, LLP

This appears to be an itemized bill from the attorneys, Adams and Reese.....with a Notice of Filing.....Dated May 4<sup>th</sup>, 2012. The amount of the bill is **\$38,195.75**.

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## 3. REPORT AND RECOMMENDATION

PLAINTIFFS: General Conference Corporation of Seventh-Day Adventists and .....

DEFENDANTS: Walter McGill, Creation Seventh Day Adventist Church

On an Amended Referral, (D.E. 180) this Magistrate Judge considers the reasonableness of the fees and costs submitted by the attorneys for Plaintiffs as contained in the Declaration of Joel T. Galanter in support of his law firm's request for fees and costs (D.E. 178-1)

Specifically, the District Court ordered Plaintiffs to provide a list of their legal fees and costs which were associated with their filing of the notice of additional violations of court orders by Defendant Walter McGill, the motion to set an evidentiary show cause hearing and for appearing at that hearing (D.E. 175)

The Magistrate Judge determines that counsel for Plaintiffs has filed properly supported documentation of the related fees and costs during this period of time. Defendant McGill has made no response to this filing.

The Magistrate Judge determines that the fees and costs submitted are reasonable, necessary and properly incurred by Plaintiffs in this matter and recommends that the District Court award the fees and costs submitted totaling **\$33,920.93**.

Respectfully Submitted,

Edward G. Bryant, U.S. Magistrate Judge.

Date: **May 30, 2012**

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## 4. REPORT AND RECOMMENDATION

PLAINTIFFS: General Conference Corporation of Seventh-Day Adventists.....

DEFENDANTS: Walter McGill, Creation Seventh Day Adventist Church

This referral to the Magistrate Judge is for a report and recommendation of reasonableness of the fees submitted by the attorneys for Plaintiffs (D.E. 187). Specifically, the District Court ordered Plaintiffs to provide a list of their legal fees incurred associated with their filing of the notice of additional violations of court orders by Defendant Walter McGill, the motion to set an evidentiary show cause hearing and for appearing at that hearing (D.E. 183). Counsel for Plaintiffs have filed properly supported documentation of these fees. Defendant McGill has made no response to this filing.

This Magistrate Court finds that these fees are reasonable, necessary and properly incurred by Plaintiffs in this matter and recommends that the District Court award the fees, totaling **\$38,195.75**, to the Plaintiffs.

Respectfully submitted,

Edward G. Bryant, U.S. Magistrate Judge

Date: **May 22, 2012**

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**5. ORDER OF REFERENCE**

PLAINTIFFS: General Conference Corporation of Seventh-Day Adventists.....  
DEFENDANT: Walter McGill, Creation Seventh Day Adventist Church

On April 5, 2012, the Court ordered Defendant, Walter McGill, to pay the attorney's fees that the Plaintiffs incurred associated with filing the notice of additional violations of court orders and motion to set an evidentiary show cause hearing, as well as for appearing in Court for the evidentiary hearing. (D.E. 183) The Court's order directed counsel for the Plaintiffs to submit an affidavit detailing those fees within thirty days, which they have done. (D.E. 186). The affidavit of Plaintiffs' counsel, Joel T. Galanter, is referred to the United States Magistrate Judge for a determination as to the reasonableness of the fees submitted. Any objections to the Magistrate Judge's determination shall be made within fourteen (14) days after service, setting forth particularly those portions of the determination objected to and the reasons for the objections.

IT IS SO ORDERED this 7<sup>th</sup> Day of May, 2012

Daniel Breen, U.S. District Judge

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**6. ORDER TO ISSUE WARRANTS FOR THE ARREST OF WALTER MCGILL AND LUCAN CHARTIER**

On April 5, 2012, this Court found Defendant, Walter McGill, and his associate, Lucan Chartier, to be in willful contempt of an injunction and Court orders protecting the trademarks of Plaintiffs, General Conference Corporation of Seventh-Day Adventists and General Conference of Seventh-Day Adventists, an unincorporated association. (D.E. 183). The Court imposed civil sanctions against McGill and Chartier, which included ordering McGill to pay the Defendants' related attorney's fees and imposing a \$500.00 fine on both McGill and Chartier. Additionally, the Court directed McGill and Chartier "to file with the Clerk of this Court and serve on Plaintiffs, within fifteen (15) days after issuance of this Order, a report in writing, under oath, setting forth in detail the manner and form in which they have complied with the Court's orders and injunctions. It cautioned that failure to comply with the Court's directive would result in their incarceration for a period not exceeding thirty days, with twenty days of Chartier's sentence suspended pending his good behavior.

McGill and Chartier have failed to file a written report under oath detailing their compliance with the Court's orders and injunction, and the time for them to do so has expired. Accordingly, the Clerk of Court is DIRECTED to issue warrants for the arrest of Walter McGill and Lucan Chartier. The United States Marshals Service is DIRECTED to execute those warrants and incarcerate McGill and Chartier until such time as they have ceased all contemptible conduct, but not more than a period of thirty (30) days. Further, twenty (20) days of Chartier's sentence shall be suspended pending his good behavior while in the custody of the Marshals Service.

**IT IS SO ORDERED this 2<sup>nd</sup> Day of May, 2012.**

Daniel Breen, United States District Judge.

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