

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

David Crossett,
Plaintiff,

v.

The Church of Jesus Christ of Latter-day Saints,
Defendant.

Case No.: 1:24-CV-205

EMERGENCY MOTION TO EXPEDITE ISSUANCE OF SUBPOENA

Plaintiff David Crossett, appearing pro se, submits this Emergency Motion to Expedite Issuance of Subpoena and states as follows:

URGENT AND TIME-SENSITIVE

Time is of the essence in this matter. Immediate action is required to prevent further prejudice to Plaintiff's case.

PRO SE STATUS AND RIGHT TO CONTACT OPPOSING PARTY

1. Plaintiff is Proceeding Pro Se and Not Bound by Attorney Ethics Rules: Plaintiff, as a pro se litigant, is not an attorney and is therefore not subject to the Utah Rules of Professional Conduct governing attorneys. Unlike licensed attorneys, Plaintiff has no restrictions or prohibitions against contacting any and all opposing parties, including representatives or members of the Defendant organization.

2. Opposing Counsel is Solely Bound by Legal and Ethical Obligations: In contrast, David J. Jordan, as a licensed attorney in Utah, is fully bound by the ethical and legal obligations imposed by the Utah State Bar and the Utah Rules of Professional Conduct. His conduct and actions are subject to oversight and disciplinary action under these rules, whereas Plaintiff, as a private citizen representing himself, has no such restrictions.

3. Cease-and-Desist Letter is a Baseless Attempt to Restrict Plaintiff's Rights:

- Opposing counsel has falsely asserted that Plaintiff is prohibited from contacting members of the Church regarding his records.
- No legal authority or ethical rule applies to Plaintiff that would restrict such communications. The cease-and-desist letter is an improper attempt to intimidate and silence Plaintiff from exercising his legal rights.
- Plaintiff has every legal right to communicate with any individual or entity relevant to his case.

FACTUAL BACKGROUND

4. Plaintiff's Due Diligence in Requesting Records: Plaintiff has made numerous attempts to obtain personal records from The Church of Jesus Christ of Latter-day Saints, including contacting:

- The Church Office Building

- The Confidential Records Division
- The Membership Records Division
- The Manti Temple
- Local Bishop Watson

5. Evidence of Communications and Church's Initial Agreement to Provide Records: Plaintiff possesses text messages and other documented communications confirming that Church representatives initially agreed to provide the requested records and that they would be sent to Bishop Watson.

6. Church's Subsequent Refusal and Contradictory Statements: Despite these assurances, Bishop Watson, after being contacted by Plaintiff on three separate occasions, has now refused to provide the records. Bishop Watson has also stated that he was advised not to have further contact with Plaintiff regarding these records.

7. Inconsistencies in the Church's Position: The Church has demonstrated conflicting positions regarding whether Plaintiff's records exist:

- Plaintiff was told by the switchboard at the Manti Temple in Manti, Utah, that records of his 1972 temple marriage are on file.
- Plaintiff has received his patriarchal blessing from the Church after his resignation, further indicating that Church records still exist.
- The Church, at times, has denied possession of records while simultaneously demonstrating they exist.

8. Relevance to the Case: The heart of this case is whether the Church has followed through on its obligation to remove Plaintiff's name and records as promised. The Church's contradictory statements and refusal to comply with Plaintiff's requests necessitate

judicial intervention. A subpoena is critical to confirm whether these records exist or not, allowing the case to move forward.

DEFENDANT'S REFUSAL TO ENGAGE IN SETTLEMENT

9. Plaintiff Has Made a Reasonable Settlement Offer: In an effort to resolve this matter without further burdening the Court, the State, or the Defendant, Plaintiff has extended a straightforward and reasonable settlement offer:

- The only relief Plaintiff seeks is confirmation that his name has been fully and permanently removed from all records of the Mormon Church.
- If Defendant provides verification of this removal, Plaintiff will immediately withdraw this lawsuit in its entirety.

10. Defendant's Silence and Refusal to Engage in Resolution: Instead of responding in good faith, the Church has:

- Ignored Plaintiff's settlement offer, providing no response.
- Refused to negotiate or offer any resolution, despite the simplicity of the request.
- Displayed an entrenched, arbitrary, and capricious stance, needlessly escalating this matter.

11. Litigation is Unnecessary and Wasteful: Plaintiff's reasonable offer serves the best interests of all parties—it would spare the Court's resources, reduce legal expenses for the State and Defendant, and allow this issue to be resolved swiftly.

EMOTIONAL DAMAGE CAUSED BY DEFENDANT'S ACTIONS

12. Plaintiff Has Suffered Emotional Distress as Verified by a Psychiatrist:

- Attached as Exhibit B is a letter from Plaintiff's psychiatrist verifying that Plaintiff has suffered emotional distress, pain, and suffering due to the treatment he has endured while simply trying to obtain his records from the Mormon Church.
- Defendant's obstruction, refusal to respond, and deliberate stonewalling have caused significant emotional harm to Plaintiff.
- This distress is directly attributable to Defendant's misconduct and further justifies the need for immediate relief from the Court.

REQUEST FOR JUDICIAL NOTICE

13. Plaintiff requests that this Honorable Court take judicial notice of the attached letter from opposing counsel, David J. Jordan, in which he threatens sanctions against Plaintiff simply for seeking his own records.

- This letter is an attempt to intimidate a pro se litigant and obstruct access to critical evidence.
- Plaintiff submits this letter as Exhibit A and requests that the Court take judicial notice of this bad-faith litigation tactic in assessing the necessity of issuing the requested subpoena.

WHEREFORE, Plaintiff requests that this Honorable Court:

- Expedite the issuance of a subpoena for the requested records from The Church of Jesus Christ of Latter-day Saints.
- Order the Defendant to immediately confirm the existence or non-existence of Plaintiff's records.
- Acknowledge that Plaintiff, as a pro se litigant, is not bound by any attorney ethics rules and is fully permitted to contact any and all relevant parties regarding his case.

- Take judicial notice of the baseless and oppressive threat of sanctions against Plaintiff, a 77-year-old pro se litigant living on Social Security, as an outrageous, mean-spirited, and conscience-shocking act of intimidation.
- Recognize that Plaintiff has made a reasonable settlement offer, which Defendant has ignored, refused, and obstructed, and that their conduct is arbitrary, capricious, and wasteful of judicial resources.
- Take judicial notice of the psychiatrist's verification that Defendant's actions have caused Plaintiff emotional distress, pain, and suffering, as further evidence of Defendant's wrongful and harmful conduct.
- Provide any other relief deemed just and proper.

Respectfully submitted,

David Crossett

/s/