

Martin Myers vs. Urantia Foundation

In United States District Court

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN
DIVISION
No. 94 C 00927 Judge Williams

MARTIN W. MYERS, Plaintiff,
vs. THOMAS C. BURNS, HOITE C. CASTON, K. RICHARD
KEELER, PATRICIA SADLER MUNDELIUS,
Trustees of URANTIA FOUNDATION,
and PHILIP A. ROLNICK, an individual represented to be a
newly elected Trustee, Defendants.

AMENDED COMPLAINT COUNT I DECLARATORY JUDGMENT

NOW COMES the plaintiff, MARTIN W. MYERS, by his attorney, STANLEY H. JAKALA, and states as follows:

1. Plaintiff, Martin W. Myers, is a resident of Evanston, Illinois.
2. Plaintiff, Martin W. Myers, was duly elected a Trustee of URANTIA Foundation in 1973, and, significantly, prior to his election as Trustee, plaintiff had been invited in 1968 by Dr. William S. Sadler and Ms. E.L. Christensen, two individuals who had been instrumental in bringing forth The URANTIA Book and establishing URANTIA Foundation, to live with them at the URANTIA Foundation headquarters building at 533 Diversey Parkway, Chicago, Illinois, where, subsequent to Dr. Sadler's death in 1969 and in association with three of the five founding Trustees, two, closely, Ms. E.L. Christensen for fourteen years, and Ms. Edith E. Cook for twenty-one years, plaintiff had become intensely involved in, and intimately knowledgeable of, the multifaceted affairs of URANTIA Foundation, URANTIA Brotherhood (a social and fraternal organization licensed at one time by the Foundation), and First URANTIA Society (a group for the book's study affiliated with the then URANTIA Brotherhood), and where plaintiff had learned first hand the founders' guiding principles and their practical application to URANTIA Foundation's day-to-day operations, and where plaintiff had served URANTIA Foundation in various capacities since at least as early as 1971, including its Vice Presidency and Presidency.
3. URANTIA Foundation is a charitable Illinois not-for-profit common law trust in perpetuity located and doing business at 533 Diversey Parkway, Chicago, Illinois 60614, and its By-Laws require Trustee meetings at least four times a year, which meetings are usually held at the Foundation's principal offices at 533 Diversey Parkway, Chicago, Illinois 60614.
4. Defendant Thomas C. Burns was duly elected a Trustee of URANTIA Foundation in August 1992, and since his election has regularly attended the quarterly meetings of the Board of Trustees of URANTIA Foundation at its principal offices at 533 Diversey Parkway, Chicago, Illinois, 60614.
5. Defendant Hoite C. Caston was duly elected a Trustee of URANTIA Foundation in June 1986, and since his election has regularly attended the quarterly meetings of the Board of Trustees of URANTIA Foundation at its principal offices at 533 Diversey Parkway, Chicago, Illinois 60614.
6. Defendant K. Richard Keeler was duly elected a Trustee of

URANTIA Foundation in July 1989, and since his election has regularly attended the quarterly meetings of the Board of Trustees of URANTIA Foundation at its principal offices at 533 Diversey Parkway, Chicago, Illinois 60614.

7. Defendant Patricia Sadler Mundelius was duly elected a Trustee of URANTIA Foundation in March 1990, and since her election has regularly attended the quarterly meetings of the Board of Trustees of URANTIA Foundation at its principal offices at 533 Diversey Parkway, Chicago, Illinois 60614.

8. As a result of the many violations of the spirit and letter of the Declaration of Trust Creating URANTIA Foundation by defendants as set forth in paragraphs 8 through 36 below, of this Amended Complaint, plaintiff brings this action to enforce the terms of the Declaration of Trust in accord with the intent and purposes of the creators of the Declaration of Trust and to ensure that the OBJECTS, as set out in Article II thereof, shall, in fact, be achieved through the enforcement of the high standards of fiduciary conduct imposed upon the Trustees of URANTIA Foundation by the Declaration of Trust Creating URANTIA Foundation and the law of the State of Illinois, for the faithful administration of their public trust.

9. On information and belief, on April 17, 1993, Thomas C. Burns, Hoite C. Caston, K. Richard Keeler, and Patricia Sadler Mundelius elected defendant Philip A. Rolnick as a Trustee of URANTIA Foundation in violation of the Declaration of Trust Creating URANTIA Foundation, but defendant Philip A. Rolnick has, subsequent to the aforesaid election, acted as a Trustee of URANTIA Foundation; he attended his first quarterly meeting of the Board of Trustees of URANTIA Foundation on or about July 17, 1993, at the Foundation's principal offices at 533 Diversey Parkway, Chicago, Illinois 60614.

10. One of the longstanding principles of URANTIA Foundation is the Principle of Proper Procedures, which the Trustees of URANTIA Foundation have repeatedly and publicly committed themselves to rely upon in carrying out their fiduciary responsibilities in working toward the realization of the goals and purposes of URANTIA Foundation. Further, the Trustees of URANTIA Foundation have also required that its licensee organizations follow the Principle of Proper Procedures. Exhibits A and B, attached herein, are two excerpts from the April 1990 Special Report to the Readers of The URANTIA Book, written and published by the Trustees of URANTIA Foundation, wherein they publicly state their commitment to this Principle and wherein defendant Hoite C. Caston eloquently illuminates how this Principle is to be applied, and specifically, in Exhibit B, 19-3, last paragraph, emphasizes the requirement for evidence to support charges against any person in conjunction with the Principles of The URANTIA Book about which he refers throughout that Exhibit.

11. On August 22, 1992, the then Trustees of URANTIA Foundation, defendants Hoite C. Caston, K. Richard Keeler, and Patricia Sadler Mundelius, commenced an action to remove the plaintiff, Martin W. Myers, as a Trustee of URANTIA Foundation, wherein plaintiff read a written statement, a copy of which is attached herein as Exhibit C, wherein he stated "...[B]eing a Trustee of URANTIA Foundation is a serious responsibility and my ability so to serve has now been brought into question. Because of this, rather than resign, I wish to proceed with the removal proceedings