

FILED
U.S. DISTRICT COURT
INDIANAPOLIS DIVISION
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IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

Mark DURHAM,

Pro Se Plaintiff,

v.

EVERY NATIONS Church, and Productions, in its corporate

and individual capacities, a/k/a, and d/b/a MORNINGSTAR

INTERNATIONAL Ministries, in its corporate and individual

capacities, Pastor Dave JAMERSON, in his corporate and

individual capacities, Steve MURRELL in his official,

corporate and individual capacities, Indiana State's Attorney,

Carl BRIZZI, in his official and individual capacities of Marion

County, Indiana, JUDGE, GERALD S. ZORE, in his

official and individual capacities, Attorney Patrick BENNETT

in his official and individual capacities, Susan BENNETT-YEAGY

in her individual capacity, Officer JEFFREY C. HEARON,

Indiana Highway Patrol Investigator, in his official and individual

capacities, Shawn SCHILLING in any official and individual

capacity.

Defendants.

VERIFIED COMPLAINT

JURY CLAIM AS TO ALL COUNTS

1 : 07 -cv-0676-SEB-TAB

CIVIL ACTION:

INTRODUCTION

Mark Durham of Rockford, Illinois hereby asserts the following claims against the defendants in the above-entitled action:

(1) violation of 42 U.S.C. 1983: arrest,

(2) violation of 42 U.S.C. 1983: detention and confinement,

(3) violation of 42 U.S.C. 1983: conspiracy,

(4) malicious prosecution,

(5) malicious abuse of process,

(6) false arrest and imprisonment,

(7) conspiracy,

(8) intentional infliction of emotional distress,

(9) common law fraud

JURISDICTION

1. Jurisdiction of this court arises under 28 U.S.C. secs 1331, 1337, 1343(a), and 1367(a); 42 U.S.C. secs. 1983, 1985, 1986, and 1988; and 18 U.S.C. 1961-1968. Jurisdiction of this court for the pendent claims is authorized by F.R.Civ.P. 18(a), and arises under the doctrine of pendent jurisdiction as set forth in United Mine Workers v. Gibbs, 383 U.S. 715 (1966). This Court has supplemental jurisdiction of plaintiff's state law claims pursuant to 28 U.S.C. § 1367

2. This Court also has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1332, as there is complete diversity of citizenship between the parties, and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs. Venue is proper in this district pursuant to 28 U.S.C. § 1391, because a substantial part of the events or omissions giving rise to Plaintiff's claims occurred in this judicial district. The Common Law

PARTIES

3. Plaintiff Mark Durham ["DURHAM"] is a natural person residing at 1303 Garfield Drive, Belvidere, Boone County, Illinois, United States of America; is a resident of Illinois.
4. Defendant EVERY NATIONS, ["EVERY NATIONS"], is a corporate entity, upon information and belief, based in the State of Tennessee, with offices, churches, and/or production entities in each of the 50 states, doing business in the same, or under the alias Morningstar Ministries, in addition, but not limited to, having offices in Manila, London and Vancouver at all times relevant to this Complaint.
5. Defendant Dave Jamerson, ["JAMERSON"], is a natural person, upon information and belief, a resident of the State of Indiana at all times relevant to this Complaint.
6. Defendant Steve Murrell, ["MURRELL"] is a natural person and upon information and belief, a resident of the Nation of Manila, at all times relevant to this Complaint.
7. Defendant Carl Brizzi, ["BRIZZI"] is a natural person, and a resident of the State of Indiana, United States of America, and a duly-elected State's Attorney of the State of Indiana at all times relevant to this Complaint.
8. Defendant Judge, GERALD S. ZORE is a natural person and upon information and belief, a resident of the State of Indiana duly elected and/or appointed by the citizens thereof at all times relevant to this Complaint.
9. Defendant Patrick BENNETT, is a natural person, and an officer of the Court of the State of Indiana, upon information and belief, the father of Susan BENNETT-YEAGY, and a former State patrol officer of the State of Indiana.
10. Defendant Susan BENNETT-YEAGY, upon information and belief resides at 1509 Sandi Drive, Indianapolis, Indiana, 46260, which residence is located in Marion County, in the State of Indiana.
11. Defendant Jeffrey C. HEARON, Indiana Highway Patrol Investigator, was a resident of Indiana and a member of the Indiana State Highway Patrol at all times relevant to this complaint.
12. Defendant Shawn SCHILLING is a natural person and resides in the State of Indiana,
13. Plaintiff sues all public employees in their official and individual capacities.

FACTS

14. On or about December 25, 2000, DURHAM met BENNETT-YEAGY on the Beach of Key West Florida.
15. On or about March of 2001, DURHAM and BENNETT-YEAGY met and dated in Chicago, Illinois pursuant to e-mails and telephone calls between Plaintiff and Defendant.
16. On or about April of 2004, BENNETT-YEAGY proposed to DURHAM and became engaged to DURHAM in Chicago, Illinois in writing. See attached Exhibit A made a part hereof, by reference thereto.
17. That DURHAM and BENNETT-YEAGY agreed to be married on March 5th, 2005.
18. That DURHAM purchased an engagement ring for said agreed marriage in the amount of \$16,000.
19. That during said engagement, DURHAM made payments and paid various expenses of BENNETT-YEAGY in response to her promise to marry DURHAM, including, but not limited to, plumbing expenses, school expenses for her children, household expenses, vehicle expenses and expenses related to the marriage proposal. See attached EXHIBIT B made a part hereof, by reference thereto.
20. That said marriage was to take place at the EVERY NATIONS church, upon information and belief, formerly known as Morningstar International Church.
21. That on or about December of 2004, DURHAM and BENNETT-YEAGY met and counselled with JAMERSON, a pastor with the EVERY NATIONS church regarding their relationship and the proposed marriage.
22. That during said meetings with JAMERSON, JAMERSON asked DURHAM and BENNETT-YEAGY if they loved each other and when both responded in the affirmative, stated "...God is in This...".
23. That during said meetings between JAMERSON, DURHAM and BENNETT-YEAGY, JAMERSON made it known to DURHAM and BENNETT-YEAGY that he had a past history of lust and problems with personal masturbation.
24. That upon information and belief, JAMERSON was a professional athlete in the past, prior to his pastor status with the EVERY NATIONS church.
25. That upon information and belief, BENNETT-YEAGY has received funds from EVERY NATIONS church and said funds were used against DURHAM for the benefit of BENNETT-YEAGY in defending herself from claims by DURHAM for money restitution from BENNETT-YEAGY.
26. That upon information and belief, EVERY NATIONS church and its officials target professional athletes for the purpose of church membership and control for their personal fortunes for own personal monetary use.
27. That upon information and belief, JAMERSON and MURRELL are officials in the EVERY NATIONS church.
28. That upon information and belief, EVERY NATIONS church lacks financial accountability and does not use a proper hierarchical organization to provide proper and legal official accountability.
29. That upon information and belief, EVERY NATIONS has lopsided money policies and focus.
30. That upon information and belief, EVERY NATIONS is a highly authoritarian cult, and its subsidiaries including Morningstar International do not publish annual independently audited financial reports that disclose all salaries, expenses, expenses and compensation to provide financial transparency.
31. That upon information and belief, EVERY NATIONS uses cultish practices, including, but not limited

to, being taught not to make any major decisions without speaking to a "discipler", while slowly and gradually introducing a person to more strict doctrines used in church control, similar to the chapters in the Masonic Order.

32. That upon information and belief, SCHILLING is an attorney, a member of the EVERY NATIONS church, and on the payroll of EVERY NATIONS for the benefit of BENNETT-YEAGY.

33. That on or about March 5, 2005, the date proposed for marriage by BENNETT-YEAGY, BENNETT-YEAGY failed to follow through with her promises to marry DURHAM and instead kept the benefits of their relationship to herself, including, but not limited to, car usage, children education costs, household expenses, and other financial gain. See EXHIBIT C, attached hereto, and made a part hereof, by reference thereto.

34. That on or about March 5, 2005, DURHAM suffered tremendous financial loss and hardships as a result of the breach of agreement by BENNETT-YEAGY, including, but not limited to, severe emotional distress, psychiatric care, moving expenses, and other financial losses. See EXHIBIT D, and made a part hereof by reference thereto.

35. That on or about March 5, 2005, DURHAM demanded from BENNETT-YEAGY that she repay DURHAM \$3000 as reimbursement for the plumbing work DURHAM paid for in BENNETT-YEAGY'S time of need.

36. That upon information and belief, Defendant BENNETT, BENNETT-YEAGY'S father advised and urged BENNETT-YEAGY to pay DURHAM the \$3000 demanded and be done with all matters.

37. That on or about March 5, 2005, BENNETT-YEAGY in fact wrote a check dated March 24, 2005 for \$3000 and gave it to DURHAM.

38. That upon information and belief, on or about March 20, 2005, BENNETT-YEAGY took the \$3000 check from DURHAM'S vehicle and destroyed the same.

39. That BENNETT-YEAGY failed to pay DURHAM the \$3000 after demand by DURHAM for payment.

40. That on or about March of 2005, BENNETT and/or BENNETT-YEAGY did not contact the local police, but contacted the Indiana State Highway Patrol to assist in the arrest of DURHAM.

41. That upon information and belief, BENNETT is a former Indiana State Highway Patrolman and holds a position with the Indiana State Highway Patrol Board.

42. That on or about HEARON of the Indiana State Highway Patrol served DURHAM with a warrant for arrest.

43. That on or about April of 2005, BENNETT contacted DURHAM by telephone and stated, "Get out of Indianapolis and stay out of Indianapolis!"

44. That on or about April 8, 2005, BRIZZI and/or his agents under his supervision, brought criminal charges against DURHAM on behalf of BENNETT and BENNETT-YEAGY for criminal intimidation.

45. That as a result of the criminal charges brought by BENNETT and BENNETT-YEAGY, DURHAM had to spend a night in jail on an arrest warrant.

46. That on or about April of 2005, JAMERSON was listed as a witness for BENNETT-YEAGY and the prosecution.

47. That on or about NOVEMBER, 21, 2006, DURHAM was found not guilty by jury of the criminal charges against him for the alleged intimidation.

48. That on or about June 12, 2005, DURHAM filed suit against BENNETT-YEAGY for repayment of the \$3000

and other damages specified therein. See Attached EXHIBIT D and made a part hereof, by reference thereto.

49. That on or about August 9, 2005, BENNETT appeared as BENNETT-YEAGY's counsel in violation of the attorney's ethics rules of the State of Indiana and moved for dismissal of the state case in Marion County.

50. That on or about AUGUST, 31, 2006, Judge GERALD S. ZORE, dismissed DURHAM'S case against BENNETT-YEAGY with a corrupt and tainted order while DURHAM was briefly out of the courtroom in the bathroom of the courthouse.

51. That on or about JULY of 2005, BRIZZI and or his agents again brought criminal charges against DURHAM and executed another warrant through the Indiana State Highway Patrol on behalf of BENNETT and BENNETT-YEAGY for invasions of privacy.

52. That on or about April 10, 2007 DURHAM was again found not guilty at trial by jury in the State criminal courts of Indiana at the prosecution hands of BRIZZI and or his agents.

53. That DURHAM has attempted to contact BRIZZI to prosecute BENNETT and BENNETT-YEAGY for bringing false charges against DURHAM on his behalf, but BRIZZI refuses to meet with DURHAM for such purposes.

COUNT 1: VIOLATIONS OF 42 U.S.C. 1983: ARREST

54. Plaintiff repeats and realleges and incorporates by reference the allegations in paragraphs 1 through 53 above with the same force and effect as if herein set forth.

55. At all times relevant herein, the conduct of all Defendants were subject to 42 U.S.C. secs. 1983, 1985, 1986, and 1988.

56. Acting under the color of law, Defendants worked a denial of DURHAM'S rights, privileges or immunities secured by the United States Constitution or by Federal law, to wit,

(a) by depriving DURHAM of his liberty without due process of law, by taking him into custody and holding him there against his will,

b) by making an unreasonable search and seizure of his property without due process of law,

(c) by conspiring for the purpose of impeding and hindering the due course of justice, with intent to deny DURHAM equal protection of laws,

(d) by refusing or neglecting to prevent such deprivations and denials to plaintiff, thereby depriving plaintiff of his rights, privileges, and immunities as guaranteed by the Fourth, Fifth, and Fourteenth Amendments to the Constitution of the United States.⁴

⁴Miga v. Holyoke, 398 Mass. 343, 349, 350 (1986) (deprivation of pretrial detainee's substantive due process rights where state seeks to impose punishment without a constitutional adjudication of guilt). *Bell v. Wolfish*, 441 U.S. 520, 535 n. 16 (1979).

57. DURHAM incorporates the attached Exhibits E and F into this Complaint by reference as if set forth herein.

58. That upon information and belief, BENNETT contacted his buddy, an investigator for the Indiana State Highway Patrol to execute a warrant to arrest DURHAM.

59. That upon information and belief, BRIZZI and/or his agents supervised and executed the arrest of DURHAM based upon the acts and or omissions of the Defendant Investigator and BENNETT with their tacit approval.

60. That DURHAM was forced to remain in jail based upon the fraudulent warrants of BENNETT, BENNETT-YEAGY, BRIZZI and the other defendants.

61. That at the station, DURHAM was restrained, told to present his wallet, and booked.

62. That Defendants falsely arrested DURHAM twice based upon fraudulent warrants.

63. That BRIZZI and other defendants have shown a pattern or practice of falsely accusing and arresting DURHAM for their own benefit, pleasure and desires.

64. That BENNETT and BENNETT-YEAGY have ulterior motives, namely, personal financial benefit, for arresting DURHAM and charging him with crimes he had not committed.

65. BENNETT-YEAGY had the improper purpose of trying to gain an advantage in her and DURHAM'S civil action and to unlawfully deprive DURHAM of his property and liberty.

66. BENNETT'S purpose was to aid and abet his daughter in the civil action, through the use of his political cronies, and to deprive DURHAM of his property and liberty.

67. The arrest was without reasonable grounds for said Defendants to believe DURHAM had committed an

offense and Defendants knew they were without probable cause to arrest DURHAM.

68. As a result of their concerted unlawful and malicious arrest by Defendants, and DURHAM was deprived of both his liberty without due process of law and his right to equal protection of the laws, and the due course of justice was impeded, in violation of the Fifth and Fourteenth Amendments of the Constitution of the United States and 42 U.S.C. sec. 1983.

WHEREFORE, Plaintiff demands judgment for the false arrest against all the Defendants jointly and severally, for actual, general, special, compensatory damages in the amount of \$1,500,000 and further demands judgment against each of said Defendants, jointly and severally, for punitive damages in a dollar amount greater than \$100,000, plus the costs of this action, including any attorney's fees, and such other relief deemed to be just and equitable.

COUNT 2: VIOLATIONS OF 42 U.S.C. 1983: DETENTION AND CONFINEMENT

69. Plaintiff repeats and realleges and incorporates by reference the allegations in paragraphs 1 through 68 above with the same force and effect as if herein set forth.

70. As a result of their **conceded unlawful and malicious detention and confinement of DURHAM**, Defendants deprived DURHAM of both his right to his liberty without due process of law and his right to equal protection of the laws, and the due course of justice was impeded, in violation of the Fifth and Fourteenth Amendments of the Constitution of the United States and 42 U.S.C. sec. 1983.

WHEREFORE, Plaintiff demands judgment for the false detention and confinement against all the Defendants jointly and severally, for actual, general, special, compensatory damages in the amount of \$1,500,000 and further demands judgment against each of said Defendants, jointly and severally, for punitive damages in an amount greater than \$100,000, plus the costs of this action, including attorney's fees, and such other relief deemed to be just and equitable.

COUNT 3: VIOLATIONS OF 42 U.S.C. 1983: CONSPIRACY

71. Plaintiff repeats and realleges and incorporates by reference the allegations in paragraphs 1 through 70 above with the same force and effect as if herein set forth.

72. As a result of their concerted unlawful and malicious conspiracy of Defendants, DURHAM was deprived of both his liberty without due process of law and his right to equal protection of the laws, and the due course of justice was impeded, in violation of the Fifth and Fourteenth Amendments of the Constitution of the United States and 42 U.S.C. sec. 1983 and 1985.

WHEREFORE, Plaintiff demands judgment for the conspiracy against all the Defendants jointly and severally, for actual, general, special, compensatory damages in the amount of \$1,500,000 and further demands judgment against each of said Defendants, jointly and severally, for punitive damages in an amount greater than \$100,000, plus the costs of this action, including any attorney's fees, and such other relief deemed to be just and equitable.