

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

**EPISCOPAL DIOCESE  
OF FORT WORTH**

**Plaintiff,**

**vs.**

**THE RT. REV. JACK LEO IKER**

**Defendant.**

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**Civil Action No. 4:10-CV-00700-Y**

**ORIGINAL ANSWER OF THE RT. REV. JACK LEO IKER**

**TO THE HONORABLE UNITED STATES DISTRICT JUDGE:**

Defendant The Rt. Rev. Jack Leo Iker, hereafter “the Bishop,” files this original answer to the complaint.

**A. Admissions and Denials**

1. Paragraph 1 of the complaint is denied.
2. To the extent paragraph 2 of the complaint alleges a point of law, the Bishop need not reply to paragraph 2 of the complaint.
3. To the extent that paragraph 3 of the complaint alleges points of law, the Bishop need not reply to paragraph 3 of the complaint.
4. The Bishop admits that The Episcopal Diocese of Fort Worth is an unincorporated Texas association and denies the remaining allegations of paragraph 4 of the complaint.
5. Paragraph 5 of the complaint is admitted.

6. To the extent paragraph 6 of the complaint alleges a point of law, the Bishop need not reply to paragraph 6 of the complaint. To the extent that it alleges plaintiff has a cause of action, it is denied.

7. The Bishop admits he resides in this district and denies the remaining allegations of paragraph 7 of the complaint.

8. To the extent paragraph 8 of the complaint alleges a point of law, the Bishop need not reply to paragraph 8 of the complaint. To the extent that it alleges any type of claim against the Bishop, it is denied.

9. To the extent paragraph 9 of the complaint alleges The Episcopal Church is a denomination with governing documents as described tracing its history back to 1789, it is admitted.

All other allegations of paragraph 9 of the complaint are denied.

10. Paragraph 10 of the complaint is denied.

11. Paragraph 11 of the complaint is denied.

12. Paragraph 12 of the complaint is denied.

13. Paragraph 13 of the complaint is denied.

14. Paragraph 14 of the complaint is admitted.

15. Paragraph 15 of the complaint is denied.

16. Paragraph 16 of the complaint is denied.

17. Paragraph 17 of the complaint is denied.

18. Paragraph 18 of the complaint is denied.

19. Paragraph 19 of the complaint is denied.

20. The Bishop need not respond to paragraph 20 of the complaint because he has already responded to the paragraphs referenced in paragraph 20 of the complaint.

21. Paragraph 21 of the complaint is denied.

22. Paragraph 22 of the complaint is denied.

23. Paragraph 23 of the complaint is denied.

24. Paragraph 24 of the complaint is denied.

25. To the extent Paragraph 25 of the complaint alleges a point of law, the Bishop need not reply to paragraph 25 of the complaint. All other allegations are denied.

26. Paragraph 26 of the complaint is denied.

27. The Bishop need not respond to paragraph 27 of the complaint because he has already responded to the paragraphs referenced in paragraph 27 of the complaint.

28. Paragraph 28 of the complaint is denied.

29. Paragraph 29 of the complaint is denied.

30. Paragraph 30 of the complaint is denied.

31. Paragraph 31 of the complaint is denied.

32. Paragraph 32 of the complaint is denied.

33. To the extent paragraph 33 of the complaint alleges a point of law, the Bishop need not reply to paragraph 33 of the complaint. All other allegations are denied.

34. Paragraph 34 of the complaint is denied.

35. The Bishop need not respond to paragraph 35 of the complaint because he has already responded to the paragraphs referenced in paragraph 35 of the complaint.

36. Paragraph 36 of the complaint is denied.

37. Paragraph 37 of the complaint is denied.

38. Paragraph 38 of the complaint is denied.

39. All other factual allegations contained in the complaint, which are not expressly admitted herein, are denied.

#### **B. Lack of Authority to File Complaint**

40. Those persons who have authority to authorize a suit to be filed by The Episcopal Diocese of Fort Worth have not authorized the attorneys who signed and filed the complaint in this Court to sign and file the complaint in this Court.

41. The 141<sup>st</sup> Judicial District Court of Tarrant County, Texas and the Fort Worth Court of Appeals have judicially ruled that lead counsel, Jonathan D. F. Nelson, has not been hired by The Episcopal Diocese of Fort Worth, but was hired by a minority group in the Diocese and is barred from representing the Diocese in the state court proceedings pending before the 141<sup>st</sup> Judicial District Court of Tarrant County, Texas where the issue of the ownership of the marks, which some unauthorized person has apparently obtained registration from the United States Patent and Trademark Office, is pending a decision.

#### **C. No Claim of Ownership**

42. Defendant Bishop does not now and never has claimed ownership of the service marks and shield that have been wrongly registered with the United States Patent and Trademark Office.

43. These marks and shield are owned by Intervenor The Corporation of The Episcopal Diocese of Fort Worth.

44. Defendant Bishop has used these marks only in his capacity as Bishop of the Diocese and not personally.

**D. Malicious Prosecution and Abuse of Process**

45. Because of the state court rulings by the 141<sup>st</sup> District Court and the Fort Worth Court of Appeals that lead counsel Jonathan D. F. Nelson does not represent the plaintiff in whose name the complaint has been filed here and the attorneys who have joined Nelson as plaintiff's counsel in the complaint had knowledge of those rulings prior to the complaint being filed, the filing of suit in this Court constitutes malicious prosecution and abuse of process in violation of Rule 11, Federal Rules of Civil Procedure, and 28 U.S.C. § 1927 entitling the Bishop to recover his damages, namely the cost of attorney's fees from these attorneys in having to appear in these proceedings until he is dismissed.

**E. Prayer**

**WHEREFORE**, Defendant The Rt. Rev. Jack Leo Iker prays that the Court dismiss the suit against him for lack of authority of the attorneys to file the complaint on behalf of The Episcopal Diocese of Fort Worth and for the recovery of damages, namely all attorney's fees and costs of defense, from the attorneys who filed the complaint requiring him to participate in these proceedings until he is dismissed.

Respectfully submitted,



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**Attorneys for Defendant**  
**The Rt. Rev. Jack Leo Iker**

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing ORIGINAL ANSWER OF THE RT. REV. JACK LEO IKER has been served by certified mail, return receipt requested, and/or regular mail, this \_\_\_\_ day of October, 2010, on the following:

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