

**IN THE CIRCUIT COURT
FOR PRINCE GEORGE'S COUNTY, MARYLAND**

**MOUNTAIN OF FIRE AND MIRACLES
MINSTRIES, et al.,**)
)
)
Plaintiff,)
v.)
)
CHRIST THE TRUTH MINISTRIES, INC.,)
et al.,)
Defendants.)
)

CASE NO. CAL16-26532

AMENDED ANSWER AND AMENDED COUNTERCLAIMS

COME NOW DEFENDANTS CHRIST THE TRUTH MINISTRIES, INC., AND ALL NAMED DEFENDANTS in the above-captioned proceeding (hereinafter collectively referred to as “Defendants”), by and through their undersigned counsel, and pursuant to the Maryland Rules of Civil Procedure, for their Amended Answer to the Complaint (“Complaint”) of and for their Amended Counterclaims against Plaintiffs **MOUNTAIN OF FIRE AND MIRACLES MINISTRIES INTERNATIONAL (“MOFMM International”) and MOUNTAIN OF FIRE AND MIRACLES MINISTRIES USA, INC. (“MOFMM, USA”)** in this proceeding, state as follows:

1. Defendants generally deny all allegations set forth in the Complaint pursuant to Maryland Rule 2-323.
2. Any allegation contained in the Complaint not specifically admitted is hereby denied.
3. Defendants are without sufficient information to admit or deny the allegations set forth in paragraphs 1, 2, 4 and 5 of the Complaint and therefore deny same.

4. Defendants admit the allegations contained in paragraphs 3, 6 and 7 of the Complaint.

5. Defendants deny the allegations contained in paragraphs 8, 9 through 27, inclusive, of the Complaint.

6. In paragraph 28 of the Complaint, Defendants admit that they executed Articles of Amendment and Restatement of MOFMM, Maryland but deny that such actions were “in furtherance of [a] conspiracy.”

7. In paragraph 29 of the Complaint, Defendants admit that the Articles of Amendment and Restatement of MOFMM, Maryland were filed with Maryland SDAT but deny that such actions were “in furtherance of [a] conspiracy.”

8. Defendants deny the allegations paragraphs 30 through 83 of the Complaint.

AFFIRMATIVE DEFENSES OF DEFENDANTS

Defendants, by and through their undersigned counsel, plead the following affirmative defenses to the Complaint:

FIRST AFFIRMATIVE DEFENSE

Upon information and belief, Defendants allege that the Plaintiffs have willfully and intentionally evaded U.S. Customs Service duties and have evaded tax payments to the United States government. These illegal activities were carried out for many years. The nature of the illegal activity stems from the fact that Plaintiffs would ship prayer books (specifically, “70 Days Prayer & Fasting and Pray Your Way Into [current year]”) to various U.S.-based MFM branches with a cover letter categorizing the books as “donations” to be distributed to local parishioners. However, once delivered to the United States, instructions were then emailed to U.S. pastors by MOFMM International and/or MOFMM USA instructing them of the price they

must charge parishioners in selling these books. The pastors were then instructed to remit the earnings of their sales to MOFMM International. Although this practice has been going on for many years, on or about 2013, Plaintiffs started shipping their books directly to U.S. Customs in Baltimore, along with the cover letter stating that the books were “donations.”

When they became aware of Plaintiffs’ illegal activities, Pastors Lawrence and Ronke Adetunji (having no power over Plaintiffs to influence or change their behavior) had to sever all ties in order to terminate their (Defendants’) unwitting participation in Plaintiffs’ illegal actions. Pastors Lawrence and Ronke Adetunji did not become aware of the illegality of their actions until 2015. Soon thereafter they began the process of severing ties with Plaintiffs, including filing their restatement of the Articles of Amendment and Restatement for a Religious Corporation on or about December 18, 2015 and eventually thereafter abandoned the defunct MOFMM Maryland Inc.

SECOND AFFIRMATIVE DEFENSE

Plaintiffs’ claims as set forth in their Complaint fail to allege that they (Plaintiffs) provided any consideration whatsoever to any of the Defendants that would support any claim contained in the Complaint. Accordingly, all of Plaintiffs’ claims are barred due to lack of consideration on the part of the Plaintiffs as would serve as the basis for any type of entitlement to an ownership interest in any real or personal property held by the Defendants in Maryland.

THIRD AFFIRMATIVE DEFENSE

Even if Plaintiffs allege (directly or indirectly) in their Complaint that they provided some consideration to any of the Defendants that would entitle them to a contractual or equitable remedy regarding the property of MOFMM of Maryland, such consideration failed to materialize. There are no goods or services (or intangible things of value) that Plaintiffs ever provided to

MOFMM of Maryland. Even if Plaintiffs thought they were providing (or if Plaintiffs intended to provide) anything of value to MOFMM of Maryland (or any Defendant herein), such was not the case. Accordingly, Plaintiffs' claims are unsubstantiated and unsupported due to the doctrine of failure of consideration.

FOURTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred for the reason that Plaintiffs since approximately the year 2000, Plaintiffs used coercion, intimidation, duress and the threat of censure or sanctions to obtain the signatures of Pastor Lawrence Adetunji on documents bearing Plaintiffs' names or on documents purporting to confer property rights (or other legal rights) on Plaintiffs. Plaintiffs coerced Pastor Adetunji into signing the documents that purport to confer on Plaintiffs valuable property rights. Accordingly, the signatures of Pastor Adetunji as referenced in Plaintiffs' Complaint were obtained by Plaintiffs through coercion and the creation of duress on Pastor Adetunji so as to render Plaintiffs' actions wrongful, unlawful and inequitable. As such, Plaintiffs can establish no basis for claiming any legal rights in the real or personal property of any of the Defendants.

FIFTH AFFIRMATIVE DEFENSE

A legally enforceable trust was never created for the benefit of Plaintiffs with respect to the real property or personal property of Defendants located within the State of Maryland (or elsewhere).

SIXTH AFFIRMATIVE DEFENSE

Even if a trust was created which in some way inures to the benefit of Plaintiffs, which Defendants do not concede, any such trust was revoked, rescinded and repudiated by the Articles of Amendment and Restatement of MOFMM of Maryland filed with the Maryland State

Department of Assessments and Taxation by the Trustees of MOFMM of Maryland on or about December 18, 2015. Upon the adoption and ratification of the referenced Articles of Amendment and Restatement of MOFMM of Maryland, any and all previous statements or declarations which Plaintiffs may characterize as a “trust” through which they could be considered a “beneficiary,” were revoked, withdrawn, nullified, invalidated and repudiated by the Trustees of MOFMM of Maryland.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiffs’ Complaint fails to state a cause of action upon which relief may be granted.

EIGHTH AFFIRMATIVE DEFENSE

Plaintiffs suffered no actual damages from any of Defendants’ actions as set forth in the Complaint.

NINTH AFFIRMATIVE DEFENSE

Plaintiffs’ alleged claims are barred by the applicable statute of limitations, statute of frauds, and the doctrines of unclean hands and/or laches.

TENTH AFFIRMATIVE DEFENSE

Plaintiffs’ alleged claims fail in that Plaintiffs did not change their position, expend any consideration or incur any indebtedness, or give up any valuable rights, with respect to Defendants during all times encompassed by their Complaint. Accordingly, Plaintiffs are not entitled to any equitable relief relating to the creation of a trust involving or affecting Defendants’ real or personal property.

Defendants reserve the right to assert other affirmative defenses and/or to amend their Answer as discovery in this case discloses a basis therefor.

ELEVENTH AFFIRMATIVE DEFENSE

Plaintiffs would be unjustly enriched if the Court were to grant the relief sought in their Complaint. No basis exists for Plaintiffs to be compensated or receive any real or personal property belonging to or held by Defendants.

COUNTERCLAIMS OF DEFENDANTS

COUNT I

DECLARATORY AND INJUNCTIVE RELIEF

1. Defendants, who are Counter-claimants herein (“Defendants/Counter-claimants”), hereby request this Court to enter a declaratory judgment in their favor, declaring that Plaintiffs have no right, title or interest in the Defendants’ real property or personal property.

2. Defendants/Counter-claimants also request this Court to enter a declaratory judgment in their favor, declaring that no trust was ever established relating to Defendants’ real property or personal property.

3. In the alternative, Defendants/Counter-claimants request this Court to enter a declaratory judgment in their favor, declaring that any trust that was ever established relating to Defendants’ real property or personal property, was revoked, rescinded, repudiated and invalidated with the adoption, ratification and filing of the Articles of Amendment and Restatement of MOFMM of Maryland filed with the Maryland State Department of Assessments and Taxation by the Trustees of MOFMM of Maryland on or about December 18, 2015.

4. Defendants/Counter-claimants request that this Court grant them injunctive relief from further actions by Plaintiffs with respect to the free exercise of their religious freedom and property rights, as Plaintiffs have done nothing whatsoever to entitle them to be “co-owners” or as beneficiaries of any trust, with relation to the Defendants/Counter-claimants’ real property or

personal property. Plaintiffs have not provided anything of value to Defendants/Counter-claimants that would entitle them (Plaintiffs) to possess any legal rights directly (as “co-owners”) or indirectly (as beneficiaries) of the real and personal property of Defendants.

WHEREFORE, Defendants/Counter-claimants herein request that this Court grant them a declaratory judgment which declares null and void and of no legal significance Plaintiffs’ claims as set forth in their (Plaintiffs’) Complaint, and grant Counter-claimants/Counter-claimants injunctive relief to restrain and prevent Plaintiffs (Counterclaim Defendants herein) from interfering with Counter-claimants’ free exercise of their religious beliefs and their real and personal property. Counter-claimants also request the Court to award them their attorneys’ fees and costs and grant Counterclaimants such other relief as this Court deems appropriate.

COUNT II

UNJUST ENRICHMENT AND RESTITUTION

5. Defendants/Counter-claimants incorporate by reference paragraphs 1 through 4 of their Counterclaims as set forth immediately above.

6. A cause of action for unjust enrichment and restitution in Maryland is based upon the following elements:

- (a.) A benefit conferred upon the defendant by the plaintiff;
- (b.) An appreciation or knowledge by the defendant of the benefit; and
- (c.) The acceptance or retention by the defendant of the benefit under such

circumstances as to make it inequitable for the defendant to retain the benefit without the payment of its value.

7. From 2008 through and including 2015, Defendant MOFMM of Maryland remitted to Plaintiffs approximately Seven Hundred Thousand Dollars (\$700,000.00) from

contributions made by Defendants' parishioners. The final accounting of the amounts conferred on Plaintiffs by Defendant/Counterclaimants could be greater than Seven Hundred Thousand Dollars (\$700,000.00).

8. Plaintiffs at all times were aware of the large monetary payments Defendants/Counterclaimants were making to them. Indeed, Plaintiffs used a campaign of coercion, the threat of sanctions, accusations of "disloyalty" and duress to obtain said monies from Defendants/Counterclaimants herein.

9. Defendants/Counterclaimants received nothing of value from Plaintiffs during the entirety of their association. Plaintiffs indicated in numerous communications that Defendants/Counterclaimants were "expected to" and were "required to" make substantial payments to the Plaintiffs, and Defendants/Counterclaimants did so even though the Plaintiffs did not ever substantiate the purpose for which Defendants/Counterclaimants' funds were to be used. Defendants/Counterclaimants do not know how the funds were used by Plaintiffs. Plaintiffs have not provided substantiation to Defendants/Counterclaimants of the use(s) for which their (Defendants/Counterclaimants') funds were used.

10. Defendants/Counterclaimants hereby allege that the large amount of funds they provided should be returned to them, inasmuch Plaintiffs would be unjustly enriched if they (Plaintiffs) were allowed to retain said funds.

WHEREFORE, Defendants/Counter-claimants herein request that this Court grant them a judgment in the amount of Seven Hundred Thousand Dollars (\$700,000.00), or such amount as they can prove at trial, on grounds of unjust enrichment and restitution.

Respectfully submitted,

By 

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CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of January, 2017, a copy of the foregoing pleading was sent by e-mail and first class mail, postage prepaid, to the following:

Thomas J. Schetelich, Esq.
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S. Ricardo Narvaiz