

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING

2021 JUL 28 AM 8:59

MARGARET BOTKINS, CLERK
CHEYENNE

Lucas Buckley (Wyo. Bar # 6-3997)
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ATTORNEYS FOR DEFENDANTS

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

TIM TEICHERT on behalf of THE
ESTATE OF HERMAN TEICHERT and
THE ESTATE OF MINERVA TEICHERT

Plaintiffs,

v.

THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, a Utah
corporation; CORPORATION OF THE
PRESIDING BISHOP OF THE CHURCH
OF JESUS CHRIST OF LATTER-DAY
SAINTS; and the CORPORATION OF
THE PRESIDENT OF THE CHURCH OF
JESUS CHRIST OF LATTER-DAY
SAINTS;

Defendants.

CASE NO. 21cv145-J

NOTICE OF REMOVAL

COME NOW Defendants The Church of Jesus Christ of Latter-day Saints, fka Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints, and fka Corporation of the President of the Church of Jesus Christ of Latter-day Saints (hereinafter the "Defendants"), and, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, hereby file their Notice of Removal. The Defendants sets forth the following factual and legal bases in support hereof:

1. On or about June 15, 2021, Plaintiff Tim Teichert on behalf of the Estate of Herman Teichert and the Estate of Minerva Teichert (“Plaintiff”) filed his Complaint, entitled Tim Teichert on behalf of the Estate of Herman Teichert and the Estate of Minerva Teichert vs. The Church of Jesus Christ of Latter-day Saints, Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-day Saints, and Corporation of the President of the Church of Jesus Christ of Latter-day Saints, with the Clerk of the District Court for the Third Judicial District of Lincoln County, Wyoming, Case No. CV-2021-87-DC. A copy of said Complaint is attached hereto.

2. Defendants accepted service of Plaintiff’s Complaint on July 9, 2021.

3. Plaintiff’s Complaint contains one cause of action for Declaratory Relief.

4. Specifically, Plaintiff requests a declaration from the Court regarding “copyright interests” in several paintings by Minerva Teichert, which is a question of federal law under 17 U.S.C. 101, *et seq.* See Complaint at ¶ 41.

5. Plaintiff asks the Court to determine that “Defendants do not have legal title to the subject paintings *or related copyright interests*,” and that “*all related copyright interests* rest with Plaintiff[.]” See *id.* at Prayer for Relief (emphasis added).

6. Moreover, the only exhibits attached to the Complaint are purported Certificates of Registration issued by the Copyright Office.

7. Consequently, this Court has original jurisdiction over Plaintiff’s claim pursuant to 28 U.S.C. 1331 as that claim arises under the laws of the United States and this action is one which may be removed to this Court pursuant to the provisions of 28 U.S.C. § 1441(a).

8. Thirty (30) days have not yet expired since service of Plaintiff’s Complaint on Defendants.

9. Copies of all process, pleadings, and orders served upon the Defendants in this action are attached hereto.

10. Defendants have provided written notice of the filing of this Notice of Removal to Plaintiff's counsel by first class mail and email on this date and have also forwarded a Notice for filing with the Clerk of the District Court for the Third Judicial District of Lincoln County, Wyoming, regarding this Notice of Removal.


11. All Defendants who have been joined and served consent to removal of this action to Federal Court.

WHEREFORE, the Defendants pray that the above-captioned action now pending in the District Court for the Third Judicial District of Lincoln County, Wyoming, be removed therefrom and placed on the regular docket of the United States District Court for the District of Wyoming.

RESPECTFULLY SUBMITTED this 28th day of July, 2021.

The Church of Jesus Christ of Latter-day
Saints, fka Corporation of the Presiding
Bishop of the Church of Jesus Christ of
Latter-day Saints, and fka Corporation of the
President of the Church of Jesus Christ of
Latter-day Saints; Defendants

By:



Lucas Buckley (Wyo. Bar #6-3997)
HATHAWAY & KUNZ, LLP
P. O. Box 1208
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Phone: 307-634-7723
Fax: 307-634-0985
lbuckley@hkwyolaw.com


ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

This is to certify that on the 28th day of August, 2021, a true and correct copy of the foregoing was served upon counsel as follows:

Henry F. Bailey, Jr.
Lance T. Harmon
Bailey Stock Harmon Cottam Lopez LLP
6234 Yellowstone Road
Cheyenne, WY 82009

[] CM/ECF
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Attorney for Plaintiff

FILED
BY Jimmy Clarke
JUN 13 2021

KENNETH D. ROBERTS
CLERK OF DISTRICT COURT - 3RD JUDICIAL DISTRICT
LINCOLN COUNTY, STATE OF WYOMING

IN THE DISTRICT COURT FOR THE THIRD JUDICIAL DISTRICT
LINCOLN COUNTY, WYOMING

TIM TEICHERT on behalf of THE ESTATE)	
OF HERMAN TEICHERT and THE)	
ESTATE OF MINERVA TEICHERT,)	Docket No. <u>CV-2021-87-DC</u>
)	
Plaintiffs,)	
)	
vs.)	
)	
THE CHURCH OF JESUS CHRIST OF)	
LATTER-DAY SAINTS, a Utah corporation;)	
CORPORATION OF THE PRESIDING)	
BISHOP OF THE CHURCH OF JESUS)	
CHRIST OF LATTER-DAY SAINTS; and the)	
CORPORATION OF THE PRESIDENT OF)	
THE CHURCH OF JESUS CHRIST OF)	
LATTER-DAY SAINTS;)	
Defendants.)	

COMPLAINT

Plaintiffs, by and through their counsel, and for their claim against Defendants, allege as follows:

PARTIES

1. Minerva Teichert (“Teichert”) died intestate on May 3, 1976 and was survived by her husband, Herman Teichert, to whom all ownership and other rights in her property passed by operation of law.

2. Herman Adolph Teichert died intestate on November 25, 1982 in Bear Lake County, Idaho.

3. Tim Teichert, grandson of Minerva and Herman Teichert, was appointed Administrator of the Estate of Herman Teichert on March 7, 2018 by the District Court, Third Judicial District, County of Lincoln, State of Wyoming.

4. As Administrator of the Estate of Minerva Teichert and the Estate of Herman Teichert, Tim Teichert is authorized to act on behalf of the estates and to investigate, pursue and enforce rights in property owned by the Minerva Teichert Estate and/or the Herman Teichert Estate, including paintings, and all related rights, created and acquired by Minerva Teichert during her lifetime.

5. The Church of Jesus Christ of Latter-Day Saints is a non-profit corporation registered with and headquartered in the State of Utah, but authorized to and conducting business in the state of Wyoming. The Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints and the Corporation of the President of the Church of Jesus Christ of Latter-Day Saints are also Utah Corporations authorized to and conducting business in the state of Wyoming. Collectively, these institutions and organizations will be referred to herein as “Defendants” or “Church.”

6. The facts and circumstances giving rise to Plaintiff’s complaint arose or occurred in the state of Wyoming.

7. The amount in controversy is sufficient to invoke the jurisdiction of the district court and venue is proper in the district court for the Third Judicial District.

GENERAL ALLEGATIONS OF FACT

8. Minerva Teichert (“Teichert”) is a renowned American artist who is known for her paintings of the American west and depicting various events and individuals within Church theology.

9. Her paintings are prominently displayed in art galleries throughout the western United States and in numerous Church buildings and properties, including in Brigham Young University, the Joseph Smith Memorial Building, and numerous ward houses and stake centers.

10. During her lifetime, Teichert loaned or placed many of her paintings to local Church buildings in Wyoming, Idaho, and Utah.

11. Her generosity allowed myriad Church members and other visitors to enjoy—free of charge—her artistic renditions of significant and spiritual moments in Church history.

12. Although Teichert did exchange a series of paintings to cover tuition costs for her descendants attending Brigham Young University¹ and sold a few others, many of her paintings that ended up in the Church’s possession were conditional gifts, placed in specific Church buildings or loaned to the Church for a specific purpose and not intended as outright unconditional gifts conveying title to the Church.

13. Moreover, Teichert never entered into any written agreements with the Church that transferred over legal title or any other rights.

¹ Teichert’s contributions to Brigham Young University (BYU) were intended to cover tuition costs and/or establish future scholarship assistance for her children and grandchildren that attended the University. BYU officials readily agreed and promised that her children and grandchildren would receive scholarships or generous financial assistance in exchange for the paintings. Those promises—at least with respect to Teichert’s grandchildren—were not honored.

14. Indeed, Teichert never gave the Church or the local Church buildings/congregations authorization to do anything other than display her paintings, with certain conditions, and those conditions required the display of particular paintings at locations specified by Teichert.

15. For much of her life, Minerva Teichert lived in Cokeville, Wyoming and attended services and activities at the Church ward house located at or near 725 E. Main Street, Cokeville, Wyoming 83114 (the “Cokeville Ward House”).²

16. Several of Teichert’s children and grandchildren established firm roots in Cokeville, and many of them stayed even after Teichert herself was relocated by her family to a nursing home in Provo, Utah. A number of her descendants still attend Church services the same chapel where Teichert herself attended.

17. Because Teichert wanted to ensure that her posterity would be able to enjoy a collection of her paintings each and every time they attended Church services or other functions at the Cokeville Ward House, in 1955, Teichert entered into an oral agreement with the Cokeville ward bishop, Herman K. Teichert, whereby Teichert agreed that the Church would be allowed to display four (4) original paintings, namely (i) *The Song of Quetzalcoatl*, (ii) *Relief Society Quilting* (iii) *Cast Your Nets on the Other Side* and (iv) *Handcart Pioneers* (all collectively, the “Cokeville Paintings”).

18. The Estate of Minerva Teichert owns the copyright interests in *Relief Society Quilting*, *Cast Your Nets on the Other Side*, and *Handcart Pioneers*. Certificates of Registration from the United States Copyright Office are attached hereto and incorporated by this reference.

² The Church’s Cokeville Ward was housed at two separate locations during Teichert’s time in the ward. The second location—725 E. Main Street—is the same location where the Cokeville Ward meets today.

19. The placement of the Cokeville Paintings was conditioned upon the fact that if the Church or the local Church leadership ever decided to replace or remove the Cokeville Paintings, the *conditional gift* or loan would end and the paintings would immediately revert back to Teichert, or her heir(s).

20. Furthermore, the conditional gift or loan expressly precluded anyone from moving the Cokeville Paintings to any other location—be it a ward house, temple, or other Church property. *See id.*

21. The sole purpose of allowing the display of Minerva Teichert's works of art in the Cokeville Ward House was that it would be particularly significant to Teichert and her family, and members of the Cokeville community.

22. No ownership changed hands, and Teichert never authorized the Church to relocate the Cokeville Paintings. They were at all times conditional gifts or loans under Wyoming law.

23. In accordance with the mutual promises and understanding Minerva Teichert had with Bishop Teichert, Teichert entrusted the Cokeville Paintings to the Cokeville Ward House.

24. From 1955 until 2014, the paintings were continuously displayed in the Cokeville Ward House without event.

25. Minerva Teichert, her family, and many other church members and visitors took great pride in the paintings and enjoyed them each Sunday when they attended church.

26. Sometime in 2014, however, the Church informed members of the Teichert family that it would soon be relocating *The Song of Quetzalcoatl*, after which it would relocate the other Cokeville Paintings to temples or other Church facilities.

27. The Church claimed that its primary rationale for the impending relocations was a concern for preserving the paintings.

28. This was the first time in sixty years that the Church had expressed concerns about maintaining the paintings' integrity, and this preservation concern was expressed for the first time as construction on the new Star Valley, Wyoming temple was beginning.

29. Teichert family members, including Tim Teichert, objected, relying upon the conditional nature of Minerva Teichert's gift or loan and the long standing agreement that the paintings be returned to Teichert or her heir(s) if the Church elected not to display them in the Cokeville Ward House any longer.

30. Over these objections the Church relocated *The Song of Quetzalcoatl* to the Star Valley Temple.

31. During March or April of 2020, during the worldwide Covid-19 pandemic, employees or other agents or representatives of the Church removed the remaining 3 paintings, identified in paragraph 17 above, from the Cokeville Ward House and relocated them elsewhere.

32. Upon information and belief, Minerva Teichert conditionally gifted or loaned numerous other paintings to other local Church buildings and congregations under conditions similar to the Cokeville Paintings.

33. Minerva Teichert placed these other paintings subject to the same condition that they be displayed in a single specific location.

34. Any deviation or attempted deviation from those conditions would invalidate or nullify the conditional gift or loan agreement and obligate the Church to immediately return the subject painting/s to Teichert or her heirs, and more specifically, at this time, to the Estate of Minerva Teichert and/or the Estate of Herman Teichert.

35. These sorts of display-only conditional gifts or loans were made to various ward houses, stake centers, and other buildings spread over Utah, Idaho, and Wyoming, many of which were of particular significance to Minerva Teichert and/or her family.

36. Like the Cokeville Paintings, none of those conditional gifts or loans transferred ownership or other rights to the Church.

37. In the aftermath of the Church's inappropriate removal of *The Song of Quetzalcoatl*, Plaintiffs learned that the Church, acting through its employees or other agents or representatives has relocated several other Minerva Teichert paintings (the "paintings") without authorization, including but not limited to the following:

	Title	Location (as far as it was last known to Plaintiff)
1	Handcart Pioneers	Cokeville Ward
2	Cast your net on the other side	Cokeville Ward
3	My Sisters of the Bible (also known as Relief Society Quilters)	Cokeville Ward
4	Song of Quetzacoatl	Cokeville Ward
5	Pioneer Handcart	Montpelier, ID Tabernacle
6	First Vision	Montpelier, ID Tabernacle
7	Angel Moroni gives plates to Joseph	Randolph Utah
8	Rescue of the Lost Lamb	Salt Lake City, Bonneville Stake Center
9	Not Alone	Pocatello Idaho
10	Restoration of the Melchizedek Priesthood	Provo Utah Tabernacle
11	Handcart Pioneers	(Originally) LaCaseta, Chihuahua, Mexico chapel
12	Touch Me Not	Logan Temple baptistery 1939-1949, Now at BYU

38. Additionally, Plaintiffs believe other paintings, not listed above and currently unknown to Plaintiffs, were conditionally gifted or loaned to local Church congregations and buildings under similar circumstances and have been inappropriately claimed and relocated by the Church.

FIRST CLAIM FOR RELIEF- DECLARATORY RELIEF

39. Plaintiffs hereby incorporate by reference the allegations set forth above as if fully set forth herein.

40. Plaintiffs' claim for relief is brought under W.S. § 1-37-101 et. seq., Wyoming's "Uniform Declaratory Judgments Act," with a request that the court declare the rights, status, and interests these parties have in and to Minerva Teichert's paintings as identified in paragraph 17 under the terms of the conditional gifts and/or loan agreements governing each painting.

41. As alleged herein there is a justiciable controversy between the parties as to who is the rightful owner of the paintings at issue, as well as related copyright interests.

42. More specifically, Plaintiffs request this court declare that the Minerva Teichert paintings identified in paragraph 17 were either conditionally gifted as alleged herein [*Van Ewing v. Hladky Constr., Inc.*, 48 P.3d 1086 (Wyo. 2002)] or loaned by agreement such that they would remain where Minerva Teichert placed them or designated that they be placed and that in the event the Church or local Church buildings/congregations no longer wanted the paintings in the local Church buildings where they were originally placed, such event would require the immediate return of the paintings to Plaintiff or her heirs, and under current circumstances, to the Estate of Minerva Teichert and/or the Estate of Herman Teichert.

43. Plaintiffs have repeatedly requested Defendants return the improperly removed paintings to the buildings where Minerva Teichert placed them and the terms of her conditional gifts or loans, or in the alternative that the Defendants deliver the paintings to Plaintiffs, but the Defendants have failed or refused to do so.

44. Plaintiffs therefore request the court declare Plaintiffs are entitled to immediate delivery of the conditionally gifted or loaned paintings to the Estate of Minerva Teichert and/or Herman Teichert.

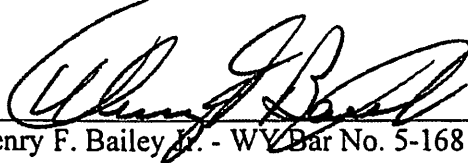
PRAYER FOR RELIEF

Wherefore, Plaintiffs respectfully request the court enter judgment in Plaintiffs' favor and against Defendants, declaring that:

- a. Defendants do not have legal title to the subject paintings or related copyright interests; and
- b. Legal title to the subject paintings and all related copyright interests rest with Plaintiffs;
- c. The subject paintings should be immediately delivered to Plaintiffs.

Dated this 9 day of June, 2021.

BAILEY STOCK HARMON COTTAM LOPEZ LLP



Henry F. Bailey, Jr. - WY Bar No. 5-1681

Lance T. Harmon - WY Bar No. 6-3076

6234 Yellowstone Road

P.O. Box 1557

Cheyenne, Wyoming 82003

307-638-7745

hank@performance-law.com

lance@performance-law.com

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Shirley Perlmutter

United States Register of Copyrights and Director

Registration Number

VAu 1-429-203

Effective Date of Registration:

April 22, 2021

Registration Decision Date:

May 03, 2021

Title

Title of Work: Handcart Pioneers

Completion/Publication

Year of Completion: 1932

Author

- Author: Minerva Bernetta Kohlhepp Teichert
- Author Created: 2-D artwork
- Work made for hire: No
- Citizen of: United States
- Year Born: 1888
- Year Died: 1976

Copyright Claimant

Copyright Claimant: Estate of Minerva Teichert
P.O. Box 364, Cokeville, WY, 83114

Rights and Permissions

Organization Name: Estate of Minerva Teichert
Address: P.O. Box 364
Cokeville, WY 83114 United States

Certification

Name: Alexis P. Grilli, Attorney of Record, Nixon Peabody LLP
Date: April 22, 2021
Applicant's Tracking Number: 088884-10

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Shirley Perlmutter

United States Register of Copyrights and Director

Registration Number

VAu 1-429-202

Effective Date of Registration:

April 22, 2021

Registration Decision Date:

May 03, 2021

Title

Title of Work: Relief Society Quilting

Completion/Publication

Year of Completion: 1932

Author

- Author: Minerva Bernetta Kohlhepp Teichert
- Author Created: 2-D artwork
- Work made for hire: No
- Citizen of: United States
- Year Born: 1888
- Year Died: 1976

Copyright Claimant

Copyright Claimant: Estate of Minerva Teichert
P.O. Box 364, Cokeville, WY, 83114

Rights and Permissions

Organization Name: Estate of Minerva Teichert
Address: P.O. Box 364
Cokeville, WY 83114 United States

Certification

Name: Alexis P. Grilli
Date: April 22, 2021
Applicant's Tracking Number: 088884-11

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

A handwritten signature in black ink, reading "Shira Perlmutter".

United States Register of Copyrights and Director

Registration Number

V Au 1-429-222

Effective Date of Registration:

April 22, 2021

Registration Decision Date:

May 03, 2021

Title

Title of Work: Cast Your Nets on the Other Side

Completion/Publication

Year of Completion: 1932

Author

• Author: Minerva Bernetta Kohlhepp Teichert
Author Created: 2-D artwork
Work made for hire: No
Citizen of: United States
Year Born: 1888
Year Died: 1976

Copyright Claimant

Copyright Claimant: Estate of Minerva Teichert
P.O. Box 364, Cokeville, WY, 83114

Rights and Permissions

Organization Name: Estate of Minerva Teichert
Address: P.O. Box 364
Cokeville, WY 83114 United States

Certification

Name: Alexis P. Grilli
Date: April 22, 2021
Applicant's Tracking Number: 088884-12

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Attorney for Plaintiff

IN THE DISTRICT COURT FOR THE THIRD JUDICIAL DISTRICT

LINCOLN COUNTY, WYOMING

TIM TEICHERT on behalf of THE ESTATE)	
OF HERMAN TEICHERT and THE)	
ESTATE OF MINERVA TEICHERT,)	Docket No. CV-2021-87-DC
)	
Plaintiffs,)	
)	
vs.)	
)	
THE CHURCH OF JESUS CHRIST OF)	
LATTER-DAY SAINTS, a Utah corporation;)	
CORPORATION OF THE PRESIDING)	
BISHOP OF THE CHURCH OF JESUS)	
CHRIST OF LATTER-DAY SAINTS; and the)	
CORPORATION OF THE PRESIDENT OF)	
THE CHURCH OF JESUS CHRIST OF)	
LATTER-DAY SAINTS;)	
Defendants.)	

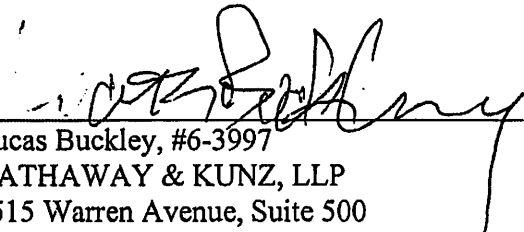
ACCEPTANCE OF SERVICE

Pursuant to Rule 4(v) of the Wyoming Rules of Civil Procedure, Defendant, The Church of Jesus Christ of Latter-Day Saints, by and through its counsel, Lucas Buckley, of the firm of Hathaway & Kunz, LLP, hereby accepts service of the Summons and Complaint in the above captioned case, reserving all defenses with the exception of defenses related to sufficiency of

process or service of process.

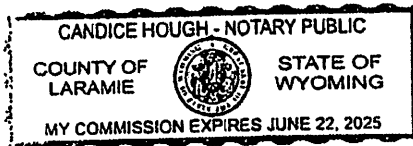
Defendant acknowledges it has forty-five (45) days after the signing of this acceptance to answer or otherwise respond to the Complaint.

Dated this 9th day of July, 2021.


Lucas Buckley, #6-3997
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STATE OF WYOMING)
) SS
COUNTY OF LARAMIE)

The foregoing was acknowledged before me by Lucas Buckley this 9th day of July, 2021.
Witness my hand and official seal.




NOTARY PUBLIC

S E A L

My commission expires: 6/22/2025.

21cv145-J

JS 44 (Rev. 10/20)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

TIM TEICHERT on behalf of THE ESTATE OF HERMAN TEICHERT and THE ESTATE OF MINERVA TEICHERT

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Henry F. Bailey, Jr./Lance T. Harmon, Bailey Stock Harmon Cottam Lopez LLP, 6234 Yellowstone Road Cheyenne, WY 82009-307-638-7745

DEFENDANTS

THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation; CORPORATION OF THE

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Lucas Buckley, Hathaway & Kunz, LLP, P.O. Box 1208 Cheyenne, WY 82003-1208; (307) 634 -7723

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander		<input checked="" type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability		<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine		<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability		<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 350 Motor Vehicle		<input type="checkbox"/> 880 Defend Trade Secrets Act of 2016	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability			<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury			<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice			<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability				<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise				<input type="checkbox"/> 850 Securities/Commodities/Exchange
				<input type="checkbox"/> 890 Other Statutory Actions
				<input type="checkbox"/> 891 Agricultural Acts
				<input type="checkbox"/> 893 Environmental Matters
				<input type="checkbox"/> 895 Freedom of Information Act
				<input type="checkbox"/> 896 Arbitration
				<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
				<input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
17 U.S.C. §§ 101 et seq

Brief description of cause:
Declaratory judgment relating to copyright interests

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

Jul 28, 2021

SIGNATURE OF ATTORNEY OF RECORD

Walter Bailey

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

vs

Plaintiff,

Case Number:

Defendant.

STIPULATION OF CONSENT TO TRIAL BEFORE UNITED STATES MAGISTRATE JUDGE
ENTRY OF FINAL JUDGMENT BY UNITED STATES MAGISTRATE AND CONSENT TO
APPEAL TO UNITED STATES COURT OF APPEALS

The undersigned parties, by and through their attorneys, are fully aware of the right to trial of the captioned proceeding before a Judge of the United States District Court for this District and do hereby specifically waive trial before the District Judge and consent to (jury/non-jury) trial before a United States Magistrate Judge and specifically authorize entry of final judgment by the United States Magistrate Judge, pursuant to 28 U.S.C. 636(c), Fed.R.Civ.P. 73.

Plaintiff(s)

Defendant(s)

After completing this form, counsel are **required** to e-mail it to: consents@wyd.uscourts.gov. Alternatively, the form may be mailed to the following address: U.S. District Court, 2120 Capitol Avenue, Room 2131, Attention: Consent Clerk, Cheyenne, Wyoming 82001. **Do not e-file this document!**

28 U.S. Code § 636 - Jurisdiction, powers, and temporary assignment

(c)Notwithstanding any provision of law to the contrary—

(1)Upon the consent of the parties, a full-time United States magistrate judge or a part time United States magistrate judge who serves as a full-time judicial officer may conduct any or all proceedings in a jury or nonjury civil matter and order the entry of judgment in the case, when specially designated to exercise such jurisdiction by the district court or courts he serves. Upon the consent of the parties, pursuant to their specific written request, any other part-time magistrate judge may exercise such jurisdiction, if such magistrate judge meets the bar membership requirements set forth in section 631(b)(1) and the chief judge of the district court certifies that a full-time magistrate judge is not reasonably available in accordance with guidelines established by the judicial council of the circuit. When there is more than one judge of a district court, designation under this paragraph shall be by the concurrence of a majority of all the judges of such district court, and when there is no such concurrence, then by the chief judge.

(2)If a magistrate judge is designated to exercise civil jurisdiction under paragraph (1) of this subsection, the clerk of court shall, at the time the action is filed, notify the parties of the availability of a magistrate judge to exercise such jurisdiction. The decision of the parties shall be communicated to the clerk of court. Thereafter, either the district court judge or the magistrate judge may again advise the parties of the availability of the magistrate judge, but in so doing, shall also advise the parties that they are free to withhold consent without adverse substantive consequences. Rules of court for the reference of civil matters to magistrate judges shall include procedures to protect the voluntariness of the parties' consent.

(3)Upon entry of judgment in any case referred under paragraph (1) of this subsection, an aggrieved party may appeal directly to the appropriate United States court of appeals from the judgment of the magistrate judge in the same manner as an appeal from any other judgment of a district court. The consent of the parties allows a magistrate judge designated to exercise civil jurisdiction under paragraph (1) of this subsection to direct the entry of a judgment of the district court in accordance with the Federal Rules of Civil Procedure. Nothing in this paragraph shall be construed as a limitation of any party's right to seek review by the Supreme Court of the United States.

(4)The court may, for good cause shown on its own motion, or under extraordinary circumstances shown by any party, vacate a reference of a civil matter to a magistrate judge under this subsection.

(5)The magistrate judge shall, subject to guidelines of the Judicial Conference, determine whether the record taken pursuant to this section shall be taken by electronic sound recording, by a court reporter, or by other means.

A consent form is attached and also available on the Court's website at:
<http://www.wyd.uscourts.gov/htmlpages/forms.html#CivilForms>

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

TIM TEICHERT on behalf of THE
ESTATE OF HERMAN TEICHERT and
THE ESTATE OF MINERVA TEICHERT

Plaintiffs,

v.

THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS, a Utah
corporation; CORPORATION OF THE
PRESIDING BISHOP OF THE CHURCH
OF JESUS CHRIST OF LATTER-DAY
SAINTS; and the CORPORATION OF
THE PRESIDENT OF THE CHURCH OF
JESUS CHRIST OF LATTER-DAY
SAINTS;

Defendants.

CASE NO.

21 CV 145-J

ORDER OF REMOVAL

On July 27, 2021, a notice of removal of this case was filed with the Clerk of the United States District Court, District of Wyoming, pursuant to 28 U.S.C. § 1446. It is, therefore,

ORDERED that under Local Civil Rule 81.1, the removing party shall immediately notify the state court of the removal by filing a copy of the notice of removal with the clerk of the state court (if such as not already been done). It is

FURTHER ORDERED that the clerk of the state court is hereby advised that jurisdiction over the parties and subject matter of this action is deemed removed from the state court to the United States District Court for the District of Wyoming at the time the notice of removal is filed with the clerk of the state court, and the state court should proceed no further on this case unless it is later remanded back to the state court.

FINALLY ORDERED that the removing party shall file a copy of the entire state court record and proceedings, including the docket sheet, with the Clerk of this Court within fourteen (14) days of the entry of this Order of Removal.

Dated this _____ day of July, 2021.

United States District Judge