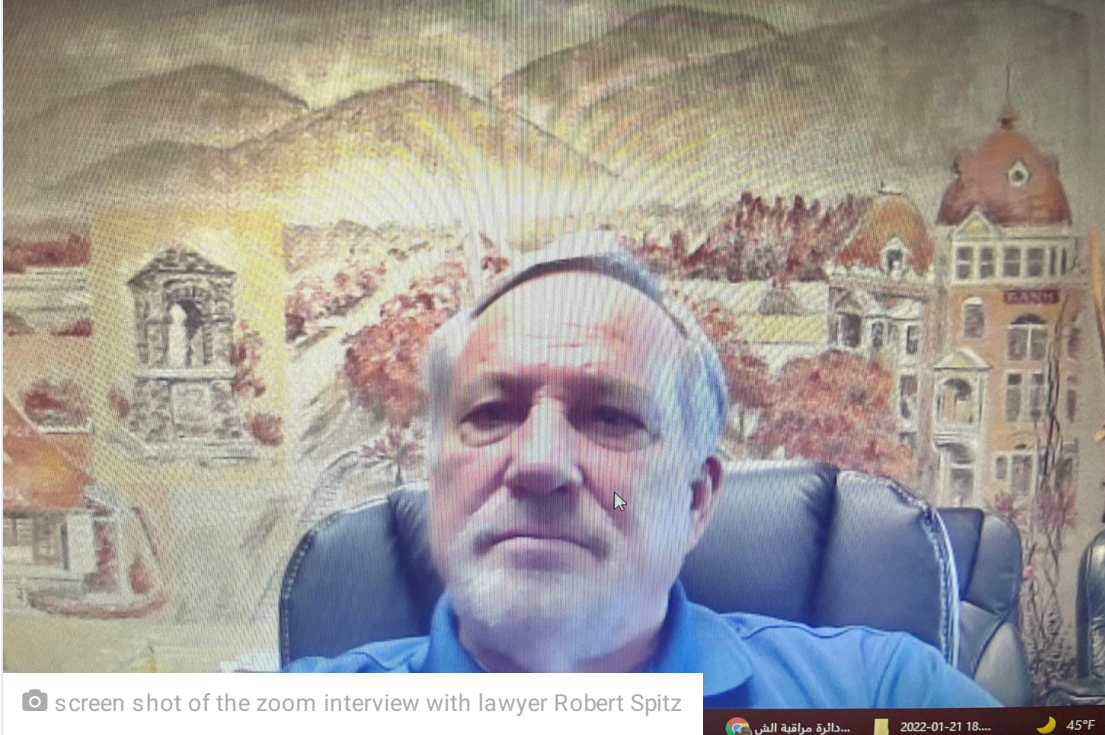


Jurisdiction proven in the case against Latin Patriarchate of Jerusalem, says California lawyer



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By Daoud Kuttab

In a wide-ranging interview, California lawyer Robert Spitz has confirmed that evidence sufficient to support jurisdiction over the Latin Patriarchate of Jerusalem and the Holy See has been submitted to the California Court in the \$31 million lawsuit by his client, Benjamin Seryani. The case has been pending in the State of California's Superior Court of San Bernardino County since August 2019.

The Church defendants filed a motion asking the Court to deny jurisdiction on the grounds that there is no connection between the Latin Patriarchate and the State of California. The Judge granted Seryani the right to obtain

evidence and documentation relating to the issue of jurisdiction, including the taking of depositions of Church officials.

The breakthrough in the case came when depositions were taken of officials of the Knights of the Holy Sepulcher who confirmed that the sole purpose of their organization is to “support the Latin Patriarchate of Jerusalem and the Christian presence in the Holy Land.” They testified that the Los Angeles chapter of the Order raises about one million dollars annually as financial support for the Latin Patriarchate of Jerusalem (LPJ). The Patriarchate owns the American University of Madaba (AUM), which is the focus of the lawsuit by American-Jordanian citizen Benjamin Seryani for breach of the contract he had with LPJ and AUM.

Calling the former Patriarch of Jerusalem, Fouad Twal’s deposition testimony “straight forward,” advocate Spitz said that Twal “confirmed the fact that donations to the Equestrian Order of the Holy Sepulchre in the US, including in the State of California, are the primary source of funding for the activities of the Catholic Church in the Holy Lands.”

The veteran lawyer, who is also a member of the NY Bar, told Maghtas.com, via zoom, that substantial evidence supporting both general and specific jurisdiction has been provided to the Court. Judge Donald R. Alvarez is expected to make his ruling on Jurisdiction after the court hearing in March.

In explaining the reasons why this case has taken so long, Spitz said that delaying efforts by Church lawyers aimed “to run out the clock” was to blame. But these tactics have failed. The judge Ordered Church officials to provide financial records showing the funding from the Order. The former Patriarch of Jerusalem appeared for his deposition but failed to provide any financial documents as ordered by the California Court. “So based on the fact that LPJ failed to comply with a Court order to provide financial documents, the Judge may deny LPJ’s motion to quash jurisdiction,” he said.

While confirming indirectly that the judge has made rulings in the case against the Church lawyers, Spitz denied that the judge is showing any favoritism. “I think it is inaccurate to say that the judge has sided with us. He is carrying out his duty as an officer of the court in a fair and proper way. I believe he is

reserving his decision until all the evidence is in to make a correct decision on jurisdiction.”

The lawyer for Benjamin Seryani admitted that the case he is trying is “a unique, first of its kind case” he offered an olive branch to the church to settle the case. “We have asked them to settle several times, but we have not received any response. All I want is fair compensation for the losses of my client.”

The Equestrian Order of the Holy Sepulchre of Jerusalem is a Catholic order of chivalry commissioned to support the Latin Patriarchate of Jerusalem and the Christian presence in the Holy Land.

From Knights website www.eohsjwesternusa.org

Advocate Spitz believes that the case could have far-reaching implications for US citizens who have other types of disputes with the Latin Patriarchate of Jerusalem or the American University of Madaba. His opinion was that if jurisdiction is granted by the trial Court it would be unlikely to have that decision reversed on appeal. “As long as the judge has weighed the evidence fairly, an appeals court is unlikely to reverse that decision. If the Church appeals a decision granting jurisdiction, the case will become widely known, because there are many search engines that can find Appellate Court decisions on jurisdiction.”

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BELOW IS THE FULL TEXT OF THE EXCLUSIVE INTERVIEW WITH BOB SPITZ

Maghtas: Some of the church leaders in Jordan wonder why a case is being pursued in the US for a contract in Jordan?

Spitz: Mr. Seryani believes that he will not get a fair hearing and a fair examination of the evidence in Jordan. Many lawsuits have been filed this way, where US citizens believe that there is a breach of contract by a foreign entity having substantial contacts with the US.

Q: You are aware that Mr. Seryani's lost an earlier case for jurisdiction in New Hampshire?

A: My understanding is that he withdrew the case and in fact, there was no final decision on the issue of jurisdiction in New Hampshire.

Q: Can you explain the concept of Jurisdiction that allows a Court in California to maintain a lawsuit against foreign entities?

A: There are two ways in which the US Supreme Court has recognized a path for US citizens to obtain jurisdiction. What is needed is to prove that there are minimum contacts by that foreign entity with the forum state. Jurisdiction can be established if the foreign entity has sufficient contacts on a regular and continuous basis with the US. Jurisdiction can be found where the foreign entity defendant has an ongoing relationship with the US, not necessarily involving the exact details of the lawsuit and even if that activity is unrelated to the Plaintiff. This is called general jurisdiction.

The second way in which the jurisdiction has been provided in US law is by what is called specific jurisdiction. That exists where the lawsuit directly involves activities of the defendant with the US.

In our case, the grounds for general jurisdiction exist because the defendant has obtained financial benefit from citizens in California. This alone is sufficient. We have shown that the Western Lieutenancy of the Knights of the Holy Sepulcher collects donations from US citizens of California in the amount of about one million dollars annually. This revenue goes toward the financial support of the Latin Patriarchate in Jerusalem. The Church defendants have tried to deny receiving financial support directly from California residents. But we discovered that the money from the various chapters of the Order goes to the offices of the Grand Magisterium based in the Vatican, which decides where the money is allocated for the Holy Land. His Beatitude Fouad Twal confirmed the way that funds received by the Grand Magisterium the Vatican are allocated and distributed. This is one important piece of the jurisdiction that was disclosed in the depositions.

Donations from California were sent to Latin Patriarchate in Jerusalem

The defendants have admitted that the purpose of the Knights of the Holy Sepulchre is to provide financial support for the activities of the Church in the Holy Land. These funds are administered by LPJ. As the former Patriarch of Jerusalem, Twal confirmed the facts supporting general jurisdiction. The fact that the headquarters of Seryani's company –Synergy– was located in California confirmed specific jurisdiction. The law requires minimum contacts of the foreign entity with the US and we have submitted evidence supporting both types of jurisdiction in this case.

Q: Why did you need to name and depose Church officials including Cardinals, Bishops, and the current and former Patriarch of Jerusalem?

A: Without naming individuals we couldn't get the evidence needed to establish jurisdiction for this case. In the area of written discovery, lawyers for the church were stonewalling our requests for information. But by deposing these high-ranking officials, such as His Beatitude Fouad Twal, we were able to get confirmation of the information contained on their websites. We attempted to depose Archbishop Pizzaballa as well but when the Church lawyers objected we agreed to accept a financial officer that was more knowledgeable. Once again the Church played games and provided a person who had not reviewed any of the financial records for his deposition and refused to provide any of the documents as ordered by the Court.

Q: What was your evaluation of the deposition of Patriarch Fouad Twal?

A: He was straightforward and we appreciated his honesty and integrity. The focus of his deposition was the relationship between the Latin Patriarchate

of Jerusalem (LPJ) and the Knights of the Holy Sepulchre. He confirmed the fact that funds that were collected by the Order in the US were directed to LPJ through the Grand Magisterium in the Vatican.

Patriarch Twal confirmed LPJ received money from Knights in US

Q: Is it true that if your case gains jurisdiction this will be the first time that anyone has succeeded in getting jurisdiction against the Holy See in the US?

A: It is my understanding from several attorneys that no one in the US has ever succeeded in obtaining Jurisdiction over the Vatican. It is extremely difficult and costly to obtain jurisdiction over the Holy See. There are many hurdles that the Vatican has established, relating to its own rules as a nation that deter service. The Vatican requires all paperwork for the case to be translated into Latin and elaborate procedures to effectuate service on the Vatican Nation.

Jordan and Israel have rules for serving people and entities that are similar to those of the US. That is why we were able to serve His Beatitude, the Archbishop, and other officials in Jerusalem and Jordan.

Q: Since they finally cooperated why did you file a motion against them?

A: The church did not initially cooperate with depositions. They delayed, claiming that the Covid pandemic made depositions too dangerous. Last spring we requested that the depositions go forward and the Church agreed

to cooperate so that they could get a final date for their motion on jurisdiction. But when we set those depositions, none of the officials showed up. We had to file motions asking the judge to order them to appear at the deposition and provide documents. Even then they did not cooperate fully with the orders of the judge. They have never provided any financial documents. We have filed more motions seeking sanctions for their failure to cooperate with the Court's previous Orders. We are entitled to have LPJ provide all relevant documents on the issue of jurisdiction and specifically documents showing the money from The Equestrian Order of the Holy Sepulchre of Jerusalem that was provided to support LPJ.

These financial documents from the Latin Patriarchate of Jerusalem have not been produced. So based on the fact that they have disobeyed the court's order, we filed new motions for sanctions. We have asked the Court to deny the motion to quash jurisdiction on the grounds that they have refused to comply with this order for the production of financial documents.

Q: I recently wrote a piece on the Maghtas.com website saying that Judge Donald Alveraz appears to be siding with your client on the issue of jurisdiction and is planning to set a date for the trial in March? Is this accurate?

A: Judge Alvarez is a very fair judge. He has been extremely diligent to review all the facts and briefings by both counsels before making any of his rulings. It is inaccurate to say that the judge has sided with us. He made several rulings that were against my client in the beginning and a few rulings more recently have been in our favor. He is carrying out his duty as an officer of the court in a fair and proper way. I believe he is reserving his decision on jurisdiction until all of the evidence is in front of him. I trust that his decision will be based on the evidence that is presented.

Q: This case has been going on for such a long time – more than two years. Why is it taking so long? Is that normal?

A: This is not normal, it is very unusual for a case to take this long for a decision on jurisdiction. The representatives of the defendants have been abusing the discovery process. They did not want any depositions to take

place and made all kinds of excuses. We had to wait for the court orders to take the depositions. Still, they did not co-operate. We had to go back again and again to the judge to compel them to respond to the deposition requests.

Q: Is this normal to wait so long?

A: Nothing is normal about this case. This is a one-of-a-kind case. Never before in the history of US jurisprudence have we had a case like this against the Latin Patriarchate of Jerusalem. Never before has the Latin Patriarchate been taken to court in the United States. I believe that because of the sensitivity and uniqueness of this case, Judge Alvarez is going through every motion we filed to carefully consider his decision.

Q: Do you think that your opponents are trying to delay and bleed your client in legal fees so that he would withdraw his case?

A: Absolutely we believe they have been trying to run the clock and I have filed motions saying that is exactly what they are doing. They demanded that the Court set a final deadline for hearing their motion to quash jurisdiction and then the Church did everything possible to delay and prevent us from taking the discovery and depositions of their officials. I think the Church was shocked when the Judge ruled against them on this abuse of the discovery process. The judge has agreed to hear our motion on this abuse by the Church before making a final decision on jurisdiction. The Church did not get away with this attempt to run out the clock on us because Judge Alvarez has realized that this is not fair.

Judge Alveraz ruled that Church lawyers
abused discovery process

Q: In normal times such cases would have long been settled why has there been no effort to settle this case out of court?

A: You have to ask the Church why there has been no settlement. We have asked them to sit down with settlement negotiations several times. They have not responded. All I want is for my client to obtain fair compensation for the losses he sustained by this breach of contract.

Q: Your client is asking the Latin Patriarchate for \$31 million. That is a lot of money?

A: My client had ten-year contracts with LPJ for all of the major services associated with the University. He provided more than 8 million JD of his own money in support of AUM. Mr. Seryani's services were essential for many of the improvements to this university. He was performing an excellent job until he was abruptly terminated without good cause.

Q: Are there any broader implications for this case in the event that the California Judge grants jurisdiction for your case?

A: Yes, I believe there are broad implications. This is the first time that anyone has attempted to get jurisdiction over LPJ in a US court. Once we establish jurisdiction in this case, other US citizens can use that decision as a guide for claims against the Latin Patriarchate of Jerusalem and the American University of Madaba. Regardless of the decision, the documents we have obtained in this case can be used by other lawyers representing US citizens to obtain jurisdiction over the Latin Patriarchate and the American University of Madaba. This case can have far-reaching consequences.

Q: What about the Vatican, is the case against the Holy See also unique, and will it have long-term ramifications?

A: I think that the same facts we have presented here to obtain jurisdiction can be applied for jurisdiction over the Holy See. But there are still other hurdles and this will require sufficient financial resources to properly translate all documents to Latin and comply with other requirements for service of the case.

Q: Can the other side appeal?

A: Either side can appeal the ruling on jurisdiction. There are two types of appeal. One is based on whether the ruling is strictly on the interpretation of the law. In our case, the applicable law is not in dispute because it is based on the rulings of the United States Supreme Court.

The second type of appeal is based on whether the judge used reasonable discretion to weigh the evidence and come to a proper application of the law. In this case, the decision that will be made involves the evidence that is provided. It is more difficult to reverse the trial court's decision on the appeal of this type of discretionary ruling. As long as the judge has sufficient evidence to support his ruling, an appellate court is unlikely to reverse his decision.

However, if either side appeals the decision on Jurisdiction in our case, then it will become widely known to other attorneys throughout the United States since it will be easily found using the legal search engines that have access to every appellate case.