

**UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT**

THE FUNDAMENTALIST CHURCH
OF JESUS CHRIST OF LATTER-DAY
SAINTS, an Association of Individuals

Plaintiff - Appellant,

No. 11-4066

v.

BRUCE R. WISAN, Special Fiduciary of
the United Effort Plan Trust; MARK
SHURTLEFF, Attorney General for the
State of Utah; TERRY GODDARD,
Attorney General for the State of Arizona;
and DENISE POSSE LINDBERG, Judge
of the Third Judicial District Court of Salt
Lake County, State of Utah

Defendants - Appellees.

**NOTICE OF INFORMATION RELEVANT TO
EMERGENCY
MOTION TO STAY AND
REQUEST FOR IMMEDIATE DECISION**

Defendant Judge Denise Posse Lindberg, by and through counsel Brent M. Johnson of the Utah State Administrative Office of the Courts, submits the following notice in support of the Emergency Motion to Stay filed on April 13, 2011.

This notice is to advise the Court that the federal district court this morning

informed counsel that an Order to Show Cause has been scheduled for tomorrow, April 15, 2011, against Judge Lindberg concerning her Order dated April 11, 2011. Judge Lindberg's order was included as an attachment to her motion before this Court to stay the federal court's preliminary injunction order. Judge Lindberg is leaving for Arizona this afternoon to attend a memorial service for her recently deceased uncle, scheduled for tomorrow, and counsel is in St. George, Utah, several hours from Salt Lake City. When the undersigned informed Judge Dee Benson of this information, he suggested that it may be necessary to have the federal marshals bring Judge Lindberg before his court this afternoon to answer as to her order. This has created a crisis necessitating an immediate decision from this Court.

Judge Lindberg will do as directed by this Court. Judge Lindberg's concern remains that if her fiduciary is required to cede control of the property before Judge Benson's order can be reviewed, Trust assets will be irretrievably lost. Moreover, because there are competing claimants to the authority to act on behalf of the Corporation of the President of the FLDS Church (the entity to whom Judge Benson's order directs Trust assets be turned over), it is not clear to whom the fiduciary should turn over Trust assets, if that should be this Court's direction. As a result, Judge Lindberg renews her urgent request that this Court issue an immediate stay of the federal district court's order pending review of the various appeals that have been filed. Should the 10th Circuit deny the motion for stay, Judge Lindberg will follow any directive the 10th Circuit may issue. In that event, Judge Lindberg requests specific direction from this Court regarding how

Trust assets should be preserved in the interim.

Only through this Court's immediate action can this extremely difficult and pressing situation between the courts of two sovereigns be de-escalated, and time given for appropriate review of the issues on appeal.

Dated this 14th day of April, 2011.

s/ Brent M. Johnson

BRENT M. JOHNSON

Attorney for Judge Denise Posse Lindberg

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document was filed electronically with the Court via the CM/ECF system on this 14th day of April, 2011 to:

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