



THE MAN WHO SUED GOD



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Unbelievably, long-serving self-proclaimed agnostic Nebraska State Senator Ernie Chambers (“the angriest black man in Nebraska”) has filed a lawsuit against God. As ridiculous as it may sound, Senator Chambers says his intention is to make a point about frivolous lawsuits and illustrate how anyone can file a meritless case without serious consequences. Yes, and two wrongs do indeed make a right...

The lawsuit accuses God of "of making and continuing to make terroristic threats of Grave harm to innumerable persons, including constituents of Plaintiff who Plaintiff has the duty to represent." It seeks to hold God accountable for "calamitous catastrophes resulting in the wide-spread death, destruction and terrorization of millions upon millions of the Earth's inhabitants including innocent babes, infants, children, the aged and infirm without mercy or distinction."

In a fit of alliteration more suited to Batman's gaudily-dressed sidekick Robin, the suit accuses God of causing fearsome floods, egregious earthquakes, horrendous hurricanes, terrifying tornadoes, pestilential plagues, ferocious famines, devastating droughts, genocidal wars and birth defects. Likewise the suit accuses God of having his chroniclers "disseminate in written form, said admissions, throughout the Earth in order to inspire fear, dread, anxiety, terror and uncertainty, in order to coerce obedience to Defendant's will."

Chambers, who has represented Omaha, Nebraska since 1970, asked the Douglas County district court for summary judgment or to set a quick hearing date "if the Court deems such a hearing not to be a futile act." The senator also wants the court to issue a permanent injunction prohibiting God from issuing plagues and terrorist threats. It is unclear how this could work since God is usually understood to be all-powerful. Chambers does admit that God is omnipresent and omniscient, however. Since God is everywhere, the Nebraska court has jurisdiction, Chambers argues, and since God is all-knowing, Chambers need not serve him with a notice of the lawsuit.

On a more serious note, Chambers' main objection is "that the constitution requires that the doors to the courthouse be open to all." Chambers said his lawsuit was triggered by a federal suit filed against a judge who recently barred words such as "rape" and "victim" from a sexual assault trial. The accuser in the criminal case, Tory Bowen, sued Lancaster District Judge Jeffre Chevront, claiming that he violated her free speech rights. Chambers said Bowen's lawsuit is inappropriate because the Nebraska Supreme Court

has already considered the case and federal courts follow the decisions of state supreme courts on state matters.

Praise the Lord- The ‘Almighty’ Responds

Eric Perkins, an attorney in Corpus Christi, Texas, said he filed a response to Senator Chambers’ lawsuit. "It's kind of a turn on 'What would Jesus do?'" Perkins said. "I thought to myself, "what would God say?" According to Perkins' response "Defendant denies that this or any court has jurisdiction ... over Him any more than the court has jurisdiction over the wind or rain, sunlight or darkness".

As for Chambers' contention that God made terroristic threats, inspired fear and caused "widespread death, destruction and terrorization," Perkins wrote that God "contends that any harm or injury suffered is a direct and proximate result of mankind ignoring obvious warnings."

The problem of serving God a summons could land the lawsuit in the earthly Scrap Heap of Failed Legal Actions (or worse, see ‘**Court Treatment of Frivolous Litigation**’ below). But whether the issue goes before a judge may largely depend on how hard Senator Chambers pushes the issue. The senator is not asking that notice be served to God, but says in his lawsuit that if he does not get a summary judgment in the case, he wants a hearing — "if the court deems such a hearing not to be a futile act."

A second seemingly miraculous response from "God" turned up on the counter at the Douglas County Court office with no contact information, although St. Michael the Archangel is listed as a witness. The response briefly states that ‘God’ hereby enters a special appearance to challenge the jurisdiction of the Douglas County Court for the following reasons:

- 1) No proper and sufficient service of summons has been had upon GOD.
- 2) Complainant is barred by the doctrine of collateral *estoppel* from asserting GOD’s existence after a **lifetime** of denying HIS existence, and
- 3) GOD does not issue terroristic threats, but HE will visit an appropriate punishment upon the blasphemous Complainant by seeing that he is removed from office next year.

What is Frivolous Litigation?

A legal action that obviously has no legal merits, or has merits but is still too trivial to proceed.

U.S. courts usually define "frivolous litigation" as a legal claim or defense presented even though the party and the party's legal counsel had reason to know that the claim or defense had no merit. A claim or defense may be frivolous because it had no underlying justification in fact, or because it was not presented with an argument for a reasonable extension or reinterpretation of the law, or because laws are in place unequivocally prohibiting such a claim (e.g. Good Samaritan Laws in the U.S. and Canada protecting those who choose to aid others who are injured or ill. These laws are intended to reduce bystanders’ hesitation to assist, for fear of being prosecuted for unintentional injury or wrongful death)

An attorney is required to perform a due diligence concerning the factual basis for any claim or defense under Rule 11 of the United States Federal Rules of Civil Procedure and similar State rules. *As a frivolous defense or claim wastes the court's and the other parties' time, resources and legal fees, sanctions may be imposed by a court against the party or the lawyer presenting the frivolous action. The law firm may also be sanctioned, or even held in contempt.*

Court treatment of frivolous arguments

An example of an American Court's treatment of frivolous arguments is found in the case of *Crain v. Commissioner*, from the United States Court of Appeals for the Fifth Circuit.

The Plaintiff appealed the dismissal of his petition from the Tax Court challenging the constitutional authority of that body and defying the jurisdiction of the Internal Revenue Service to levy taxes on his income. The Court stated that it need not refute Plaintiff's arguments with somber reasoning and copious citation of precedent- "to do so might suggest that these arguments have some colorable merit." It continued - "We are sensitive to the need for the courts to remain open to all who seek in good faith to invoke the protection of law. An appeal that lacks merit is not always--or often--frivolous. *However, we are not obliged to suffer in silence the filing of baseless, insupportable appeals presenting no colorable claims of error and designed only to delay, obstruct, or incapacitate the operations of the courts or any other governmental authority. Crain's present appeal is of this sort. It is a hodgepodge of unsupported assertions, irrelevant platitudes, and legalistic gibberish. The government should not have been put to the trouble of responding to such spurious arguments, nor this court to the trouble of "adjudicating" this meritless appeal. Accordingly, we grant the government's request. The United States shall recover from appellant Crain twice its cost of this appeal. Additionally, we assess against Crain a damage award of \$2000 in favor of the appellee United States.*"

In the United States Tax Court, frivolous arguments may result in a penalty of up to \$25,000 under . 26 U.S.C. § 6673 . (*Internal Revenue Code*)

Abuse of Court Process

In *Washington v. Alaimo*, the Plaintiff (jailed for murdering a policeman) appealed against a court's decision to show cause for filing an offensive and frivolous 'motion' (a request for a court to issue an order), the court citing more than seventy five frivolous motions previously filed by the Plaintiff on a weekly basis(!), all of which required the Court's time and attention. The Court, in dismissing the plaintiff's appeal held that the plaintiff had 'wasted the time of many an innocent party and flippantly used the resources of the judiciary with his abusive motions filing practice', that included such award-winning examples as:

- "Motion to Kiss My Ass"
- "Motion to Behoove an Inquisition"
- "Motion for Restoration of Sanity"
- "Motion for Deinstitutionalization"
- "Motion for Publicity"
- "Motion to Vacate Jurisdiction"
- "Motion for Psychoanalysis"
- "Motion to Impeach Judge Alaimo"
- "Motion to Renounce Citizenship"
- "Motion to Exhume Body of Alex Hodgson" (the policeman whom Plaintiff murdered)
- "Motion to Invoke and Execute Rule 15-Retroactive Note: The Court's School Days are Over"
- "Motion for Skin Change Operation"
- "Motion for Catered Food Services"

As they say, 'Only in America!'

Sources: AP, Wikipedia