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Attorneys for Defendant/Counterclaimant  
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6 **U.S. DISTRICT COURT**  
7 **DISTRICT OF ARIZONA**

8 DANIEL ZIMMERMAN, an unmarried  
man, and UNIVERSAL LIFE  
CHURCH/ULC MONASTERY, INC.,  
9 an Arizona not-for-profit charitable  
corporation,  
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Plaintiff,  
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vs.  
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13 GEORGE FREEMAN, an unmarried  
man, and DOES I-X,  
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Defendant.  
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16 GEORGE FREEMAN, an unmarried  
man,  
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Counterclaimant,  
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vs.  
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20 DANIEL ZIMMERMAN, an unmarried  
man,  
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Counterdefendant.  
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NO. CV07-0209-TUC-DCB

**ANSWER AND COUNTERCLAIM**

1 Defendant George Freeman, by and through his counsel undersigned, for his Answer  
2 and Counterclaim, admits, denies and affirmatively alleges as follows:

3 **ANSWER**

4 1. In response to Paragraph 1 of the Complaint, Defendant admits that Mr.  
5 Zimmerman is an ordained minister of the Universal Life Church and a resident of the State  
6 of Arizona. While Defendant admits that Plaintiff suffers from one or more physical and  
7 mental disabilities. Defendant is without information to form a belief whether Mr.  
8 Zimmerman is a permanently disabled man, and therefore denies the allegation.

9 2. Defendant admits Paragraph 2 of the Complaint.

10 3. In response to Paragraph 3, Defendant admits that he is an unmarried man,  
11 that he is a resident of the State of Washington, and that he was a friend of Plaintiff.  
12 Defendant denies the remaining allegations set out I Paragraph 3 of the Complaint.

13 4. Defendant is without information sufficient to form a belief as to the truth of  
14 the allegations set out in Paragraph 4 of the Complaint, and therefore denies same.

15 5. Defendant denies the allegations set out in Paragraph 5 of the Complaint.

16 6. Defendant admits the allegations set out in Paragraph 6 of the Complaint.

17 7. Defendant admits the allegations set out in Paragraph 7, except that ULC was  
18 run by Mr. Zimmerman, among others, as an officer and board member. At all times, Mr.  
19 Zimmerman was subject to removal, if appropriate.

20 8. In response to Paragraph 8 of the Complaint, Defendant admits that he was  
21 and is an officer and director of ULC. Defendant denies all allegations set out in Paragraph  
22 8 that are inconsistent with the foregoing.

23 9. Defendant denies the allegations set out in Paragraphs 9, 10, 11, 12, 13, 14, 15  
24 and 16 of the Complaint.

1           10.    In response to Paragraph 17 of the Complaint, Defendant realleges Paragraphs  
2 1 through 9 herein.

3           11.    Defendant denies the allegations set out in Paragraphs 18, 19, 20 and 21 of the  
4 Complaint.

5           12.    In response to Paragraph 22 of the Complaint, Defendant realleges Paragraphs  
6 1 through 11 herein.

7           13.    Defendant is without information sufficient to form a belief as to the truth of  
8 the allegations set out in Paragraph 23 of the Complaint, and therefore denies same.

9           14.    Defendant denies the allegations set out in Paragraphs 24, 25 and 26 of the  
10 Complaint.

11          15.    In response to Paragraph 27 of the Complaint, Defendant realleges Paragraphs  
12 1 through 14 herein.

13          16.    Defendant admits the allegations set out in Paragraphs 28, 29 and 30 of the  
14 Complaint.

15          17.    Defendant denies the allegations set out in Paragraph 31 of the Complaint.  
16 While Defendant admits the action arises out of contract, Defendant affirmatively alleges  
17 that he is entitled to an award of his attorney's fees incurred herein.

18          18.    In response to Paragraph 32 of the Complaint, Defendant realleges Paragraphs  
19 1 through 17 herein.

20          19.    Defendant denies the allegations set out in Paragraphs 33, 34, 35 and 36 of the  
21 Complaint. Defendant affirmatively alleges that federal postal statutes do not contain a  
22 private right of action.

23          20.    In response to Paragraph 37 of the Complaint, Defendant realleges Paragraphs  
24 1 through 19 herein.

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1           21. In response to Paragraphs 38 and 39, Defendant admits that both he and  
2 Plaintiff owe a fiduciary duty to the corporation. Defendant denies the remaining  
3 allegations set out in Paragraphs 38 and 39 of the Complaint.

4           22. Defendant denies the allegations set out in Paragraphs 40 and 41 of the  
5 Complaint.

6           23. In response to Paragraph 42 of the Complaint, Defendant realleges Paragraphs  
7 1 through 22 herein.

8           24. Defendant denies the allegations set out in Paragraphs 43, 44, 45, 46 and 47  
9 of the Complaint.

10          25. In response to Paragraph 48 of the Complaint, Defendant realleges Paragraphs  
11 1 through 24 herein.

12          26. Defendant denies the allegations set out in Paragraphs 49, 50, 51 and 52 of the  
13 Complaint.

14          27. In response to Paragraph 53 of the Complaint, Defendant realleges Paragraphs  
15 1 through 26 herein.

16          28. Defendant denies the allegations set out in Paragraphs 54, 55 and 56 of the  
17 Complaint.

18          29. In response to Paragraph 57 of the Complaint, Defendant realleges Paragraphs  
19 1 through 28 herein.

20          30. Defendant admits the allegations set out in Paragraph 58 of the Complaint.

21          31. Defendant denies the allegations set out in Paragraphs 59, 60, 61, 62, 63 and  
22 64 of the Complaint.

23          32. In response to Paragraph 65 of the Complaint, Defendant realleges Paragraphs  
24 1 through 31 herein.

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1           1.       Prior to August 4, 2006, Plaintiff Daniel Zimmerman (“Zimmerman”) served  
2 as the President and as a member of the Board of Directors of Universal Life Church/ULC  
3 Monastery, Inc., an Arizona corporation (the “Corporation”).

4           2.       As of August 4, 2006, the other directors of the Corporation were George  
5 Freeman, Daniel Chapin and Jeffrey Vogt.

6           3.       On August 4, 2006, by action of the Board of Directors of the Corporation,  
7 Zimmerman was removed as an officer and director of the Corporation. The action was  
8 taken for the following reasons:

9           A.       Zimmerman demonstrated an increasing mental instability.  
10 Zimmerman’s instability resulted in frequent outbursts directed at staff and constituents  
11 involving threats and profanity, usually without any provocation or apparent reason. In one  
12 incident, Zimmerman was cited by Tucson Police after he threatened to blow up Park Place  
13 Mall. Zimmerman’s erratic and unstable behavior has tarnished the Corporation and its  
14 mission, and has resulted in a significant loss of revenues.

15           B.       Zimmerman has concealed his personal financial activities involving  
16 funds and assets of the Corporation and has refused to produce records of the Corporation  
17 that were requested by other officers and directors.

18           C.       Zimmerman has made personal use of corporate funds and corporate  
19 property and has refused to account for such use. Zimmerman maintains the attitude that  
20 corporate funds are interchangeable with his own funds, that corporate funds may be used  
21 by him as he pleases, for any personal purpose, and that he has no duty to account to the  
22 Corporation for his personal use of corporate funds.

23           D.       In a fit of erratic behavior, Zimmerman disabled the ULC website, the  
24 chief source of income for the Corporation, indicating that he did not want to spend his (the  
25 Corporation’s) savings to support the site.

1 E. In a similar fit of erratic behavior, Zimmerman discharged the  
2 Corporation's accountants without arranging for replacements, thereby endangering the  
3 financial stability of the Corporation.

4 F. On more than one occasion, Zimmerman has made inappropriate  
5 comments of a sexual nature to Corporation employees, vendors and constituents.  
6 Zimmerman demanded that another officer install cameras on the desktops of the young  
7 male workers so that he could "watch them."

8 G. Zimmerman has jeopardized the legal well being of the Corporation  
9 with his behavior and erratic decision making.

10 H. Zimmerman, in incorporation papers and annual reports filed with the  
11 Arizona Corporation Commission, falsely and fraudulently concealed felony convictions  
12 that he was required to disclose pursuant to Arizona law. In so doing, Zimmerman  
13 jeopardized the Corporation's legal standing as an Arizona nonprofit corporation.

14 I. Zimmerman further endangers the legal status of the Corporation by  
15 disregarding local, state and federal laws affecting the Corporation. When questioned about  
16 the tax consequences of a particular decision, Zimmerman responded that his treatise, the  
17 "Book of Covenants," constitutes a "back door" which allows him to interpret laws and  
18 regulations as he sees fit.

19 4. Following the removal of Zimmerman from the Board of Directors, and as an  
20 officer of the Corporation, Defendant/Counterclaimant George Freeman was elected  
21 president of the Corporation by the remaining directors.

22 **COUNT ONE**  
23 **(Declaratory Judgment)**

24 5. Freeman realleges Paragraphs 1 through 4 herein.  
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**CERTIFICATE OF SERVICE**

X I hereby certify that on August 28, 2007, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

James P. Armstrong  
The Armstrong Law Firm  
4600 E. Shea Blvd.  
Phoenix, Arizona 85028

/s/kphillips