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A T T O R N E Y

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May 15, 2016

**VIA U.S. MAIL AND E-MAIL**

Council of Elders  
Oklevueha Native American Church  
1559 S 1460 E  
Spanish Fork, UT 84660

*Re:* Defamatory Statement by Joy Graves

Dear Council Members:

I regret having to write this to you, but it seems James and Linda Mooney have authorized Joy Graves to make slanderous statements about me and other people I work with.

In September of last year, I traveled to Salt Lake City to meet James, Gary and Shaun in person for the first time. We had talked on the phone a number of times over the summer and I had, after initial skepticism, developed an interest in Oklevueha. During two days of meetings with James and members of the Council of Elders, I learned a great deal about the church and about James. Ahead of our visit, the church paid me \$5,000.00 for the trip out to Salt Lake and as an initial retainer to pay for time necessary for us to learn about laws related to ONAC.

During our visit, James, as the head of the church, asked that I work for Oklevueha (ONAC). He made promises of monthly payments that would cover time and costs and he, along with Shaun, said they wanted us to get started immediately. I agreed we would review the law to gain an understanding of it specifically in respect to Oklevueha and, thereafter, over the next two months, I spent a great deal of time learning and studying religious freedom law and history. However, the promised payments for services were not being made by ONAC. During that time – in or around October – I was called the day a church branch in Sonoma County was being raided. Despite not being paid, I took action immediately even stopping on a business trip to write and fax a letter to Sonoma County while the raid was taking place. Indeed, I was on the phone for hours

Council of Elders  
Oklevueha Native American Church  
May 15, 2016  
Page Two

that day and then about two days later traveled to Santa Rosa to meet with the leaders of that branch who had been attacked by authorities there and hold a press conference.

In or around November, I was notified that Peter Tran was being appointed president of ONAC. Because we had not received any additional compensation despite spending a great deal of time learning about the law and talking to numbers of people who were calling my office since it had been announced we were helping, Peter addressed that issue and agreed to a payment schedule through approximately March, 2016. We received a small payment and an additional partial payment – both far less than the amount due for the time we'd already expended. Thereafter, we received nothing from ONAC for months despite filing a lawsuit against Sonoma County for the raid that took place there and helping on many, many cases. Since there appeared to be no support coming from ONAC and the people in Sonoma had been left by James to fend for themselves, I along with other people who work for me sent money to both of the church leaders who essentially had nothing after the county stole virtually everything from them.

Although we had not received payment, people in ONAC around the country had been notified that my office was helping the church and we received more and more phone calls from people who were facing charges, facing jail time or subject to raids and shut-downs. In one case, after numerous errors had been made by attorneys in Michigan in a case there where a church member was facing federal prison time, we intervened, wrote briefs and put our own money in to secure a very reputable attorney in Michigan who could handle the appeal. That member was kept out of jail during his appeal because of that work and money we paid as well as money paid personally by a very important church branch leader in Ohio. Around the country, despite lack of payment by ONAC, we continued to help people. We flew to Portland and to Ohio. We went to Arizona and Utah. In fact, when sacrament had been intercepted by the U.S. Postal Service in Oregon, we ensured replacement healing sacrament required by a woman with esophageal cancer in Ohio got to her before she died. The reports back to us were that her final days were made much more meaningful because that healing sacrament had gotten to her.

In January, when I traveled to Portland, I met Joy Graves because sacrament she was sending through the mail had been intercepted. During my meeting with Joy, I first learned of a situation where Joy reported more than \$25,000 had been gathered to support legal defense by members of her branch and the money had simply been taken by James Mooney with no report of what happened to it. As we began helping people around the

Council of Elders  
Oklevueha Native American Church  
May 15, 2016  
Page Three

country who had been charged with crimes or had their sacraments taken by police or local authorities, I learned that James had been telling people they were “bulletproof” from law enforcement and had nothing to worry about when introducing them to ONAC and “gifting” branches while money was paid to him under the proverbial table. More and more people reported they were angry that they’d been promised that they were protected from the law yet had been arrested and lost thousands and thousands of dollars they had put in on a sincere and religious basis because of representations made by James Mooney. One branch leader texted me,

I have never been at a lower point in my life. It seems that everything I was promised when joining this church has been forgotten. James promised that I was a priority and that my case would be dropped before the first court date. I have seen no action or interest in helping me. I have been left to fight this alone. It seems that everything has turned upside down since I became a church.

Within days of that text, I flew, at my own expense, to meet that person. I learned of the promises that had been made by James Mooney not only to him, but to others. I observed James Mooney at a meeting making similar promises when I went to a branch in San José. It was clear that James Mooney, even though I felt a close connection to him and believed he was sincere in his beliefs, was making promises to people and taking money from them in an inappropriate manner.

Based upon what I had learned, I told James he could not be making such representations. I met with then ONAC president Peter Tran and told him my concerns. When Peter and I met with James, he was hyper-focused on suing the Mormon church and going to visit the U.S. Attorney General with several church elders. In emails between James Mooney, Peter Tran, Patrick McNeal (the chief operating officer) and me, the issue of taking care of the many cases of members had been raised. James’s response was to emphasize suing the Mormon church and paying tens of thousands of dollars so he and six or seven others could fly to Washington D.C. and meet the U.S. Attorney General. In Columbus, Ohio, when I brought up the plight of the member in Michigan facing jail time simply for cultivating healing sacrament, James told me he was not concerned about that person because the person had disappointed him. He expressed the same lack of interest in other cases where he had made promises of legal protection to people, taken their money and then left them to fend for themselves. As my concerns

Council of Elders  
Oklevueha Native American Church  
May 15, 2016  
Page Four

increased about these people James had made promises to long before I had ever met James or even knew of ONAC, a rift between James and me developed. I was sensing James did not want to have his ability to gift churches and take money interfered with. To address the rift, James began telling people that I am “bi-polar” and off of my “meds.” Both of these statements were untrue. I have never been diagnosed “bi-polar” and, while I have taken “meds,” they had nothing to do with my concerns about the legal issues James Mooney was creating for the church and for its members. Those members – as they always have been – were my concern.

Approximately ten (10) days ago, James was in Southern California. During his visit, he met with a man named Howard Mann. In the early 2000s, Mann had started an Internet gambling company that utilized nude females. According to press articles, Mann had been involved in pornographic websites. Later, Mann became involved in a venture selling memorabilia related to now deceased entertainer Michael Jackson. After being sued by the Michael Jackson estate, a federal judge ordered Mann to cease and desist. I attended a lunch with Mann, his partner and James in Los Angeles. Following the luncheon meeting, I expressed grave concern about having ONAC involved with Howard Mann and his new for-profit marijuana commercial enterprise. James appeared enamored by Mann and the cannabis project Mann is involved with making comments about it not being just an industry, but multiple industries where billions of dollars were going to be made. It was clear James was focused on the money potential. Although not at that meeting, Peter Tran, the president of ONAC, had traveled to Southern California as well. While Tran was in the Los Angeles area, I met with him and with ONAC chief operating officer Patrick McNeal. During the meeting, I presented an agreement I had prepared that I felt was critically necessary to prevent the church from being exposed to liability because of the statements being made and money being taken by James Mooney. I also expressed my concerns about Howard Mann.

The agreement I had proposed required that anyone out talking to potential branch leaders about new branches of the church could not make representations that church membership led to being “bulletproof” from arrest, attacks and seizures by the government. It did not affect anything spiritual – it required representations about the law not be made to make it seem the church totally protected people without any risk. The agreement also required that ONAC leaders have any representations that were being made regarding legal protections be first approved in writing by legal counsel. Finally, the agreement required that people seeking to start branches be subject to a

Council of Elders  
Oklevueha Native American Church  
May 15, 2016  
Page Five

background check as well as a spirituality evaluation. Another issue I had discovered was that some branch leaders had questionable backgrounds that should have been considered so as not to cause risk for other members and branches of the church.

Peter presented the agreement to James Mooney. I made it clear that I would not continue to do work for ONAC if something was not done in regard to the issues addressed by the agreement. Mooney refused to sign the agreement and, because of his refusal, last Monday I resigned. Mooney was again out texting people that I am “bi-polar” and that I needed to go through a Peyote ceremony. Several days later, I was emailed a copy of a letter that had been published by James Mooney terminating me and directing me to turn over files to an attorney named Hull in San Francisco. I have come to learn that Mr. Hull has done work for Howard Mann, the pornography oriented Internet gambling promoter from Canada. Patrick McNeal then informed me he had spoken with Peter Tran, the now former president of ONAC, who told him, without any notice to Peter, James Mooney had flown to Los Angeles, made this Hull fellow the attorney for ONAC and placed Howard Mann and his partner in-charge of ONAC in place of Peter Tran. Needless to say, I was shocked. Placing someone with Howard Mann’s background in-charge of ONAC? I texted Peter Tran and confirmed Mooney had engaged Hull, who Peter told me apparently had some involvement in the same area as Mann and had at some point worked at the Playboy mansion in California.

The next day, I was told Joy Graves had written an article about me at the behest of James and Linda Mooney and published it on social media sites as well as on an ONAC website. The article states James and Linda Mooney approved it and goes on to claim that I was fired for a number of reasons that are untrue and inaccurate. First of all, I resigned on Monday, May 9 when James Mooney had not signed the agreement I mentioned above. I cannot work for an organization where misrepresentations are being made and where the spiritual leader trades churches for cash money paid to him. Had Mooney signed the agreement and abided by it, I would have continued with ONAC. But his termination letter was for effect – I resigned before he ever wrote that letter and it was clearly written so that Joy Graves and David Gaskin could go out – despite all I have done for ONAC – and destroy my reputation. David Gaskin contacted a client in Kansas and told that client that ONAC would only help his family if the client fired me. Next, Joy included a series of slanderous statements. Joy is angry because I refused to give her a recreational vehicle and after I had refused to work on personal cases she has in Oregon unrelated to ONAC (i.e. a case involving a restraining order she’d gotten against a man

Council of Elders  
Oklevueha Native American Church  
May 15, 2016  
Page Six

who had allegedly beaten her, she'd then forgiven and the sheriff department in the area of Oregon where she lives continues to enforce because they believe the man who allegedly beat her is a danger to her.)

On Friday, I received a frantic call from Charnel James that Joy Graves was inside her office. Apparently, Joy was, with James's authorization, sent to attack both Joy Graves and Patrick McNeal, who was at the time in Charnel's office. The police were called. Joy, along with a young man named Tyler, were forced to leave. Next, Joy has today published additional defamatory articles. The articles are caustic, almost entirely untrue and seem to have been published at the behest of James Mooney and therefore ONAC. Not only do these articles need to be immediately removed, ONAC and James Mooney need to immediately retract the slanderous statements made in them. It is clear Joy is acting with malice – and likely that James and Linda Mooney are as well. Should the articles not be removed immediately and immediate retractions be published by James Mooney and ONAC to every person who has read the articles, it will be necessary for me to seek immediate injunctive relief against Joy, David Gaskin (who has been named by Joy as a participant), this Tyler person, James Mooney, Linda Mooney and ONAC.

We have helped numbers of ONAC members over the last nine (9) months. As all of you on the Council of Elders know, we have not only not been paid for that work, we have invested our own money and countless hours of time to help people, many of whom were misled by James Mooney. Even though James Mooney refused to execute the agreement that restricted representations about the church's legal protections to those reviewed and approved by counsel, such a restriction is necessary. I have advised Shaun of this and have attempted to reach each of you. I can only hope this letter gets to you given James Mooney seems to filter communications and hide the names of those of you who are members of the Council of Elders. This behavior by Joy Graves, David Gaskin and James and Linda Mooney is abhorrent. Because James Mooney does not want to sign an agreement does not mean he gets to go out and slander people. Saying I am 'bi-polar' and having Joy Graves and others out attacking people – it is outrageous and clearly malicious.

While I believe in the precepts and concepts promulgated by ONAC, the actions of one man – even if that man is the founder of the Oklevueha schism of the Native American Church – should not be allowed to continue to harm members. Moreover, the decision on who is leading ONAC – now apparently Howard Mann – should involve

Council of Elders  
Oklevueha Native American Church  
May 15, 2016  
Page Seven

the entire Council of Elders and not just James Mooney. Given Mr. Mann's background, it does not appear his leadership will help enhance the legal protections James so often flaunts as "bulletproof."

Very truly yours,

A handwritten signature in blue ink that reads "Matthew S. Pappas". The signature is stylized with a large, looped initial 'M' and a long, sweeping underline.

Matthew S. Pappas

MSP:jm