

## 1. Final Mormon Stories 30 Claims (final edited version)

Hosts: Bill Reel and Radio Free Mormon. Guest: John Dehlin.

Played during the episode: excerpts of the Keystone video "Church's attorney DEBUNKS Mormon Stories lawsuit rumors" (David Snell interviewing attorney David Jordan), <https://youtu.be/eW0XiaJ0yA4> — labelled with their names.

Source audio: Final Mormon Stories 30 Claims.m4a (3:50:06).

Machine transcript (AssemblyAI, September 30, 2026) with speaker separation; speaker names were assigned from the conversation and, for the played clip, by matching the Keystone video's own transcript. Unverified against the audio: check any quote before relying on it. Not a Mormon Stories Podcast episode.

### Chapters

[0:00:00] Mormon Live tonight will focus exclusively on 30 claims the church has made

[0:02:06] Being honest with the judge is the foundation of the entire legal system

[0:05:53] Tonight, you get to decide whether church's claims hold up in court

[0:08:09] Bill Bennett welcomes John Delin to the show tonight

[0:08:27] Sue: How is your health holding up under the strain of a lawsuit

[0:12:33] All of this that you've described happened before the mediation started in November

[0:15:18] David Jordan is the lead attorney representing the church in this action against John

[0:22:12] The LDS Church is suing John de Lynn and Mormon Stories over branding controversy

[0:28:09] Open Stories Foundation has been using blue in various brandings since 2005

[0:30:26] Claim number one: Church used blue to deceive people since 2005

[0:33:34] Church says its primary logo uses blue, but other religions use other colors

[0:35:43] Do you consider yourself, John, to be a religious organization

[0:36:11] I had never made any connection at all between your logo and light rays

[0:37:15] The church claims to have trademarked the light rays design in several categories

[0:40:17] Every single Mormon logo we've ever done has had rays, John says

[0:42:05] The LDS Church uses public domain rays as part of their branding or trademark

[0:44:49] Every one of your logos uses a different lighting dynamic to create differentiation

[0:49:09] Mormon Stories logo uses light rays differently from other churches'

[0:54:46] The Salt Lake Tribune could use an image for a non commercial

[0:56:30] David Jordan labels Open Stories Foundation a commercial enterprise when it's a nonprofit

[0:59:51] Using trademarked image in YouTube banner is not consistent with trademark law

[1:01:59] Bill Larson: I don't think the banner uses the church's logo

[1:06:46] Bill Bennett: That's a weird way to claim this podcast is Mormon

[1:08:52] Notice the light on the Christus is added by the church

[1:11:32] Mormon Stories intentionally adopted and uses the blue Mormon Stories logo featuring light rays

[1:16:48] Never did I direct it. Never did anyone tell me we're copying church branding

[1:17:59] The LDS Church claims that Mormon Stories has caused confusion in the marketplace

[1:25:56] Few of the examples they gave actually showed brand or trademark confusion

[1:27:15] Mormon Stories is being sued over its use of the word Mormon

[1:32:43] John Staleyus says he started Mormon Stories in 2005 as an active member

[1:34:28] Bill: This is where the confusion comes from in this lawsuit

[1:38:28] Mormon Stories podcast uses copyrighted images under fair use law

[1:44:47] The public has long referred to and recognized the Mormon Church as Mormons

[1:53:02] The Church spent seven years telling the public to stop calling it Mormon

[1:54:31] Claim number 12. Mormon Stories began using blue Mormon Stories logo in 2022

[1:56:35] The Church uses the marks Mormon Book of Mormon, Mormon messages, Mormon Channel

[1:59:08] Mormon Tabernacle Choir trademark up for renewal in 2024

[2:06:36] I think fraud is part of your counterclaims against the church

[2:07:29] Claim number 14: Each registration listed above is valid and subsisting

[2:09:26] Mormon Stories launched in 2005; Book of Mormon stories podcast in 2010

[2:12:20] Church claims Mormon Stories was church affiliated in opposition to motion to dismiss

[2:18:28] So did you think for the first hour that it was going to be like faith? Is that enough

[2:20:35] John de Line: Church misrepresented John de Line and Tommy Tomsters

[2:26:54] John: There are serious questions about whether defendants disclaimers accomplish anything

[2:31:39] Claim number 18, ACLU's amicus brief raises the fair use defense

[2:33:31] Mormon Stories' reach has increased significantly since adoption of blue logo

[2:37:06] The church waited three years before changing its logo, Phil says

[2:38:35] Bell: Here's the church who are hemorrhaging members hand over fist

[2:39:28] John Gay: They keep denying that this lawsuit was about the word Mormon

[2:45:32] Half of both mediation days were spent trying to get us to change name

[2:47:00] David Jordan hired Molly Richard to mediate the trademark dispute

[2:48:25] John Delin again refused to put a disclaimer on Mormon stories podcast

[2:54:22] The original lawsuit was two. Two things that I felt were very dishonest

[2:58:17] Bill Bennett: David Jordan admits that the church's first ask was ridiculous

[3:02:35] The church denies that it abandoned any trademark rights in Mormon formative marks

[3:08:48] Church has not written a letter to Hulu saying you're infringing our trademarks

[3:13:49] David Jordan wants you to change the name of your podcast to Former Mormon Stories

[3:18:10] David Jordan goes on podcast to talk about what happened in mediation

[3:21:19] YouTube wanted an audible disclaimer at the beginning of your podcast

[3:26:27] John Anderson: How many truthful disclaimers does the LDS Church give

[3:28:27] David Jordan says bad Mormon would never confuse anyone

[3:36:54] David Jordan says Mormon Stories hasn't asked for damages in lawsuit

[3:42:55] John Peterson: Thank you for supporting the MormonStories. org lawsuit

[3:47:06] Mary: I hope this case goes the distance. I hope. Well, I do, too. In fact, I predict you will win

[3:48:54] A special thank you to all our listeners who have made a donation

## Transcript

**[0:00:00] Radio Free Mormon:** Good evening everybody and welcome to another exciting episode of Mormonism Live. This is Radio Free Mormon. My co host is Bill Real. How are you tonight, Bill?

**[0:00:10] Bill Reel:** I'm doing great. Excited about tonight's conversation.

**[0:00:13] Radio Free Mormon:** I am too. This is going to be a great one and one for the record books. I'm excited that we actually have John de Lynn on the show to talk about this case that the LDS Church has filed against him. One specific aspect of of the case. And also I'm going to clarify something at the outset because people will be wondering. Even though the name of the show is Mormonism Live tonight, tonight it is not live, it is pre recorded. It will be premiering at the regular time on Wednesday, but we are actually recording this the night before on Tuesday, 29th September, and that is to make sure that everything is copacetic with John's lawyers before he rolled this thing out. Something the church might have done a better job themselves if they had thought about it. However, John's going to be here. We're going to be talking tonight about factual issues relating to this case. Now in every case there's two component parts.

**[0:01:11] Radio Free Mormon:** Every legal case there's the facts and the law. And the law has been talked about a great deal. So have some of the facts. But tonight we're going to focus exclusively on the facts and we're going to focus exclusively on 30 of these facts, 30 claims the church has made and put them to the test when comparing them with the actual facts. And what we're going to see is that time after time we've already seen a number of these, but we're going to see some more tonight. Is the church and its lawyers apparently misrepresenting facts to the court, in some instances clearly doing so, in other instances coming really close to it, if you know what I mean. If not crossing the line, but some cases I think clearly being over the line, we've talked about some of those even last night. But I want to focus on something before we bring John on. This is serious stuff in the lawyer world.

**[0:02:11] Radio Free Mormon:** Being honest with the judge is in many ways the foundation of the entire legal system. Because if the judge cannot trust what the lawyers are telling the judge, then in many ways the entire system would break down. I know it's common in our culture to talk about you can't trust lawyers, you know, lawyers and liars. And Jim Carrey had a movie, what was that called? Was it Liar? Liar, something about lawyer. I can't remember it right now, but it's very common. And even one of my favorite lawyer jokes is that 95% of the lawyers give the rest of us a bad name. Right? We all have lawyer jokes, but that really isn't the way things are in the courtroom, at least not in my experience. Yes, there are lawyers who have made misrepresentations to the court. In fact, I knew one who made a misrepresentation to the court at a hearing in oral argument.

**[0:03:11] Radio Free Mormon:** It was an ex parte hearing and that lawyer got discovered and sanctioned and disbarred. All right? They lost their law license for misrepresenting facts to the judge. So there are different levels of this, obviously. But, but I just say that so you can understand this is very, very serious. In fact, there is a rule about this in the ethics rules. And I want to put this up on the screen just so you can understand that this is real. It's rule 3.3. This is the ABA website, the American Bar Association 3.3 canter toward the tribunal. Every lawyer knows what this means, or at least should. David Jordan Candor means truthfulness toward the tribunal. That's the court or the judge. So truth toward the court is what this is called. And I'm just going to talk about the first two of these. It pretty much covers everything we need to know. A lawyer shall not knowingly make a false statement of fact to a tribunal.

**[0:04:22] Radio Free Mormon:** Okay. It also has in there or law, but we're talking mainly about facts tonight. So a lawyer shall not knowingly make a false statement of fact or law to a tribunal, a court, a judge. And it is important to note that it is knowingly, it has to be intentionally in order for it to be a violation of this rule. Obviously sometimes we get wrong accidentally all the time. However, this is knowingly and intentionally misrepresenting facts to a tribunal. So a lawyer shall not knowingly make a false statement of fact to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer. So if a lawyer makes a misrepresentation to the court and doesn't know it, it's an accident, right? But then later on finds out, oops, you've gotta clarify that with the court. You've got to correct it, otherwise you're in violation of this rule. And I think that's mainly everything.

**[0:05:30] Radio Free Mormon:** It goes on for a bit in different situations. But that covers it as far as I think we need to cover it tonight. So you can understand that this is very serious, what we're talking about. And David Jordan, the church's lead lawyer has been playing with fire and getting very, very close to the edge, if not crossing it in this case. And that's what those three instances are going to be about. Did you have anything you want to say about that before we continue, Bill, and bring John on the stage?

**[0:05:59] Bill Reel:** Yeah, just that there are two sides to the case for sure. And John has been really transparent about putting up on his website every step of the process, putting the documents out on both sides. You also see the church just recently entering the public arena and sending their lawyer out to make public comments. And tonight, you, the audience, get to be the judge in the public arena about the claims that the church is making and the evidence where it goes. And you get to make the decision on whether what the church is saying holds up, whether what John is saying holds up. You get to decide all of that. And I think this couldn't be more interesting because I think on the church's side, they're very selective about what they're saying. They're presenting certain issues, they're articulating certain comments in the public arena that seem to me to be very different than what they're saying in the documents.

**[0:06:56] Bill Reel:** And tonight we get to hold their feet to the fire and hold them accountable, which I think is something my history has told me that Mormonism doesn't really like to do.

**[0:07:06] Radio Free Mormon:** No, it's amazing the way the church's lawyers are acting like the church to its members and thinking they can just be believed because they say it. And they seem to get surprised and even offended if they're questioned in any way.

**[0:07:18] Bill Reel:** I'll just say to one last thing, which is the church has a history of articulating things carefully, of saying one thing to the members and another thing to the investigators. It has over and over and over again muddied the waters around the truth of its history, withholding things, emphasizing other parts that they've changed, but not telling people they've changed. And it may just have gotten to the point where, having done it for so long, they just think this is business as usual.

**[0:07:51] Radio Free Mormon:** Well, it's also kind of the way they treat the federal government, not only in court, but with what the SEC

**[0:07:59] Bill Reel:** very much so that's another great instance of them doing the very thing.

**[0:08:02] Radio Free Mormon:** Yeah, there's a certain contempt with which the church treats governmental entities, it seems. So. Shall we bring on the stage John Delin? Bill?

**[0:08:13] Bill Reel:** Sounds great, my friend.

**[0:08:14] Radio Free Mormon:** Here he is, John Delin, the other half of the Church of Jesus Christ of Latter Day Saints vs. John Delin. How are you doing tonight, John great.

**[0:08:22] John Dehlin:** Hi. Hi, R.F.M. hi, Bill. It's great to be on your show.

**[0:08:26] Radio Free Mormon:** Well, thank you. Before we start out, can I ask you how is the health and everything holding up under the strain of a lawsuit like this?

**[0:08:33] John Dehlin:** Well, thanks for asking. We're doing okay. It's not fun. It's. It's not how I want to be spending my time. It's stressful. But also I'm really grateful for the team we have of really competent and caring attorneys that are helping us. Margie's been great, a great support and. Yeah, so. And I have to thank all the people who have, who have sent words of encouragement and even those who donated to our legal fund. We do feel very well supported and that means the world.

**[0:09:11] Radio Free Mormon:** Yeah, I bet it does. I will tell you that I am not the final arbiter of what is good lawyering and what is not. I've been a lawyer for 36 years, small county, one guy practice. But I will tell you that I do have some experience reading legal briefing and legal opinions. And your attorneys, John, really seem top notch. The way they present their evidence in their briefing. It is a complicated case and that makes it even more difficult to get across your ideas to the judge. But I think your attorneys are doing a great job. And of course, they look like Einstein compared to the church's attorneys. It doesn't have to be that way, but it is.

**[0:09:54] John Dehlin:** Well, let me. If it's okay, let me slip in a disclaimer because first of all, I agree that we have an amazing team and I'm really grateful for them. I want to be really respectful of them and of the case and say that, that, you know, tonight y' all are going to be sharing your thoughts and opinions and I respect both of you a lot. And I'll also say that, you know, anything that is said here on this program doesn't represent, you know, the position of our, of our legal team and even necessarily me, I feel like I'm a guest on your show. I'm going to do my best to be thoughtful and measured and respectful. And while I, you know, y', all, I want y' all to feel comfortable to share your thoughts and feelings as well. We want to do this right because we want to prevail. And so I have to give those disclaimers. And I'm not an attorney.

**[0:10:59] John Dehlin:** I'll use my best memory today. Honestly, I think I feel more passionately sometimes about how this is being portrayed in the media than I'm even capable of understanding when it comes to the law. But I try to leave the law to my, my legal team. I'll do my best to represent the facts, but my, my memory is imperfect and my command of the facts is, might even be less perfect. So those are my disclaimers. That's my throat clearing. Thank you for allowing me to do that.

**[0:11:30] Radio Free Mormon:** Well, I'm glad that you did, and you did it well. So I think the, the evidence is going to speak for itself. Tonight we got 30 claims that have been made, I think by the Church along the way in this case or related to this case. And then we're going to put it side by side with the facts and let the audience sit as the trier of fact, the judge, the jury, and see what you think. Whether the Church is being upfront with the judge, whether the Church's lawyers are indeed having the required candor toward the tribunal that Rule 3.3 requires of them. So are we, are we ready with number one?

**[0:12:09] John Dehlin:** I, I have a question. Would it, would it be okay if I just shared maybe a tiny bit of, of context that I think may have, have kind of been missing?

**[0:12:21] Radio Free Mormon:** Please.

**[0:12:21] John Dehlin:** From the, from the discussions, the premediation discussions and, and the mediation discussions.

**[0:12:29] Radio Free Mormon:** Absolutely. Me podcast. Sue podcast.

**[0:12:33] John Dehlin:** All right, well, what I do think has been, has been missing a little bit is just how, how sincere we were in, number one, wanting to avoid this lawsuit. I did not, I did not want this lawsuit. I was not playing games. I don't think this is fun. I, I, you know, there's a lot of people that, that try and say this is some sort of grift, this is some type of way to seek attention, some way to generate money. None of that's true. And I think the best indication of that is the fact that when the Church, you know, reached out and said we have concerns and, and you know, we'd like to share with you our concerns, I was immediately accommodating. And by the way, when the church reached out to me, I didn't have counsel, right. And I, I made those changes not as some part of some legal strategy.

**[0:13:36] John Dehlin:** I just didn't want to go up against 100 plus billion dollar multinational corporation. And so those changes I made were immediate and sincere and in good faith. And I really, really believed that if I gave the Church a spreadsheet and said, list every single change you want me to make and I'll give it fair consideration, I really thought they would do that. And I was sad when they didn't. And I changed the logo color immediately to orange. They showed me one thumbnail that I recall that they wanted me to change. I changed it immediately. And I thought, and then I'm like, what else? And I thought they were going to come back and say, oh, wow, he made these changes. Let's give him more. What I was surprised is that they immediately said, nope, we, you know, in my memory, we want to do mediation. And I was like, okay, I guess I'll try and find representation. And. Okay.

**[0:14:32] Radio Free Mormon:** So, John, this is something maybe I wasn't clear on. All of this that you've described happened before the mediation started in November, Correct. Okay, thank you for clarifying.

**[0:14:42] John Dehlin:** And the mediation didn't start in November.

**[0:14:44] Radio Free Mormon:** It did.

**[0:14:45] John Dehlin:** No, this, this was just the email exchanges. So you know what, you know, let's just say November, December, time frame, or the email exchanges. And then immediately it was like, we're going to mediation. So then it was me trying to find representation. So the first mediation didn't happen until 2026. And then there was a second mediation, you know, in those first couple months of, of 2026.

**[0:15:15] Radio Free Mormon:** Very good. Thank you for making that clear for me.

**[0:15:18] John Dehlin:** And the only, the only other thing I just want to, I want to really make clear is, you know, my, my understanding of what, you know, David Jordan said. Because one of the things I don't love about the way this was portrayed in the Keystone interview.

**[0:15:34] Radio Free Mormon:** John deland. Can I just stop you for a second and just tell our audience that David Jordan is the lead attorney representing the church in this action against John.

**[0:15:43] John Dehlin:** Yeah. And he's a former, as I understand it, a former U.S. attorney. He, as I understand it, he's a very well respected attorney.

**[0:15:53] Radio Free Mormon:** And not by everyone.

**[0:15:54] John Dehlin:** Yeah, well, yeah, so the thing that I, the thing that I took a little bit umbrage with, one of the things in this Keystone interview was they tried to make it sound like mediation was sort of, oh, well, they had some demands and we had some demands and the goal was to meet in the middle. We were, I was confused about why we were having mediation at all. Because we had no demands. We had, we had nothing to bring to the mediation. All we wanted was to be left alone. Like we had been operating for 20 plus years. And so this idea of like, they had, they had conditions and we had conditions. That's not the dynamic. It was, come to mediation or we're going to sue you. And the only other thing I'll add is when, when, when I expressed concern, you know, ultimately, you know, David, I was saying, why are we even doing mediation? Because we don't have any conditions.

**[0:17:00] John Dehlin:** Or demands, just tell us what you want. The sense I got was that David Jordan was basically saying to us it would help me. I've got a lot of constituents, you know, in the church a lot. I took it as a lot of different departments that he has to manage who want different things. And I got the sense that he was basically asking us to do him a favor, which was that if we got into mediation and he could see a competent mediator and a competent legal team lay out the realities of this case, that it would help him manage his different clients and constituents, such that this case would never happen in the first place. So that was the understanding that we thought, well, that's silly that we have to spend a full day or two to, you know, to make it so you can manage your clients.

**[0:18:02] John Dehlin:** But again, even though that felt silly to us, I was willing to do it to avoid the risk of a lawsuit. But the way that mediation is described as this balanced, two people have positions, and then they both stake their claims and meet in the middle. Not at all how this mediation felt, or in my opinion, it was, we have to do it or there's a lawsuit. We don't care about your accommodations. We're going to do the mediation, and please do the mediation so that we can manage our clients. And then when we got in there, it was more like they literally had the. They printed out a lawsuit, gave it to the mediator, and basically the message we got was, acquiesce to our demands or you're going to get slapped with the lawsuit. And the, you know, the other part that's really important to mention is we, you know, I did ask for conditions or items for discussion.

**[0:19:11] John Dehlin:** I said there'll be no confidentiality, and I want to know what the conditions are ahead of time because I will not be discussing, you know, the changing the name of the podcast that won't be on the table. And you know, they did literally list item number one, is your name the use of the word Mormon in your name. That was number one of the pre mediation conditions. And as I remember, number three was the use of the word Mormon in your social media handles. So they were in my. In what they sent us and in the way the mediations played out, they were gunning for the use of the word Mormon in our name and in our title and in our social media handles from the beginning, which was. Which became, for me, so outrageous when later, you know, the, the. The spin seemed to be, it was never about the use of the word Mormon. That, that was not our experience at all.

**[0:20:17] Radio Free Mormon:** Something that's interesting to me, John, is that I did not know what was in this document with Mormon, the name being number one and also number three. I don't know if Bill did. But that fact that it really is very much about the word Mormon, in spite of everything the Church has said publicly, has become quite evident from our review of the filings the church has made. They've gone back and forth on this, they've tried to muddy the issue, but ultimately it's clear as day it's about the word Mormon. What do you think about that, Bill?

**[0:20:52] Bill Reel:** Yeah, I think the audience will see that tonight again, as we are about to get into the document that shows all the claims to hear what is being said in the public arena, specifically David Jordan going on the Keystone podcast and him laying out that it has nothing to do with that. And then how he substantiated that argument also doesn't make any sense when you actually look at the data. And so I'm maybe excited isn't isn't the right word. But I'm, I'm very curious to see the audience because both sides are going to watch this conversation that we're having tonight. They're going to see all these claims laid out. So both people who have deconstructed, stepped away, don't believe whatever it is. And again, there's some believers on that side, too. And then the other side, which is sort of the believing, apologetic, defend the church side.

**[0:21:42] Bill Reel:** And just to see it all laid out and for them to go like, oh, the documents talk about the case this way, the church's lawyer talks about the case this way. Why don't those mesh? And so for you watching, please be on the look for that, because it will show up, I think, again and again and again.

**[0:22:01] Radio Free Mormon:** Was that everything you had said? Thank you, Bill. Was that everything you'd wanted to say by way of introduction? John?

**[0:22:06] John Dehlin:** Yeah, I think we can talk about other things as the, as the evidence comes up.

**[0:22:12] Radio Free Mormon:** Very good. Then let's go with the first slide. So who is telling the truth is the question of the night. The LDS Church versus Mormon stories. 30 claims in the order they entered the case. So this will be chronological, checked against the court record. And then there's a number of other things that I think this is happening having to do with that was the name of the church underneath. So claim number one in the church's complaint filed April 17, 2026, this was the copy of which they had printed off and showed at the mediation to threaten you. And then Ultimately, because you didn't do everything they wanted you to do, like change the name from Mormon Stories, they filed it against you, thus starting this case. Quote from the complaint, defendants adopted a blue Mormon Stories logo with a light raised design prominently used by the Church, showing defendants intent to capitalize on and increase confusion.

**[0:23:15] Radio Free Mormon:** Now, defendants, that's you, basically, John de Lynn and Mormon Stories. So that was the claim that was made by the Church in its complaint that is filed with the court. It is a representation being made to the court in, in a formal document. What do you have to say about

**[0:23:33] John Dehlin:** this at a high level? I'll just tell you. When the designers came up with the new logo and the banners, never once in my brain, and I can say this 100% honestly, did the idea come into my brain that we were copying or even emulating the Church's branding at all. And I'll just explain why. We've been using the Mormon stories name for 20 years. By that point, the word Mormon was in the name. And again, I've started saying that the best disclaimer we could ever have is to keep the word Mormon in our name. After Russell and Nelson declared the word Mormon as a victory for Satan, or a major victory for Satan, because that signals immediately to the whole church for what, eight years, that we're not supported by the church. Because after Russell M.

**[0:24:38] John Dehlin:** Nelson changed Mormon Tabernacle Choir, changed Mormon Newsroom, changed a bundle of URLs and websites and domain names and brands, and condemned the use of the term Mormon as a victory for Satan, never would it have occurred to me that, that anyone, any member for sure, could ever be confused that, that regardless of our branding, that, that it could be viewed and then. But the fact that the Church had denounced me, excommunicated me, issued a press release about. Wasn't even in my brain. So, so, so I could just say there's. There's just no truth to the idea that there was an intent on my part to capitalize on or increase confusion. The worst, the use of the word Mormon and me being the host precluded that in my mind right off the bat from ever even considering it. So when I saw the blue logo and the blue banners, I'm just like, cool.

**[0:25:36] John Dehlin:** My graphic designers know what they're doing and I'm going to follow their lead, literally. And there was no discussion, there was never a discussion ever that I had with anyone about whether this was emulating the Church.

**[0:25:54] Radio Free Mormon:** I will tell you that Bill and I had a similar discussion when I was doing my short Lived and marginally successful Come Follow Me, which was doing the Come Follow Me manual every week and talking about what it was from this perspective, from a post Mormon perspective. And I thought, come Follow Me, yeah, that's kind of playing it too close. You know, I'm not trying to fool anybody into thinking that this is something that's put out by the Church. So what we decided was let's call it Mormon Sunday School. We'll have Come Follow Me on there so people know what it relates to, but we'll call it Mormon Sunday School to signal by the use of the word Mormon that this is not something that is affiliated with the church.

**[0:26:37] Bill Reel:** And in fact, rfm, when I first, when you first proposed the idea, you were still in the midst of trying to figure out a title for the podcast and I thought I recommended to you what if we did LDS Latter Day Sunday School. And you were like, no, I don't want to do that. That would be something that would be way over there, close to what the Church is doing. And I want to make it clear to the folks who are watching that it's different. It also adds up because when you started doing the program and you're doing episode after episode after episode, we keep seeing comments of people who are like, I listened to a couple of minutes, but, but I knew right away, because it was called Mormon Sunday School, that these were the bad guys. These were the folks that I'm not supposed to trust. And I got the heck out of there. Nice try. Host of that show.

**[0:27:23] Bill Reel:** And, and, and we got so many comments on the program about that. So I'll say that I also want to say something on an administrative side as we move through this, the way this is organized, you'll see the quote from the document on the left hand side of the screen. On the, the shared screen, you'll see the, the quote from the document and then the actual cutout of the document itself showing that that actually is being said. And then after each claim, then we'll have a slide or two or three that goes into what the evidence says about the claims that the Church is making in the legal documents and other, other places too. But for the majority, a lot of these are in the documents.

**[0:28:08] Radio Free Mormon:** Very good. Thank you. So are we ready to go to the next slide?

**[0:28:12] John Dehlin:** Yeah. And this is the only other thing I'll say is that what this slide basically says is that we, we've been using blue in various brandings. You know, we've been around a long time and you know, I was going back, I was going back into archive.org Blue is one of the first color schemes we chose when I first put up WordPress. So I believe we used blue as far back as 2005.

**[0:28:41] Radio Free Mormon:** We used it before the tan.

**[0:28:43] John Dehlin:** What's that?

**[0:28:44] Radio Free Mormon:** Before the tan?

**[0:28:45] John Dehlin:** Yeah. Oh, yeah, yeah. We used blue in our WordPress theme before the gold logo was even designed. And, you know, we also used it. We used a light blue for Mormon Matters. We used that blue there for why Mormons Question. We also use dark blue for a thoughtful faith. Jacob Hansen literally stole our. Our colors and our name for his. In my opinion, for. For his YouTube channel.

**[0:29:12] Radio Free Mormon:** Can you stop just a second here? Because let's put a fine point on this. You under your umbrella, because you started with Mormon Stories and then you branch out, you become an umbrella of Open Stories Foundation. Mormon Stories is one of the podcasts under that umbrella. But then there's other podcasts under the same

umbrella. One of those is A Thoughtful Faith. And that was Gina Colvin's podcast. Correct. Which she did. Under the same umbrella. And then.

**[0:29:39] John Dehlin:** And by the way, that that logo was A Thoughtful Faith. And then it was Mormon Stories below. So it was a Mormon Stories branded dark blue logo that we used. I don't know, a decade, I don't know, a long time. Many years.

**[0:29:55] Radio Free Mormon:** And then suddenly, out of the blue comes Jacob Hansen with the name of his podcast, which is Thoughtful Faith. Yeah, no, A. But Thoughtful Faith. That sound kind of similar.

**[0:30:07] John Dehlin:** Yeah, but. But again, I wasn't alarmed by the use of blue, at least in part because we've been using blue for various causes all along. So it's been part of our branding in one way or another from the. From the very beginning.

**[0:30:21] Radio Free Mormon:** It's a popular color.

**[0:30:23] John Dehlin:** Yeah. And we'll talk about that later in the slides as well.

**[0:30:26] Radio Free Mormon:** Okay. So that first one was claim one. This slide says the record on claim number one. So that's the record. Anything you want to say more about this, John, or.

**[0:30:36] John Dehlin:** Yeah, if. If we've been using blue in various ways since 2005. The argument that we used blue to deceive people. I. I could. I could argue that the ch. The Church chose blue in 2018 to emulate our use of the. Of the word blue, of the color blue before. But I just. I just think blue is a common color. Blue's the color of the sky. Jehovah's Witnesses use blue. Scientologists use blue. Lots of religions use blue. It's it. So anyway, it's just a silly argument, in my opinion.

**[0:31:10] Bill Reel:** Yeah, I'll Just say to this, whether you're on the critical side of religion or whether you are on the religious side. And John, I think you've done over the years a path that has woven onto both sides, back and forth. But for those who are critical of religion or those who are sort of been expounding on religion, it's very natural, as you point out, to use blue. We're all sort of looking to the heavens to try to figure out what side is making more sense. Blue seems like a very natural color. And as you said, later on, we'll demonstrate that somehow everybody seems to arrive at that anyway. That's in this space of having discussions around religion. But I'll also say too, as we put out the claims, which generally will be on a black slide and then afterward will be white slides that show the evidence of whether that claim seems to hold up or not.

**[0:32:06] Bill Reel:** I think what is really important is the points that are made at the very bottom. And so for this one, the point the complaint treats blue as a sign of intent to copy. Mormon stories launched on a blue page in 2005, used blue logos in 2012, years before the Church's blue light rays identity, which it dates to 2016. And the church admits it asserts no rights in blue standing alone. It's a strange thing for the person using blue, the. The after the latest, the. The furthest into the future to look back at the person who used it the earliest and say, you're copying me. That's a strange thing to do. And as you demonstrate here, blue has been a primary color of your branding and content going all the way back to 2005.

**[0:33:06] John Dehlin:** And I never assumed the Church was copying me. Weirdly, I'm just like, yeah, it's blue. Yeah, yeah, blue's a. Blue's a common color.

**[0:33:15] Radio Free Mormon:** It reminds me of something a judge said to me once in court when I was making a particularly weak argument. He said, heavy weights from slender threads. Mr. RFM heavy weights from slender threads. Are we ready for claim number two?

**[0:33:30] John Dehlin:** Ready.

**[0:33:31] Radio Free Mormon:** You want to take us through this one, Bill?

**[0:33:33] Bill Reel:** Yeah. So claim number two again from the document. The light rays, design marks are used in a variety of colors, but most often in a distinctive blue color and frequently with the Christus symbol. So this is, if I'm not mistaken, this is the Church talking about their logo. And they're saying in their document that. That we use lots of logos of lots of colors that use the light rays, but that our primary logo that uses it is a blue logo. And you can see there the Cutout from the document demonstrating that that is actually said inside the legal. The legal document that they filed.

**[0:34:15] Radio Free Mormon:** So what is the actual record on this?

**[0:34:18] Bill Reel:** So is you. And again, you can jump in, John, any part you want to. But what's being pointed out here is that Scientology, Jehovah's Witnesses, and Seventh Day Adventist, all. Brandon. Blue. We were talking about that earlier. It's a very natural color.

**[0:34:34] John Dehlin:** You.

**[0:34:34] Bill Reel:** You can't use red in the Christian religion. You're going to probably stay away from red. Yellow doesn't really show up well, or sort of can blind the eyes in certain ways. You really are limited. Green, like, you don't. You don't want green. So most people are using blue, especially in this space.

**[0:34:49] Radio Free Mormon:** And orange is the worst.

**[0:34:51] Bill Reel:** Yeah, well, you got. I will say you got as far away from blue on the color wheel as you could, which I, I think at least should on some level be appreciated.

**[0:35:01] John Dehlin:** Orange is my favorite color, so.

**[0:35:02] Radio Free Mormon:** It's mine too, actually. Yeah, good.

**[0:35:05] Bill Reel:** But all the religions are using. And at least a lot of, you know, the ones that we're mentioning here, Jehovah's Witnesses, Scientology, Seventh Day Adventist, and as you point out here, the point at the bottom. Blue is one of the most common colors in American religious branding defendants, meaning Mormon stories. Their answer shows three other faiths using it. And the church's own answer concedes that some other religious organizations use blue in their branding. You've been using blue a long time. Everybody else is using blue.

**[0:35:39] Radio Free Mormon:** Everybody.

**[0:35:39] Bill Reel:** And so is the church. Blue is a nothing.

**[0:35:43] Radio Free Mormon:** And then can I ask the final question? Do you consider yourself, John, to be a religious organization?

**[0:35:50] John Dehlin:** No. We're secular and we've been. That's in our mission statement. That's in our disclaimers. Well, also, we. We. This idea that they asked us to do disclaimers, and we didn't. First of all, we did adopt disclaimers, but second of all, we've had disclaimers from the very, very start.

**[0:36:06] Radio Free Mormon:** Is that going to be one of these slides?

**[0:36:08] John Dehlin:** Yeah. Yeah.

**[0:36:09] Radio Free Mormon:** Okay, good. I. I thought it would. Anything else you want to say about that particular claim before we go to number three?

**[0:36:15] John Dehlin:** Well, the. The slide before that talked about rays. And I don't know if. If somehow these slides are out of color, but we'll see later that we have used raise multiple times very, very early on. So again, when I saw raise in the church's logo or in ours or whatever, it's just like, yeah, raise rays are just. We've been using rays from the beginning. Raise makes Sense, so we'll talk about that later.

**[0:36:44] Radio Free Mormon:** But, you know, I'm not the judge in this case and it's unlikely I'll be on the jury, but I had never made any connection at all between your logo and the church's logo with blue or light rays. I'm not sure I even. I didn't even realize these are supposed to be light rays. It wasn't really getting through to me. I'm not seeing any connection or borrowing or similarity really at all from my personal perspective. But then I wasn't looking for one.

**[0:37:13] John Dehlin:** Yeah, yeah.

**[0:37:15] Radio Free Mormon:** All right, Claim number three. I'll go ahead and read this one if that's okay. This is also from the complaint the church filed. Quote, since at least as early as May 2016, plaintiffs, that's the church, have broadly and prominently used in commerce a distinctive light rays design mark. So here's the light raised. One black and white registered version shown below, because they did register a black white version with the, the Patent Office or on or in connection with the church's religious, humanitarian, genealogical, educational and broadcasting services written in audio, visual materials such as podcast videos, digital materials, books, live stream events, digital and print, public photos, paintings and music, religious marriage and personal counseling services, and a wide variety of other related goods and services.

**[0:38:10] Radio Free Mormon:** Now, I think that the reason that's so difficult a sentence to get through is because what they're doing is they are saying that they have trademarked the light rays design in these different categories because you, you get them in different categories with the trademark office. You don't just necessarily have it for all purposes whatever, but if you can trademark an issue, you have to trademark it for certain services or categories. And apparently these are the categories that they're claiming they have the light rays trademarked in. Is that correct?

**[0:38:46] Bill Reel:** Do you know that, John?

**[0:38:47] John Dehlin:** I mean, I don't, I don't. I don't know for sure.

**[0:38:52] Bill Reel:** Yeah, it's a strange thing because we'll get into this shortly. This is a, a design that's commonly found accessible to sort of anybody. It's a strange thing to then be able to copyright or trademark that specific look. But it does appear rfm. But that's the claim they're making.

**[0:39:12] Radio Free Mormon:** Yeah, I think so. And. But this is the, the light rays. Now, I've heard about light rays. I know that you used to work for Microsoft, John, but apparently in the early days of this kind of formatting or whatever you call it, the graphics with the computer light rays was a very common motif. Is that right?

**[0:39:33] John Dehlin:** Yeah. And PowerPoint templates and early HTML web design templates would often have light rays graphics that were kind of like public domain free to use, that sort of thing.

**[0:39:48] Radio Free Mormon:** It would seem to me that the more, the more unique. That's an improper use of the word unique, but the more unusual a component is used, the more unusual, the more likely it is to be something that is just used by that particular entity. In other words, the more common it is, like light rays. If everybody's using it, how is that something that can be protected?

**[0:40:14] John Dehlin:** Yeah, I don't, I, I just don't know.

**[0:40:17] Radio Free Mormon:** All right, so here's the record on number three. It says OSF, open stories, foundations, light rays logos go back to 2007 and 2011. The church dates its own to May 2016. How can that be, John?

**[0:40:36] John Dehlin:** Yeah, so there's the Mormon Matters. There's a Mormon Matters website template that I just picked from a big, you know, list of WordPress templates that's got rays on it that are angular and then you can't see it. But that's the, the gold Mormon Stories logo that's got rays, kind of a sun coming down. And that's kind of the iconic logo that we used for, I don't know, a decade or whatever until the, the change was made, I think, in, in 2022.

**[0:41:10] Radio Free Mormon:** That's the little tan box inside the bigger box in the middle. Correct.

**[0:41:13] John Dehlin:** But, but, you know, we, we had, we used, we used rays in pretty much every logo we ever put together. And we'll be showing other logos later, whether it's the gift of the Mormon faith crisis. Every single logo we've ever done has had rays, I think.

**[0:41:29] Radio Free Mormon:** And we'll tell you, when you talk about blue being a color that religions tend toward, I've got to say, my own experience would be light rays are very popular as a religious theme too. Having the light rays coming out from behind, behind the clouds. Very, very common in religious literature or, you know, covers or things like that.

**[0:41:52] John Dehlin:** Yeah.

**[0:41:53] Radio Free Mormon:** Was there anything in this right hand box that you wanted to cover, John?

**[0:41:58] John Dehlin:** No. No. I mean, that makes the point is we've been using rays forever.

**[0:42:03] Radio Free Mormon:** Okay. Really good.

**[0:42:04] John Dehlin:** Yeah.

**[0:42:05] Radio Free Mormon:** Let's go to the next one. If we can claim number four, this is identical. It's the exact same thing. So perhaps a different point is going to be made about it. So let's see what the record shows.

**[0:42:16] John Dehlin:** What this shows is the, the, the raise that the Church is claiming to be part of their overall branding or trademark. And then what it also shows is what are very common, as I understand it public domain design elements that, that designers and I believe in. In our case, our designer was just like, oh, we need, you know, we've got a color now we need some rays. We don't want to pay for the branding. I don't know how much the church paid for their raise, but we just, we just, as I understand it, went out to a public domain free raised template, you know, resource. It just grabs some public domain rays and, and incorporated them into the design. And that, you know, again, those types of, those types of designs or rays are available in, in design templates, in Microsoft PowerPoint templates. Again in, in WordPress blog templates, rays are just very ubiquitous because what else are you going to do with the color?

**[0:43:22] John Dehlin:** You can make it a gradient or you can make rays, but what else are you going to do other than have graphics? So it's just a very common design element that apparently, yes, they've got some sort of thing, trademarks they filed that incorporate those elements. But join the club. And who isn't using rays?

**[0:43:46] Bill Reel:** Yeah, and people can't see it because the image is so small. But the middle one, you're showing an image here from Freepik that has the light rays that anybody can grab either for free or for a very nominal price. And then on the right hand side, what's being pointed out there in those blue rectangles at the bottom is that there's a hundred different variations of these that you can pick up front. Okay, I want it to go in this direction. Oh, I want it to be four triangles of different shades over here. And so there's so many of them. It's like the church took something that is just commonly available with a plethora of options and it said, you know what, we own that, that's ours. We got it. And

meanwhile, and I'll put this up on the screen, I think this might be at least a good time to show this. Let me, let me see if it'll do it here.

**[0:44:36] Bill Reel:** So I'm going to put us back up on the sides. The, the very top row is LDS Church logos. Again, they've got lots of colors, but they don't want to put these out there. They're focusing on their blue ones, which we'll get to in a moment. But the second row, John, is the logos that you've been using under your umbrella. Mormon Stories is one podcast among many. It might be the biggest, but it's one among many. And it's interesting because every one of your logos uses a different lighting dynamic to create some differentiation, some attractiveness in the logo. If you were trying to copy the Church, I would have imagined you would have taken all of your logos and. And updated them to reflect this. It also makes sense to me, John, that if you start off your podcast with light rays being a.

**[0:45:28] Bill Reel:** A dynamic that you're using in your logo, that you have a right to move into the future going, like, I don't want to use the exact same thing that's stale. I want to move on to a new logo. But I want to carry that. That light, light differentiation design forward into something else. Every one of your logos have what appears to be some variation of light coming in and giving the. The thumbnail either the bright sun, either the. The one that's somewhat similar to what the Church is using, but again, taken through free pick as something that's widely available for almost no cost. And then your other ones, like the why Mormons question has this shading variation. Looks like light is kind of coming in in the center. Mormon Matters has the sun down below. Thoughtful Faith also has that shading variation as if there's light in the background. Mormon mental Health works from left to right, each one being a little different.

**[0:46:23] John Dehlin:** And the most important one that's missing is the gold logo, which is just obviously blatantly has raised. So. So people just have to understand that we were using raise before their design change for years.

**[0:46:41] Unclear (brief interjection):** Yeah.

**[0:46:42] Bill Reel:** And then the Church wants to point out, again, we'll get into some of this later, but the Church wants to go, here's all of our blue logos. Look how much like John like Mormon stories. Look how much theirs is like ours. And what the Church fails to do is include all of its other icons, all the other colors that it uses. It is an interesting thing to watch them carefully craft an argument that seems to bias towards the argument they're trying to make, rather than just saying, here's all 712 of our logos and you make up your own mind.

**[0:47:15] John Dehlin:** Yeah, I think, I think we would have a better claim. We would have just as much of a claim to say they copied us with blue and they copied us with rays, you know, and. And I didn't do that, you know, and I, I don't think people that think we copied them have to answer the question, how do you know they didn't copy us? Because the, the facts are right there. Blue and raise on multiple design elements, blog templates, websites, logos, blue and raise. Boom.

**[0:47:47] Radio Free Mormon:** Is the issue so much. Who used a certain aspect first or who trademarked it first?

**[0:47:53] John Dehlin:** First, I Mean, I mean, I think there's common law. I, I don't understand the law, but as I understand if I'm using a certain, certain branding just because I start first and I'm using it for a long time, there's something to that. Right. And, and if I'm honest, this is where the Electronic Frontier foundation and ACLU arguments come up. I asked early on whether it made sense for us to register trademarks. And the feedback I received, as I recall, was the church is just going to kill your application. And I just thought, well, do I want to spend money filing for things that the church is then going to spend more money and defeat, even if we feel like we have good claim? And so I don't know. Yeah, the church has filed stuff, but they've also had stuff rejected. And even if they file stuff, that doesn't mean we can't preserve our branding elements just because they file stuff after.

**[0:49:00] John Dehlin:** And on top of what we've been doing for a long time. I'm not a lawyer, but that's my common sense way of answering your question. Rfm.

**[0:49:09] Radio Free Mormon:** Well, let me. Go ahead, Bill.

**[0:49:11] Bill Reel:** I was gonna say just one more thing. If I can just help the audience understand sort of both sides to the best of my ability. Again, I could be wrong, too. The Church has a very specific way in which it's using light rays, angled sort of things. Their argument is that suddenly there's a moment in time where Mormon Stories logo is using a template that is close enough to ours that we are bothered. And. But the other side of the argument, I think, is also valid. So what, what John has done is like from the very beginning is he's using light or the appearance of light in different ways in all of his logos, none of them exactly being the same as another. And he has the right as he moves through time to continue using that as a, a thematic element in his logos.

**[0:50:08] Bill Reel:** And he suddenly gets this one that's widely available, and it, it happens to look a lot like the churches, and suddenly they're frustrated and they reach out. The thing too is, though, they don't file their lawsuit until after they tell John, like, hey, your logo is using this design element and our logo is using this design element. And John goes, no worries. I don't need any trouble from you. I'll just change it. And I think within 24 hours, I see the orange logo up online and I recognize that John had changed his logo. I, I don't know what else you can do. If you innocently came to a template that is similar to the churches that they claim they own. But on the other side, you had no problem finding that light ray element. As you were searching for a light ray element and it happens to coincide.

**[0:50:58] Bill Reel:** It seems like the honest thing that we all do is go like, hey, I'm raising my hand, I see a problem. And the other side goes, no worries. I have no desire to get anywhere close to that. Gone. And then you move on. You move on to the next issue.

**[0:51:10] John Dehlin:** And that's what I wish we got a little bit more credit for. We changed before they ever filed the lawsuit. We voluntarily, not under the force of mediation. I changed from blue to orange and I got rid of the raise in the logo. So that was all before they filed. So even even if they did have a claim as soon as, why did they wait years to tell us and you know, when did they first know and why did they wait until, as I understand it, right before they were going to lose the right to, to, to still have claims or, you know, why did they wait? And then when we changed it, why did it seemed as though in their filings they almost wanted to ignore the fact that we had made these changes and act as though we had never really made the changes. And you know, but we did.

**[0:52:05] John Dehlin:** So what are they suing us for if we made the changes before they filed the lawsuit?

**[0:52:10] Radio Free Mormon:** Why are we here?

**[0:52:11] John Dehlin:** Yeah, why are we here?

**[0:52:12] Radio Free Mormon:** By the way, just a quick thing.

**[0:52:14] Bill Reel:** I'm so sorry, rfm. I want people to just notice this too, by the way their logos aren't notice John's logo. The most prominent place that you see the light ray design dynamic is at the bottom. Notice on some of their logos, it's in the top left corner. Other ones sort of be. Seem to be shaded kind of evenly throughout. They're not even using the light rays dynamic consistently across all of their logos. Now the ones at the top are. I see the ones at the top, they all seem to be in the top left hand corner where you notice that change into the lighter colors. But when I look at the ones elsewhere, again, John's is at the bottom. Theirs seem to be up in the top left. But even they're not exactly consistent and it's different than how John's using it too.

**[0:53:03] John Dehlin:** We did place the rays in a different place.

**[0:53:05] Bill Reel:** Yeah.

**[0:53:07] Radio Free Mormon:** I had two comments I wanted to make. First, by way of clarification to make sure I'm understanding this chart, the top row, there's four rows. The top row is church related symbols. Right. And the second row now that's Mormon stories.

**[0:53:25] Bill Reel:** Those are Mormon stories. And then the bottom two rows are how the Church wanted to present the case. So they gave all of their blue logos, they left off all of their colored logos, and then they put John's logo in the middle of that and say, look how it blends right in. Notice if you take that Mormon Stories logo and you put it up at the top, even with two or three of the Church's logos, you would still go like, these are all different colors.

**[0:53:52] Radio Free Mormon:** Yeah. And I should say those bottom two rows, they're church logos, except for the one that is Mormon stories. So obviously that's not a church logo. It's the circle Mormon stories right under the square. Mormon stories. The second thing I was going to say is that it does seem to me, based upon what you've told me about how prevalent this light rays design was and is, is that if the Church went and got their light rays design trademarked, I think it can only be understood as exactly that light rays design. Otherwise. Otherwise, now what they're saying is we got a light rays design so we can preempt the field and now we have control over anybody's light rays designs, which I think is probably more than the trademark office thought it was granted.

**[0:54:40] Bill Reel:** Bingo.

**[0:54:41] John Dehlin:** Yeah. And I don't even know well enough to answer that question.

**[0:54:46] Radio Free Mormon:** Okay, well, can we go to claim number four? Was that claim number four? Claim number five? Did you want to read any of these, John?

**[0:54:56] John Dehlin:** Sure. Claim number five.

**[0:54:59] John Dehlin (reading or playing the Keystone video):** The Salt Lake Tribune as a media outlet could use an image for a non commercial.

**[0:55:05] John Dehlin:** So this is David Jordan speaking. The Salt Lake Tribune as a media outlet could use an image for a non commercial purpose consistent with the license language on the church website that displays those images. But Mr. Delyn is not within the language of that license.

**[0:55:22] John Dehlin (reading or playing the Keystone video):** He's using them for a commercial purpose to promote his product and doing it without authorization.

**[0:55:28] Radio Free Mormon:** I remember that part from David Jordan, who is the lead attorney for the church in this case, in his interview with David Schnell on the podcast Keystone that went up on September 23rd last week. Are you going to play that clip?

**[0:55:43] John Dehlin:** Go ahead, Bill.

**[0:55:44] David Jordan:** You're going to make a commercial use of a copyrighted image. You don't have authority to just do that because it's on the Church's website. Salt Lake Tribune as a media outlet, could use an image for non commercial purposes consistent with the license language on the Church's website website that that displays those images. But Mr. Delin is not within the language of that license. He's Using them for a commercial purpose to promote his product and doing it without authorization. And that's a violation of copyright.

**[0:56:28] Radio Free Mormon:** Yeah, I wonder if he's ever heard of fair use before. Let me introduce you to the concept of fair use. David Jordan, you highly respected attorney you. Did you want to go to the record on this one?

**[0:56:42] John Dehlin:** I mean, I'll just say I, I didn't understand that point he was making. Again, I'm not an attorney, but it, it was weird to me because we, we are a nonprofit and we've been a nonprofit longer than the Salt Lake Tribune has been a nonprofit. And we, you could argue we're more of a nonprofit than the Salt Lake Tribune because they've up until recently held their content behind a paywall and you've always been able to consume Mormon Stories podcast content, as I recall, for free without even a paywall. So I don't know why he keeps calling us what a commercial product when we're a nonprofit and we give our content away for free. So. And again, yeah, as far as we have always maintained we've used their copyrighted images under, under fair use, we think there's free, you know, First Amendment protection to, you know, for commentary or criticism. And that's, we believe that's how we used it.

**[0:57:43] John Dehlin:** And, and, but, but I just don't understand, I don't understand why he kept asserting that somehow we're a commercial, we have a commercial product that somehow is meaningfully different than, than, than the Salt Lake Tribune is a media outlet.

**[0:57:58] Bill Reel:** Especially in light of the Salt Lake Tribune. I want to put this up on the screen. They sell products. I mean, that, they've got stuff that they sell. Pete B. Or Pat Bagley, they've got mugs, they sell photos, they sell, they've got all kinds of stuff. So it's, you couldn't even make the argument like, oh, like the Sally Tribune is this innocent entity that doesn't sell merchandise. It doesn't, you know, it does. So I don't know what the discernible difference is between the Salt Lake Tribune in the Open Stories Foundation.

**[0:58:28] John Dehlin:** I don't either.

**[0:58:30] Radio Free Mormon:** Yeah, the, the real difference is that he approves of one's usage and not the others. That's really all it is. And I think that this continuing to label you as a for profit or a commercial enterprise when in fact you're a non profit is just another in the long list of misrepresentations.

**[0:58:49] John Dehlin:** And I don't know. He has to know we're a nonprofit.

**[0:58:53] Radio Free Mormon:** Yes, he does.

**[0:58:56] John Dehlin:** So that felt Weird to me.

**[0:58:58] Radio Free Mormon:** So either he was wrong when he said it the first time, if he knew it, or now that he knows it, he's wrong if he does not clarify it.

**[0:59:05] John Dehlin:** Yeah, I don't know.

**[0:59:07] Radio Free Mormon:** Yeah, well, that's what that tribunal means.

**[0:59:10] John Dehlin:** Technical. Meaning that he's putting behind commercial product. Again, I'm not an attorney, but it just sounds like. It almost sounds like in his mind, he thinks he's got a definition of a commercial product that somehow we qualify for. And I just don't understand what. I guess we'll find out.

**[0:59:30] Bill Reel:** He's never told you what the difference is between you and the Salt Lake Tribune?

**[0:59:35] John Dehlin:** I have no idea.

**[0:59:36] Bill Reel:** In light of the one difference that's obvious is that up until recently, the Tribune, as you said, was behind a pay wall and your content has always been free to the public.

**[0:59:48] John Dehlin:** That's my memory. Yeah.

**[0:59:51] Radio Free Mormon:** All right. Anything else about this claim? Going to claim number six. I'll go ahead and read this if it's okay. It's an arched doorway. This is a quote. What is this from? Can you see that?

**[1:00:07] John Dehlin:** He's talking about our YouTube banner as it was before, but before they reached out to us and expressed concern about the Christus that was placed in our YouTube banner.

**[1:00:21] Radio Free Mormon:** Yeah, I was trying to get to the source, and I see what it is. It's from this keystone interview that David Jordan did.

**[1:00:26] John Dehlin:** Yeah.

**[1:00:26] Radio Free Mormon:** As well. So let's put us back up here on the side. And what he had said was it's an arch doorway that shows Christ emerging from that door. He's describing their. Their trademark, right?

**[1:00:37] John Dehlin:** Yeah. It's his mention of their Christus trademark.

**[1:00:41] Radio Free Mormon:** Yes. And underneath it. Remember the underneath it part? Because that's part of it.

**[1:00:46] Radio Free Mormon (reading or playing the Keystone video):** And underneath it, the words the Church of Jesus Christ of Latter Day Saints appear. That icon was used by Mr. Delin in the background of his principal website for the Mormon Stories podcast.

**[1:00:57] Radio Free Mormon:** So let's go ahead and play that clip.

**[1:01:02] David Jordan:** Some years ago, the church came up with a very iconic symbol to represent the church. It's an arched doorway that shows Christ emerging from that doorway. And underneath it, the words the Church of Jesus Christ of Latter Day Saints appear. That icon was used by Mr. Delin in the background of his principal website for the Mormon Stories podcast. Now, that is a trademarked image, and using that exact image is not consistent with trademark law. Now, he stopped doing that at our request.

**[1:01:45] Radio Free Mormon:** Yeah, you stopped doing it. And this is before mediation, right, John?

**[1:01:49] John Dehlin:** Yeah. Yes. Yes.

**[1:01:50] Radio Free Mormon:** Is it correct that actually you don't have the entire icon? The. The whole Image. You just have a portion of it somewhere around the face and chest level.

**[1:01:58] John Dehlin:** I think we show it. Do we show it? Next slide, Bill,

**[1:02:04] Bill Reel:** I definitely have an image of what you used blown up. If you want me to put that up on the screen.

**[1:02:09] John Dehlin:** Well, I'll just. I'll give my. I'll give my answer. My. My understanding is. What's that?

**[1:02:16] Radio Free Mormon:** I was asking Bill to go ahead and do that while you give your answer.

**[1:02:19] John Dehlin:** Okay. You know, my. My answer is. I. I don't. Like. I had no direction or feedback into this banner. O. My designers did it and implemented it, and I thought, oh, wow, cool. Thank you. That's. That's. I don't even know if that. There's that conversation, but why was the Christus used? As I understand it, the Christus is not a Mormon thing. It's a. It's a statue made by a dude a hundred or two hundred years ago out of Denmark. And the church is borrowing on that piece of art for its logo. So that's. That's number one, is this is not a. This is a statue that the Church doesn't own. It does denote Christianity. But I don't think. The other thing I'll say is I don't think that whatever was incorporated into that banner uses the church's logo. I think it uses the statue itself as the reference point.

**[1:03:30] John Dehlin:** And I definitely don't think that archway that he talks about and the logo underneath was incorporated. So the. So the question would be, is it. Is it wrong to. To reference the Christus? I don't think we. We used their logo in our. In our design.

**[1:03:51] Bill Reel:** Yeah. Just to explain to the audience, what's on the left is the original Christus statue from 1833. What David Jordan is saying is that, know we bought. We got this new logo. It's got Christus right there in the middle. And that's what John put in his banner. Except that when I blew up the image and put it on there, first off, there is no archway. He's not using the words. He's not even using the logo. Because if you look closely at the logo, it's pencil stenciling. And you can see the little dots of, like, stenciling on the two logos. What this has is tons of shading and dimension. It's an actual Christus statue. And the Christus statue, the church doesn't own the rights to. It was built in 1833, and it's a common Christian image. And so John is using a common Christian image that is outside of Mormonism. On his banner. And it's not the Christus logo of the church.

**[1:04:50] Bill Reel:** It's not placed in an archway. It doesn't have the church's name on it. And yet David Jordan is right there to say, look at that guy stealing from us. Well, if we want to be honest, the church stole the Christus from the guy who originally did it.

**[1:05:05] Radio Free Mormon:** Right. And then they added enough, and I

**[1:05:08] John Dehlin:** don't know if they have rights, if they got secured rights. I have no idea.

**[1:05:12] Radio Free Mormon:** Well, what happened, I believe, was that they. What they did was they added enough unique elements to that in order to be able to trade market. So it's with. It's the Christus with all the other elements. And the way you have it displayed is the Christus without those elements. That's how I see it. Although I do have to say that the arch is suggested by the light. It's not a strong suggestion. I think you'd have to know it was there to see it. Like, I can see it. Like, maybe you can see it. But other than that, there's nothing in this depiction of the Christus on your website that relates to the church's copyright, as far as I can see.

**[1:05:53] Bill Reel:** And again, you removed it the moment they told you.

**[1:05:55] John Dehlin:** Totally removed it.

**[1:05:57] Radio Free Mormon:** Yep.

**[1:05:57] John Dehlin:** Yeah. So again, that would take it off the table. And by the way, if we could just put the banner back up again. What I think gets lost in this discussion because the. The implication is, is that our intent was to make people believe that. That this podcast was owned or run or affiliated with the church. And I would just ask y' all to go look at that bottom banner there. Can. Can y' all just tell me if you recognize any of the people who were included in that banner? Would you, Would y' all mind? Who, who do you recognize there?

**[1:06:36] Radio Free Mormon:** Well, I certainly can. Even they're so small. But John Larson, I can see from a mile away.

**[1:06:42] John Dehlin:** What do we know about John Larson?

**[1:06:46] Radio Free Mormon:** He's not affiliated with the church.

**[1:06:47] John Dehlin:** He's an apostate. You know, a well known apostate. Who else?

**[1:06:52] Radio Free Mormon:** Carolyn Pearson.

**[1:06:54] John Dehlin:** Okay. Is she a member of the church? You know, affiliated with the church?

**[1:06:59] Radio Free Mormon:** Yes, I would think she is. On the far right, you've got, oh, some madman from Australia having to do with DNA. Is that Simon?

**[1:07:08] John Dehlin:** Excommunicated, you know, science geneticist who is excommunicated for challenging the authenticity of the Book of Mormon publicly, you know, well known, published author. And there's Margie, my wife. And there's Cara Barell, Nuance Ho. And there's Gerardo and Lars Schnell and, and you know, Matt, the, the student who, when he graduated, the gay student, when he graduated from byu, you know, came out as gay. Like, if our intent was to deceive people that this podcast was owned and run and operated by the church, why in the world would we include. And the thing that's hidden is the fact that my face, you know, because that other the Christus logo is there. I don't know if you can just show the banner that includes me in it, Bill. But if, if I wanted to fool people by our YouTube banner into believing that our YouTube channel was owned and operated and run by the church, why would I make my face the absolute?

**[1:08:16] John Dehlin:** Why would I include the word Mormon? And then why would I have my face be the most prominent thing there as the church's, One of the church's most well publicized by the church's claims Apostate, along with another five to ten super well known public apostates. That's a really weird way to try and deceive people that this podcast, this YouTube channel is owned and operated and run by the church. And I just don't know how people can make that claim with a clear conscience and with the straight face.

**[1:08:52] Bill Reel:** By the way, rfm, the light on the Christus I think is added by the church so that you notice it. So for instance, notice the light over top of Christ. Notice that when we go to the next page, that light isn't there. Notice that when I went and enlarged the image, it's also not really there. There's a little bit kind of on the right hand side. It looks maybe like it's a circle or something. But this I think was the one from the church. I think they are making it more distinguished in their document to make it more noticeable. I'll just say that. And I'll say the least prominent thing on that banner is the Christus. John de Lin's the most prominent.

**[1:09:36] Bill Reel:** And then voices in and out of Mormonism next, in what is not even on the banner, outside of President Nelson having a conversation with the naacp, which is a critical point being being talked about in, in this arena, is that there are no other church leaders. There is no other emphasis of, of church authority there. Christ is the least distinguishable thing. He's sort of shadowy in the background. What's prominent are all these voices that are not official inside and outside of Mormonism.

**[1:10:08] Radio Free Mormon:** With the exception of President Nelson, obviously.

**[1:10:11] John Dehlin:** Yeah.

**[1:10:11] Bill Reel:** With the exception of him dealing with the NAACP on an issue that a podcast like Mormon Stories would have a right to shine a light on.

**[1:10:21] Unclear (brief interjection):** Yep.

**[1:10:21] Radio Free Mormon:** And we've already mentioned fair use. We can't mention it every time, but fair use overshadows a lot of this stuff. And you went ahead and changed things before mediation, John, without even taking that into account.

**[1:10:35] John Dehlin:** Yeah.

**[1:10:35] Bill Reel:** So the original banner is right there in the middle. There's not a lot of brightness around Christ. It's only when they put it into their legal document that they seem to want to.

**[1:10:47] Radio Free Mormon:** I was like, what?

**[1:10:48] John Dehlin:** I was like, what Christus? Like, I. I was like, huh? Wait, where is it? I had to look for it. And I'm like, okay, I think I see it there. Like, I did not even. It did not even register to me that we had used the Christus. It wasn't even in my consciousness. It certainly wasn't anything I asked for. But I. It's so in the background, I. And my face is so prominent and the other people are so prominent and the word Mormon so prominent. It literally didn't. But again, they had three years to tell us. Why did they wait three years? Right. That's another really important part of this. Yes, we changed it. But why did they wait three years?

**[1:11:25] Radio Free Mormon:** I think they had to wait for somebody to die.

**[1:11:28] John Dehlin:** Maybe. Maybe. Yeah.

**[1:11:32] Radio Free Mormon:** All right, Claim number seven. Do you want to do this one, Bill?

**[1:11:35] Bill Reel:** Sure. So claim number seven. In addition, Mormon Stories intentionally adopted and uses or has used the blue Mormon Stories logo featuring the light rays design mark. Again, in a different place, widely available, which, as illustrated below, is virtually indistinguishable from the Church's logos featuring the light raised design mark. Well, except it's in a different place, hence the virtually. Yeah, virtual. That's. That is, by the way, that is a hat tip to. There are differences and them sort of wanting to downplay them.

**[1:12:15] Radio Free Mormon:** Yes. And the record is.

**[1:12:20] Bill Reel:** Yep, The Church's lineup picks only its blue icons. We talked about this earlier. Its other icons come in orange, pink, green, red, teal. So the point here is that you. You put only blue icons next to the blue Mormon Stories logo and present it to the court, present it to the public, and they look alike. But the Church uses many colors, and the 2022 logo matches the Open Story Foundation's own family of podcast logos going back more than a decade. In other words, you can play the game the other direction. You can take the Church's logo, put it in certain selected Open Stories logos, and it looks like, and could be argued in the exact same fashion, that the Church is actually plagiarizing the Open Stories foundation rather than the other way around.

**[1:13:12] Radio Free Mormon:** So the Church cherry picked its blue icons to put in comparison to John's. Except in this case, the cherries are blue.

**[1:13:20] Bill Reel:** Yeah, it did that.

**[1:13:22] Radio Free Mormon:** It's like raspberry picked.

**[1:13:24] John Dehlin:** Yeah. That they have so many logos and so many branding colors. I love, I love the people that have put together. They, they really, they really do use almost every color in the rainbow for their branding. And. And you can find logos for all of it. So they could play this game against anyone if they wanted to.

**[1:13:43] Radio Free Mormon:** It reminds me of this Dr. Seuss book my dad used to read to me when I was a kid about Yertle the Turtle and how he believed that he was the ruler of all he could see. That's what the Church seems to be like. Anything we see, we claim it's ours. What's the next claim? So number seven.

**[1:14:10] Bill Reel:** Well, this is the. Yeah, let me just double check here.

**[1:14:12] Radio Free Mormon:** This is more of the record on number seven.

**[1:14:14] Bill Reel:** This is. This is more of the record. Flip the Church's method. Line up OSF's earlier blue logos by date. Again, they have blue light dynamic logos prior to the Church's logo. It appears. If we demonstrate the evidence this way, it looks like the Church is the one who's creating something to look like the Open Stories Foundation.

**[1:14:36] Radio Free Mormon:** Okay, make sure I understand this. All right, left to right, you got four logos. Are those chronological in order?

**[1:14:42] Bill Reel:** Yep.

**[1:14:44] Radio Free Mormon:** So the first one is a Mormon Matters, that's Mormon Stories. The second one is why Mormon's Question. That's Mormon Stories Stories. Third one's a Thoughtful Faith. That's Mormon Stories. And then finally we get around to the Church using a blue logo with light rays. Is that correct?

**[1:14:59] Bill Reel:** Yep. The Church comes in last using a light ray dynamic and a blue logo, following after three Open Stories Mormon Stories logos that use a light dynamic and a blue logo.

**[1:15:11] John Dehlin:** And all those logos on the left existed before the. The Church's rebrand, as far as I can remember.

**[1:15:19] Radio Free Mormon:** I think this is a healthy exercise in testing the claims the Church has been making all over the place, both in their pleadings as well as in podcast interviews.

**[1:15:29] Bill Reel:** Yeah, it really does matter which way you present the evidence. And you can take something that is even sort of data wise on both sides, but which parts you leave out, which things you emphasize, and what order you show them in can make all the difference in the world.

**[1:15:48] Radio Free Mormon:** This is why it's been so confusing trying to read the Church's pleadings, because they're trying to hide this while presenting their case, which becomes necessarily confusing.

**[1:15:58] John Dehlin:** And I don't remember. I don't remember David Jordan acknowledging how much we used blue and how much do we use rays. And again, how. How many accommodations we made before they filed the lawsuit. Know, and it's not his job to accentuate those, but, you know, I would like the church attorneys to be as honest as. As the church expects its members to be.

**[1:16:19] Radio Free Mormon:** There's two problems with that. The church and attorneys with being honest. No, he did bring it up, but then he insinuated that you did it because you knew that it was wrong in the first place. That's what he did.

**[1:16:34] John Dehlin:** Yeah.

**[1:16:35] Radio Free Mormon:** All right.

**[1:16:36] John Dehlin:** And I just never. I never. Never was it ever in my mind to copy the church's branding, ever. Nor was it ever discussed by me to anyone or. And never did I want it. Never did I think about it. Never did I direct it. Never did anyone tell me we're copying the church branding. None of that happened.

**[1:16:57] Radio Free Mormon:** You saw the part in the interview on Keystone where David Jordan insinuated that, though, didn't you?

**[1:17:04] John Dehlin:** I mean, I think that's all that's been insinuated throughout all the filings and all the public statements is just this intentional desire to deceive. And again, John de Lynn, the word Mormon, our thumbnails, our titles. Just nobody that I know who's reasonable could. And so much of the evidence they put forward, people always write, I thought this was a faithful podcast, but I listened for five minutes and knew that it wasn't.

**[1:17:33] Bill Reel:** And you pointed out, John, there really are only three ways to accomplish this that come to mind. You can put a sun in the image. You can make it gradient so as if the sun is sort of casting less shadow or more shadow in

various places. Or you can do these angle kind of things. And. And even when you do use an angle one, yours looks different than the churches and is in a different place on the logo. Okay.

**[1:17:59] Unclear (brief interjection):** Yep.

**[1:17:59] Radio Free Mormon:** All right, claim number eight. Let's see if I can do this one. This says. This is from. What is the. The source of this?

**[1:18:11] Bill Reel:** This is complaint number 54. Thank you, Jordan. Timestamp 2554.

**[1:18:17] Radio Free Mormon:** Thank you. Because they all say the complaint at the top, but sometimes they're not the complaint at the bottom.

**[1:18:22] John Dehlin:** But this is from the evidence. This is the evidence, the alleged evidence the church puts forward to claim confusion.

**[1:18:30] Radio Free Mormon:** All right, thank you. So what they say is this, quote Mormon stories, unauthorized use of defendants marks the Church's mark. So the Christa symbol, the light rays, design marks, and other indicia, has caused actual confusion in the marketplace, as illustrated by the following comments on the Mormon stories, Facebook and YouTube pages. So this is the part where they put in all those comments. So there's a couple of comments there. Did you want to read those? Can you read those from here, John?

**[1:19:05] John Dehlin:** Yeah. So, you know, it's things like I stumbled upon the Mormon Stories podcast thinking it was church affiliated. It was quickly evident how anti it was. And that's one that's circled. Another one that's circled is this is to make their best case. This is kind of steel manning them. Second one is when I first saw his podcast, I thought it was a church one, then listened and realized it was highly anti.

**[1:19:36] Radio Free Mormon:** Yes. And the first one said, quickly realized. So those are the best ones they have.

**[1:19:41] John Dehlin:** Yeah, but. But the names are redacted, the dates are redacted, as I understand it, the sources are redacted. And then all the others are saying things like thought the podcast was for people wanting to become Mormon.

**[1:19:56] Unclear (brief interjection):** Or,

**[1:19:58] John Dehlin:** you know, I thought it was an LDS podcast because of their branding. It only took one episode to know it was absolutely not friendly. Right. A lot of the others are talking about its point of view, not its affiliation.

**[1:20:15] Radio Free Mormon:** Okay, very good. Do you want to make that any more clear, Bill?

**[1:20:19] Bill Reel:** Yeah, there's two things that matter. One is the dates on this. I assume your legal team, if this is used as evidence at a trial, they're going to want the dates on these because it's. We all know how Mormons show up when something is insinuated to them that they need to show up a certain way. And so once open Stories or Mormon stories is gone after by the LDS Church, I would expect just naturally believers to come out of the woodwork and help make the church's case for them. So any comment that comes after the legal filings, after the announcement that there's a lawsuit, those ones I think you have to discard. You have to show that prior to Mormons being told by the LDS Church that they've got to defend their church that those comments would exist.

**[1:21:09] Bill Reel:** The second thing you have to show is that there's a clear difference between people wondering whether this is for Mormonism or against Mormonism, whether it's church affirming or disaffirming versus whether it is church itself created content. So, for example, Ward Radio used to be called Midnight Mormons, by the way, Midnight Mormons put out content. John DE Lynn Mormon Stories puts out content. There are a bunch of Mormons, believers in the arena, trying to find content. They're very particular about wanting only to listen to believing content. They're

listening to Ward Radio or Midnight Mormons. They're listening to the Keystone Podcast. They're listening to Scripture Central. When, when, for instance, I'll give a great example. Go to the very bottom comment there. Hi, I'm confused. Are you for or against the Mormon Church? And neither one of those is church branded content necessarily.

**[1:22:10] Radio Free Mormon:** Right.

**[1:22:10] Bill Reel:** You have to differentiate. Because if that's your best argument, again, if these are the best ones they have, what they're clearly saying is that people turn on a podcast that has something to do with Mormonism and they struggle for a second until something's talked about to figure out whether it's people defending the church and talking positively about it, or whether it's people being critical of the church or shining a light on dishonesty or unhealthiness or whatever. And they're trying to figure it out. That's a very separate argument from trying to figure out whether something is actual church created branded content. And most of these comments seem to indicate the former and not the latter.

**[1:22:51] Radio Free Mormon:** Right. Before we go on, I think it is important for the record to recall the fact that there was a great deal of discussion and controversy going on amongst the different pro Mormon podcasts after the edict came out from President Nelson that Mormon was a major victory for Satan. And so the Midnight Mormons, they were kind of late to get on board, but there was a lot of controversy. When are you going to change your name? When are you going to start following what the Prophet has said? And they finally changed it from Midnight Mormons to Ward Radio for that exact reason. Now, before that, Three Mormons is a pro Mormon podcast that ended up changing its name because of President Nelson's edict. What did they change it to? Is it Three Latter Day Saints or something?

**[1:23:42] Radio Free Mormon:** I can't remember exactly what they changed it to, but they changed it from Three Mormons and even the Interpreter, which is Daniel Peterson's blog, his scholarly, I'll put that in air quotes blog went from being called Interpreter, a journal of. Was it a Journal of Mormon Thought? No, that's dialogue. That's dialogue. But he had Mormon in the title, the subtitle part of the Interpreter, and he changed that to Latter Day Saint Thought. So this has been going on throughout pretty much all the pro Mormon podcasts that had Mormon in their title or subtitle, changing it and taking out the Mormon in order to be in conformance with what the prophet said starting in 2018. So I think that's important to keep in mind. The last thing is that these witnesses who are not witnesses, they're just words on a piece of paper at this point, in order for this to be admissible in court, they would actually have to show up in trial.

**[1:24:42] Radio Free Mormon:** They have to find these people, they have to show up, they have to raise their hand and take an oath, and they have to testify and then be subject to cross examination. Because we have seen, this is just an example as to why it is that the law works this way. Because we've seen what happened with Tommy Thomason and how the Church misrepresented what he said. That's why people have to show up to testify and be subject to cross examination so that a fuller and more complete version of the truth can be obtained.

**[1:25:16] Bill Reel:** It was Interpreter A Journal of Mormon Scripture.

**[1:25:20] Radio Free Mormon:** Thank you.

**[1:25:21] Bill Reel:** The original name, by the way. I'll just say, just in case we haven't emphasized it enough, the Church puts in its best evidence in the document. And actually the majority of these comments, if not all of them, actually work to show that these people are pointing to a separate thing than whether this is church branded content, not just faith affirming content.

**[1:25:45] Radio Free Mormon:** Yeah, once again, the Church wants to confuse that issue as well. There's a lot of confusion going on, but it seems to be coming from the Church and not from Mormon stories. Yeah, so what is the next one?

**[1:25:59] John Dehlin:** Yeah, this, this is basically just saying that few, few of the examples they gave actually showed brand or trademark or, or confusion around, you know, origin or founder or, you know, owner of the podcast. It's more, it's, it's more around point of view. It's not just to summarize, it's not illegal. It doesn't violate trademark for people to be confused about point of view. It only violates trademark if people are confused about the owner or the, you know, who runs or is affiliated with or controls the product. And so any examples they give that don't show confusion about origin, about owner, about who runs and owns and controls the podcast just is irrelevant.

**[1:26:55] Unclear (brief interjection):** Yes.

**[1:26:55] John Dehlin:** And so few of the examples they gave. It's bad enough they didn't necessarily have dates or names that they were given after the Church filed its lawsuit, apparently. But most of them didn't even really seem relevant. So that's my understanding, that's my read of their evidence.

**[1:27:14] Radio Free Mormon:** Very good. Are we ready to go to claim number nine? Do you want to do this one for us, John?

**[1:27:21] John Dehlin:** Yeah. So in the complaint it says Mormon Stories and specifically defendant John P. Delin knowingly and intentionally adopted and uses the name Mormon Stories for its Podcast and business with conscious disregard for the church's rights in the Mormon marks and with the intent to cause confusion among consumers and to mislead the consuming public into believing that Mormon Stories is affiliated or associated with, endorsed or approved or sponsored by or otherwise connected with the church when it is not.

**[1:27:58] Bill Reel:** Were you an apostate critic of the church when you created the name Mormon Stories?

**[1:28:02] John Dehlin:** Yeah, this. This one gets me really upset. No, I was a. I was a faithful, attending, supportive Latter Day Saint when I started Mormon Stories podcast back in 2005.

**[1:28:15] Radio Free Mormon:** Good question, Bill.

**[1:28:16] Bill Reel:** And didn't they say this wasn't about the. The trademark of the word Mormon?

**[1:28:23] John Dehlin:** I mean, yeah, this is maddening on so many levels because, number one, we've been doing it for 20 years. Why have they waited for 20. Whatever years to complain? Secondly, haven't they been swearing up and down in their press releases and public comments lately that it was never about the. The word Mormon to begin with. But. But then to claim that we've intentionally been deceiving people with the usage of our name for 20 years, like it's. This is, this is like one of the most maddening slides of all, because they're not even, they're not even claiming that it's about the word Mormon, and yet it's in their complaint. So their own complaint contradicts what they're saying publicly. What they're saying publicly, as I understand it, is, of course we're not trying. Of course this isn't about the word Mormon. This has never been about the use of the word Mormon.

**[1:29:16] John Dehlin:** And yet in mediation, they're trying to get us to change the name of our podcast. And in their filings, they're saying it's all about the use of the word Mormon. And. But then they're saying that it's about the design elements combined with the word Mormon. But then a statement like this says it's always been about the word Mormon.

**[1:29:32] Radio Free Mormon:** But then when you change all the other design elements, but they file a lawsuit, obviously it's about the word Mormon.

**[1:29:39] John Dehlin:** Yeah. So this is, for me, this is almost a smoking gun in some weird way, because it's just so ridiculous. It just contradicts themselves.

**[1:29:50] Bill Reel:** They put too, like, this nefarious intention on you decades ago, wanting you to be like, behind in the shadows going, I'm going to create Mormon stories to do. When in reality, you start your podcast. I listened early on, you start your podcast going like, hey, I'm. I just want to have these conversations out loud and bringing people on and having them it was clear from episode one that you're not an official thing of the Church. And the church goes, of course you can use Mormon. It's only if you do it in a way that's confusing. And then, and then they go back in this and they say you knowingly and intentionally adopted the name Mormon Stories with a conscious disregard of the Church's rights in the Mormon marks. Do you have the rights to the Mormon marks and it's about the word Mormon or isn't it because you're talking out both sides of your mouth?

**[1:30:47] Bill Reel:** Church? Can you imagine how this is going to play out in a courtroom when you try to say to your answer on one question, it's a tight translation, and on another question you answer, it's a loose translation and you get caught in the courtroom to the judge, David Jordan, saying, it's not about the word Mormon, but over here, I need it to be about the word Mormon. You're going to run into a problem. The best thing you could do would be to disregard this whole thing and walk away. Save what little face you've got, because this can't go well. You're, you're, you are talking out both sides of your mouth and it's going to be demonstrated in front of a judge in a courtroom.

**[1:31:25] John Dehlin:** I sure hope so. And I think our, I think our filings have, have made this point in, in several different ways. But it, it just feels deeply disingenuous for the Church to have this be in the filings and then also to be saying publicly that it's never been about the use of the word Mormon. That when they started saying that, that felt like a pivot to me was. It felt like a pivot because the ACLU and the Electronic Frontier foundation started saying this. You know, you can't control that word. You shouldn't try to. By the way, you don't even really own the trademark to the use of the word Mormon except in some very narrow cases. But they can't, they can't have their cake and eat it too.

**[1:32:13] Bill Reel:** Can you imagine playing David Jordan sound bite in a courtroom immediately following the showing of this data point?

**[1:32:21] John Dehlin:** I don't, I just don't know how. I just don't know how they're going to pull this off. But again, I'm not an attorney. Rfm. Save us here. Save David Jordan. Save the church or make this make sense.

**[1:32:33] Radio Free Mormon:** We'll see if David Jordan is still representing the Church when the case comes to trial. Yeah, I don't know, because he may not be based on things he said, that's a bit off in the weeds. We'll talk about that some other time. Meanwhile, we can go to the record on number nine again, once again, dealing with that claim. Number nine. Is this number nine? This is number nine.

**[1:32:53] John Dehlin:** Yeah.

**[1:32:54] Radio Free Mormon:** So on the record, it's still saying John named the show in 2005 as an active believing member to help other members. Yes, we went over that. Very good point. Very good point. By the way, when was it that you were also doing your Stay Mormon?

**[1:33:09] John Dehlin:** I started stale DS around 2007. 2008. Staleyus.com is a website I created to help people stay in the church. Just like Mormon Matters and A Thoughtful Faith were podcasts to help people stay in the church.

**[1:33:23] Radio Free Mormon:** Okay, so let me see if I understand it. So 2005, you start Mormon Stories. Later after that, you start a supplemental podcast, which is stay LDS. So it really does sound to me like in 2005, you probably weren't trying to mislead people into thinking you were associated with the church so that you could attack their testimonies.

**[1:33:47] John Dehlin:** No, never, Never.

**[1:33:49] Radio Free Mormon:** I think the record shows that. History shows that. Yeah, the order of events shows that.

**[1:33:54] Bill Reel:** I think the Stay LDS site helped so many people stay, me being one of them. Reading that, it helped me drastically to slow down, consider the benefits, the pros and cons, and better understand like, hey, there are benefits to staying here. There are benefits to trying to figure this out in ways that are faith affirming. I was grateful at the time for the Stay LDS site. So, anyway, to paint him as this nefarious guy who's trying to get people out of the church in the beginning, when he created the name, is just absurd.

**[1:34:28] Radio Free Mormon:** All right, let's go to the next one, the next claim, which is numbered. No, it's more of the record on the same issue. Do you want to talk about this one, John? This. This slide?

**[1:34:39] John Dehlin:** Yeah, but by the way, just going back to the previous slide really quickly, this is one of the big barriers the church has to get around. And it's a. It's a concept called Latches. And again, I'm not an attorney, but the idea is if you know, if you believe or know that someone is violating your trademark, but you don't do anything about it for three years or four years or five years, what you're doing is you're letting them build up their brand and their reputation and their business and their identity, you know, to then pull the rug out from under them. So the, The. The doctrine of the concept of latches basically says that if you knowingly don't enforce a trademark for a certain period of time, three to five years, let's just say you lose the right to then enforce it later. And they didn't just go five years. They didn't just go 10 years. They didn't go 15 years.

**[1:35:33] John Dehlin:** They, they, they went 20 years. And so what, what, what it seems like they may have done was, all right, the Mormon stories has gotten too successful. We really want to take them down. And I'm just speculating here. So let's come up with this idea of, oh, it's encroachment. It starts with the Mormon name, but it's the logo and the rebrand and the blue and the Christus. And that's where they really, because they know that they can't win because of latches on those first, you know, 15, 16 years or 17 or 18 years. And so they have to come up with the other design elements and this idea of encroachment to even be able to have some sort of attempt at, you know, or pretending to have some sort of standing. And that's what's going on. And then because we changed all the design elements, this, it, then, you know, it, it, it does ask someone what standing do they have? You know, but.

**[1:36:43] Radio Free Mormon:** Right. Because they know, and it's clear as day that if it's about the word Mormon, they lose on latches because you've been using it for over 20 years.

**[1:36:55] John Dehlin:** Yeah.

**[1:36:55] Radio Free Mormon:** That is an open and shut case. Therefore it has to be. This is how this whole lawsuit was conceived, by the way.

**[1:37:01] Unclear (brief interjection):** Way.

**[1:37:01] Radio Free Mormon:** Yeah, into my mind. So it can't be about Mormon only. It has to be about all these other things. And so we're going to say crystallized then, but damn it, John, then you took them away. Yeah, when we asked. And that's the problem. So we're not going to talk about that. We're going to pretend like that didn't happen. We're even going to suggest that it didn't happen. And so I think that this is where the confusion comes from. This is why their lawsuit is so bad. And the confusion comes from them taking steps to try and make it look like there's a basis for it when really there isn't.

**[1:37:34] John Dehlin:** And it's why we filed our motion to dismiss. So in some sense, Bill, that previous slide might be the most truthful slide of the whole night, in the sense that that's really what this case is about, is they're trying to take away the word Mormon or damage our title or our brand. But they know they can't win on that. And, and so the, the problem is their public statements and now their more recent legal filings are contradicting themselves. And I don't know how, I don't know what happens when you're, when your filings, when your later filings contradict your previous filings. I don't know how that even works. RFM as an attorney.

**[1:38:18] Radio Free Mormon:** Well, they are filings as opposed to necessarily testimony or declaration. So there's different things that could happen. But we don't need to go into that there. I think we're going to run long enough. Tonight. We're at claim nine. We're an hour and 40 minutes into this. This is not Mormon Stories, is it? I thought it was Mormonism Live tonight.

**[1:38:37] John Dehlin:** Okay, let's keep going.

**[1:38:39] Radio Free Mormon:** Okay, so this is the, this is again, the record. So we're not to a new claim.

**[1:38:43] John Dehlin:** Yeah, this is just, this is just the idea again. They're trying to say that from the start, I've always been about deceiving people. That Mormon Stories podcast was run, run, affiliated with, controlled by, operated by the church. Look at my beard, look at my hat. Is there any Mormon alive that would look at that presentation and go, yep, that's a Mormon, That's a member of the church, that's a church employee. Like, never. Right. And if you just.

**[1:39:11] Radio Free Mormon:** Hey, Oren P. Rockwell.

**[1:39:14] John Dehlin:** Yeah. And if you just look at the, if you just scroll through any 10 or 20 thumbnails, you. At any period in the past five years, it's like, was Joseph Smith a sexual predator? Did Joseph Smith engage in sex trafficking? Are we paying too much tithing? Does you know, does the church protect predators at the expense of child abuse? Like, there's that. You just can't read the titles, see the thumbnails, look at the presentation, even look at the branding. In spite of the blue, it just. The common sense test doesn't bear the scrutiny that we were trying to deceive people.

**[1:39:56] Bill Reel:** Can I say one other thing here? So this is a good. You know, they're showing an example of what they considered copyrighted images being misused. Now, it'll be up to the court to figure that out, but I will say that under fair use. And again, I know, I know on some level, it's things that you're specifically, audibly talking about and pointing to, but in this world of podcast and thumbnails or a newspaper and the image for an article, you have to have the ability to tell the audience, this is the person who we're quoting, this is the person whose talks we're talking about. This is the person who's the decision maker in the. In the situation that we're discussing in our content. And so to just blanket and go absolutely wrong to use those images, I just would want to say, slow down. The law is a little more complicated than that.

**[1:40:49] Bill Reel:** As somebody who's acting as a journalistic entity, I have to have the right to tell my audience, verbally, visually, any medium, what it is that I'm talking about here. And I have to use some image of President Nelson. And I don't have, you know, I could use the one of him vacuuming the carpet in his living room, I guess, but I have to use an image. Even that one, by the way, belongs in the church. I have to be able to use an image of him. Now, we live in the age of AI, but you get a lot of criticism for using AI images. So you want to use actual images. I don't fault John for wanting to display President Nelson when he's telling a story that involves President Nelson. He needs a way to convey to the audience what it is he's talking about. So even on that issue, I'm not going to say that it's clear cut in John's favor necessarily.

**[1:41:37] Bill Reel:** I think it's complicated, but it certainly isn't clear cut like the church is making it either.

**[1:41:42] Radio Free Mormon:** Right. For instance, when we were doing the. The thumbnail for tonight's show, we were talking about that bill, and we of course had a picture of John Delin. It was AI, but it's still John Delin now. You know, John Delin is not going to sue us for using us or come after us or anything. But the issue remains the same. How are we supposed to communicate to the audience that we've got John Delin on the show who's going to be talking about this lawsuit without having his picture up there?

**[1:42:11] Bill Reel:** How do I use an image of President Nelson if I'm not allowed to use a church image? And they've already warned everybody not to trust anything that's AI created. And so I have no ability to, as a journalistic entity to

reach an audience that needs to hear the story, because the church has poisoned the well in one instance and determined that there's a breaking of the law in the other.

**[1:42:38] Radio Free Mormon:** Yeah, good point. I noticed that the pro Mormon podcasts are using AI images of John Delin. I guess AI is a new frontier, and it's really not something that's necessarily possessable or actionable. Unless you create it. I don't know. But I think when you create an AI image of something, I think you're in the clear. So far from any kind of trademark or copyright claim. I don't know, unless the computers unionize or something.

**[1:43:06] Bill Reel:** And this is. This is claim nine as well. John, do you know what's going on on this slide?

**[1:43:15] John Dehlin:** Yeah, this is just basically a rebuttal to the point we've already made, which is the church is. The church is contradicting itself. On. On the one hand, that previous slide was saying it's the problem is the use of the word Mormon, and that's what's in red. But then these are. These are. These are statements by church spokespeople saying the case is not about preventing people from using the word Mormon. So it's just showing that the church is contradicting itself in its public statements versus in its. In its filings.

**[1:43:52] Radio Free Mormon:** Okay. Because at this point, really, what is the case about when you've changed the light rays and you've changed the color and you've changed this and you've changed that, the only two things left are Mormon stories and this requirement that they say they want you to do about a disclaimer. I think those are the only two things that are alive.

**[1:44:10] Bill Reel:** And if Mormon isn't the problem, then what is the disclaimer? What this. What confusion is the disclaimer creating differentiation from.

**[1:44:21] Radio Free Mormon:** A good point there. You should be a lawyer, Bill. I've said that before. You have a good legal mind. Can you say that again? I think that's a really important point.

**[1:44:29] Bill Reel:** Yeah. If John has changed everything but the word Mormon and Mormon isn't the issue, then what is the disclaimer meant for?

**[1:44:41] John Dehlin:** What's the lawsuit about?

**[1:44:44] Radio Free Mormon:** Why are we here? Yeah, very good. All right, let's go to the next claim. Claim number 10. Do you want to do this one, Bill?

**[1:44:53] Bill Reel:** Yes, and I'll try to pick up the pace. I do think the front ones were much more complex things that need to be talked about. I think we'll move faster as we go through here. For example, the official name of the Church of the Church is the Church of Jesus Christ of Latter Day Saints. The public has long referred to and recognized the church as the Mormon Church and its members as Mormons. Consequently, the Mormon marks have been subject of extensive publicity. The public continues to associate the Mormon marks with the church. So the Church is making the argument that even though we have a different name than what people commonly call us, so many people commonly refer to us this way that it is how we distinguish ourselves from other people in the world.

**[1:45:40] Radio Free Mormon:** Can you go back to that claim? Because right there they're omitting something that we all know. But that is very important. Right. It says, consequently, the Mormon marks have been the subject of extensive publicity because President Nelson said using it is a major victory for Satan. That's why it's become the subject of publicity. But in spite of that, see, that's the whole thing they're not saying. The public continues to associate the Mormon marks with the church, which means, yes, Gordon Hinckley was smarter than Russell Nelson on this issue, but they omit what I think is relevant information from their claim. And it's information that is supplied by the other side. It's readily going to be supplied by the other side. You should know this if you're a lawyer representing the church. So why

not just do the right thing? Be ethical, be honest, be forthcoming with the court without having the other side have to point out that you're not being.

**[1:46:40] Bill Reel:** Yeah, yeah. One side will definitely have to make the argument about the church verbally to its members abandoning its Mormon mark. So there's that. Okay, let me. I messed up there. Went too far. So the record here is that from the start, John said on the air that Mormon on Mormon stories means a people, a culture, and not one church. By the way, Lindsay Hansen park in Sunstone there's more than one way to Mormon. I have heard fundamentalists refer to themselves as Mormon. I've even heard a member of the community of Christ refer to themselves as a Mormon. There are all kinds of breakoffs of the church, of the church that Joseph Smith founded. And any entity that traces its lineage back to Joseph Smith in the Book of Mormon can rightfully call itself Mormon. By the way, Mormon. Even if the church believes its own truth claims, Mormon is an ancient prophet from thousands of years ago.

**[1:47:32] Bill Reel:** It's sort of weird that his name is being trademarked up till now. It seems like that would have passed that time limit. But this has multiple quotes on it. There are. This is from John de Lynn, essentially noting early on this very point of view that Mormonism is a much bigger word than the Church of Jesus Christ of Latter Day Saints. There are ex Mormons and post Mormons and New Order Mormons and secular Mormons and atheist Mormons. It's one big beautiful ecosystem of people who are associated with this church. I think it's time for Mormons to reclaim Mormonism as being bigger and broader than just the LDS Church. That's not what they want. But that, I think, is the truth of it.

**[1:48:12] Radio Free Mormon:** John De Lin said that in 2000,

**[1:48:14] John Dehlin:** and that was 2010. But I think you'll find comments as early as 2005. And honestly, I credit BYU. When I was at BYU, I read a book called the My Name is Asher Lev by Kaim Potok. And BYU introduced me to this Jewish author who then introduced me to the big broad world of Reform Judaism and Reconstructionist Judaism and Orthodox Judaism and Hasidic Judaism and Reconstructionist Judaism. And I realized that the term Jewish applies to not only a bunch of different sects of Judaism, but also to atheist Jews and secular Jews and the cultural Jews. And whether or not, you know, people can argue about whether it's appropriate to apply that to Mormons. I think it's 100% appropriate for Mormons to use the term Mormon in a similar way. I see us as just younger.

**[1:49:12] John Dehlin:** But would you argue with a sixth generation Jew going back to the original founding of Judaism if they're six generations from Abraham or whatever, you're going to tell them they're not a Jewish? I don't think six generations is too small a number to qualify to call yourselves part of a, of a broader people. And so regardless of whether that's accurate or not, that was my point of view prior to 2005. And so you could hear me talking about that in 2005, that I considered Mormon to be a broad cultural term. And you could have me quoted as saying, if the church ever excommunicates me, I'm still going to call myself a Mormon and I'm still going to do Mormon Stories podcast. So it was, it was even before Lindsay joined Sunstone that I was saying these, these sorts of things because I, I've believed this type of stuff since the early 2000s.

**[1:50:10] Radio Free Mormon:** And what would we think if the Catholic Church brought a lawsuit against the Mormon Church saying they can't use the term Christian?

**[1:50:18] Bill Reel:** Yeah, it's the same kind of reasoning, isn't it?

**[1:50:22] John Dehlin:** Yeah. Christian or Catholic or evangelical, you know, people just don't own those terms. They're too broad.

**[1:50:30] Bill Reel:** This is just another slide with a few more quotes. So this is different than the one we just read a quote from.

**[1:50:34] John Dehlin:** We can skip them.

**[1:50:35] Bill Reel:** It's the same quotes there that indicate that ideology being spoken of by Mormon Stories and others in the Mormon community.

**[1:50:44] John Dehlin:** Yeah.

**[1:50:45] Radio Free Mormon:** Claim number 11. Can you take us through this one, John? This looks like it's quoting the complaint.

**[1:50:51] John Dehlin:** When used with such goods and services, the relevant public recognizes the Mormon marks as referencing the Church and as an indication of origin. So we can go to the next slide to see kind of what. Yeah, like go back. Sorry. So basically what it's saying is, is that the public looks at the, I guess the Mormon trademarks or the Mormon associated trademarks that the Church uses and thinks of the Church. But again, this isn't about the use of the word Mormon. So I don't know what this argument is really trying to say.

**[1:51:27] Radio Free Mormon:** Well, here where they're talking about Mormon Marx, they're trying to talk about the cluster, which really, they try and make it as ambiguous as possible because when you winnow it down to what it really is, it's not that impressive. What it is, it's Mormon, it's blue and it's light rays and a Christus. But I think that's a copyright thing.

**[1:51:49] John Dehlin:** Well, that they used, I think.

**[1:51:51] Radio Free Mormon:** I don't want to distinguish those because that's not really part of what you use.

**[1:51:54] John Dehlin:** I think, I would think they would say the Christus is part of their branding because it's on their logo, which is part of their trademark, not copyright.

**[1:52:02] Radio Free Mormon:** But isn't the Christus that, that usage of yours, isn't that just sometimes you have it, or is it always up there?

**[1:52:08] John Dehlin:** I mean, I just, I, I just think they think they're, I think they're saying that with the use of the Christus, they might be counting it twice, copyright and trademark, but I think they're saying we're adopting elements of their branding, their trademarked branding into our, our branding, I think is what their allegations are. Yes, and, but, but, but again, what this doesn't acknowledge is abandonment. So even though they've tried to preserve their trademarks, what they've also done is they've told members not to use the term. They've abandoned the domain names and the branding and the usage of the term. And so you can't simultaneously, I don't think, abandon a brand and try to enforce it on everybody. Or at least it becomes more difficult.

**[1:53:02] Radio Free Mormon:** Yeah, we'll have something more about that later. Where simultaneously the Church was abandoning its brand name Mormon, while it was renewing it under allegedly false pretenses with the Patent Office. Yeah, we can get there in the Trademark office. Okay, so this is the record. The Church spent seven years telling the public to stop calling it Mormon. And John publicly cheered.

**[1:53:24] John Dehlin:** Yeah, like I, I was happy when they abandoned the term Mormon because I didn't think they ever owned it. And I was clear about that before, and I've been using it that way since like they don't own it because they don't.

**[1:53:41] Radio Free Mormon:** Anything from you on this, Bill?

**[1:53:46] Bill Reel:** No, I, I, I'm in my head with what you've got coming up later in terms of like the Mormon Tabernacle Choir and them seemingly, because we can't find it anywhere, editing the listing on Deseret Book so as to renew their

copyright listing, their trademark listing for Mormon Tabernacle Choir and seemingly doing it in what, without a better explanation could only be seen as unethical. So that is yet to come.

**[1:54:15] Radio Free Mormon:** Well, good. So that was the record. Number 11. Is there any more of the record on claim 11 in the next slide or is it a new claim?

**[1:54:22] Bill Reel:** Nope, this has just got a few more quotes on it, but same kind of thing.

**[1:54:25] John Dehlin:** I can skip it.

**[1:54:26] Bill Reel:** Yep, they can't use the word Mormon anymore, just that kind of language.

**[1:54:31] Radio Free Mormon:** Claim number 12. Can you do this one, Bill?

**[1:54:35] Bill Reel:** Yep. In or around December 2022, and this is in the complaint, Mormon Stories began using the blue Mormon Stories logo shown below.

**[1:54:46] John Dehlin:** And they're, yeah, and I think we've covered this, we've covered the blue, you

**[1:54:50] Bill Reel:** know, and yeah, I'll fast forward here.

**[1:54:52] John Dehlin:** The only thing, the, the only thing I wanted to add here is that. I did, I did a quick analysis of in, in terms of the substance of the episodes, how what percentage of over the past three or four years have our long form interviews told, you know, told people to donate to Mormon Stories or named the Open Stories foundation or asked for donations or mentioned that I was excommunicated? And it's something like 90% of the episodes during that three year period explicitly mentioned things that would make it very clear to the listeners that this wasn't a church run podcast, that it was a nonprofit, that it was, I was excommunicated, that we were asking for donations, that it was the Open Stories Foundation. So again, if, if I was trying to fool people that this was a church owned and run podcast, why would we have been doing that those types of things in like 90% of the

**[1:55:59] Bill Reel:** episodes, it's, it's like China having a McDonald's restaurant that isn't McDonald's and trying to still claim they're selling people Big Macs. It's a clear, it's a clear sort of copying. But in your instance, your everything about your branding demonstrates that you're not the church.

**[1:56:17] John Dehlin:** And the substance and the substance and content of the episodes,

**[1:56:22] Radio Free Mormon:** which is why I think it is that so many people look at this and say what, why are people having confusion about thinking this is Produced by the Church.

**[1:56:30] John Dehlin:** Yeah. Yep. So that's that slide.

**[1:56:35] Radio Free Mormon:** Okay, so the next slide is claim number 13. I'll do this one. This is from the complaint as well. Quote, specifically, the Church uses the marks Mormon Book of Mormon, Book of Mormon stories, Mormon messages, Mormon Channel, Mormon Tabernacle Choir. Wait a second. I guess we'll be returning to Mormon Tabernacle Choir, won't we? Mormon Tabernacle Choir. No, you don't use those. This is in the complaint. And already Mormons are reading this and going, who wrote this? Because you don't use Mormon Tabernacle Choir. In fact, you made a big deal about stop using Mormon Tabernacle Choir and starting to use something else without Mormon in it. Mormon Tabernacle Choir, Book of Mormon videos, Mormon Battalion, Mormon Handicraft, and others collectively, the Mormon mark. So these are the Mormon marks that there's talking about in connection with the Church's religions.

**[1:57:29] Radio Free Mormon:** Excuse me. In connection with the Church's religious, humanitarian, genealogical, historical, educational and broadcast services, as well as written and audio visual materials such as podcast videos, digital

materials, instructional materials. I'm sorry, is that books? It's books, photos, paintings, and music, and a wide variety of other related goods and services. So this is in their complaint that the Church uses these marks.

**[1:57:59] Bill Reel:** I. I was. While you guys were talking, you might have seen me looking down and telling that to the audience. I was in ChatGPT and I asked it, go find me the earliest instances where LDS voices are referring to people from other factions as Mormon. I think that's at least on some level interesting in this conversation that we're having. I'll just give one example, but there are plenty. November 22, 1845. Millennial Star wrote about William Smith's rival movement and said that discussions are to take place between the Rigdonites and the Josephites on the claims of each to the Mormon throne. There are certain lots of instances where even in early church history, people inside the LDS Church, including authorities, referred to other people from other factions of Mormonism as Mormons or doing Mormon things. I think that's at least interesting as we're having this conversation, because I think there is historical precedent for a very different argument than what the Church is making.

**[1:59:06] Radio Free Mormon:** Good point, Bill. What does the next slide say about the record on claim 13? Was I dealing with this one? So the choir dropped Mormon in 2018? Okay. It was a big deal. And people like me were scratching our head and saying, why are you taking one of the most successful trademarks in the history of the United States and Definitely for the church. I mean, talk about promotion. Everybody knows this is the Mormon Church's choir, and a lot of people think it's really good. So it was good pr, but no Mormon had to go. So it became the Tabernacle Choir at Temple Square, which nobody's ever heard of. Completely unmemorable. The choir dropped Mormon in 2018. In 2024. Now, six years later, the church swore to the trademark office the name was still in use. This is big. Can you tell us about this, John?

**[2:00:04] John Dehlin:** Yeah, but I mean, I can just say just as. As a. I don't know if this will speed this part up, but the church, you know, at some point, as I understand it, they tried to. To get a trademark for just the word Mormon. And as I understand it, that was rejected.

**[2:00:21] Radio Free Mormon:** Correct.

**[2:00:22] John Dehlin:** But then they filed some other more specific ones, like the ones you. You just read before. And even though, as I understand it, they've. They've, you know, abandoned, you know, usage of the term Mormon, walked away from it, they've tried to still preserve the trademarks that they've owned. And so this is an example of the fact that they clearly aren't using Mormon Tabernacle Choir anymore. But when that trademark comes up for renewal, they have to not only file to renew it, but they have to provide evidence that they're still using it.

**[2:00:59] Radio Free Mormon:** Right.

**[2:00:59] John Dehlin:** And my understanding is, is that the. The piece of evidence that they use to claim that they're still using the term Mormon Tabernacle Choir is like a sub type of flyer or digital program from like, a Mormon Tabernacle Association, Alumni

**[2:01:19] Radio Free Mormon:** association or something like that, like a reunion party.

**[2:01:22] John Dehlin:** But. But. Yeah, but I don't know. I. I don't. That might. This might be one of the reasons why we're counter, you know, counter suing them for misrepresenting or for inappropriately extending or renewing a trademark. Because I. It may be that they're not, you know, that the trademark office didn't notice that they're probably maybe not using the name like they seem to be representing they are, or at least that's something that we're calling their attention to, because do y' all think that anyone attended the Christmas concert on Temple Square of the choir at Temple Square and were handed a pamphlet that said, welcome to the Mormon Tabernacle Choirs concert, or saw a billboard that said, come join us with David Archuleta and the Mormon Tabernacle Choir? Like, they're not using the word Mormon in association with the choir.

**[2:02:22] John Dehlin:** So why would they be renewing their Trademark with the trademark office for the Mormon Tabernacle Choir, when they don't seem to be actually using and have, as we understand it, abandoned said trademark or

**[2:02:37] Radio Free Mormon:** use, they're pulling a fast one on the trademark office. That's the long and the short of it.

**[2:02:41] John Dehlin:** And that's judges.

**[2:02:42] Radio Free Mormon:** No, that's absolutely what they're doing. I'm just giving my opinion. Okay, this is not your opinion, John. They're doing this over and over again. These are the. The worst, shadiest kind of lawyers. These are part of the 95% that give the rest of us a bad name. Let me tell you that. So this is an outlier. And if the person, if the individual at the trademark office, I mean, seeing this, who cares? Okay, fine. This Morgan Tabernacle Choir, we'll check it off. If they had known the story behind this and what was really going on was with President Nelson saying, we're not using the word Mormon anymore. In fact, we're changing the name of the choir. They, I think, well, they would have not been so quick to grant a renewal of this trademark.

**[2:03:25] Bill Reel:** Yeah, you. So again, to the audience, what it appears is happening without better evidence. What it appears is happening is that in order to get its trademark extended, the church created a fictitious pamphlet or document that looks like it's still being called the Mormon Tabernacle choir. In this 2023 concert, when everything we know about this event had it listed in all materials as the Tabernacle on Temple Square. It's not the only instance, though. The other instance is that on Deseret Book, they took one of the listings of their CDs, which, if you go to that site and you look at that product page, it clearly says the Tabernacle Choir at Temple Square. It appears again, without better evidence, it appears that they photoshopped in or changed for a brief moment the title to Mormon Tabernacle Choir, printed it off on a piece of paper, changed it back to what it was originally, the Tabernacle Choir at Temple Square, and mailed it into the trademark office.

**[2:04:32] Unclear (brief interjection):** Us.

**[2:04:32] Radio Free Mormon:** Right. And if I can try and just explain this a little bit more over here, on this particular CD cover in the upper left hand corner, it says Mormon Tabernacle Choir. That's because it's an old cover from before the change, I believe. And that's why, if you looked at it originally, it said Mormon Tabernacle. Excuse me, it said that Mormon Tabernacle Choir. So that would be an old description. So this doesn't have to be photoshopped in it could just be a copy of an old description of the way it appeared, but obviously they changed it. And there's an example of it where they changed it to the changed name that omits Mormon. It's the Tabernacle Choir at Temple Square. That's the one they did not show to the trademark office. Instead, they showed the other one under, I think, false pretenses in order to renew the trademark. Because what they're trying to show is.

**[2:05:25] Radio Free Mormon:** Yeah, we're still using the term Mormon Tabernacle Choir when that was added. Absolutely. And we all know this not the case.

**[2:05:32] Bill Reel:** This. I don't know how old this CD is, but my guess is that the CD cover is. It's an older cd, so the CD cover probably stayed the same. Mormon Tabernacle Choir, they never updated the graphic for it. What's clearly shown, though, is on the right hand side, they're listing. And as far as we know, to the customer who visits Deseret Book, it has, for the last few years continually stated the Tabernacle Choir at Temple Square, except the one that got mailed into the trademark office says Mormon Tabernacle Choir on it, as if that's the name. It's still being sold under this.

**[2:06:09] Radio Free Mormon:** I just looked it up. This cover. And this album is from 2004.

**[2:06:14] John Dehlin:** Yeah.

**[2:06:15] Bill Reel:** So it's an old CD cover, but they intentionally made the textual explanation description to the right. Match it so that people would believe, like, hey, we're still using this name when in reality we're not.

**[2:06:29] Radio Free Mormon:** Yeah. And this is not going to go over big at the old Patent and Trademark Office, I can guarantee you.

**[2:06:35] John Dehlin:** Yeah, I don't know. But. But this is. I think this is part of our counterclaims. And why we're. We're. They're not just suing us, we're countersuing them to say, hey, Judge Shelby, have they actually potentially committed trademark renewal? Some sort of trademark renewal? I don't know. Fraud is too strong of a word. I think fraud might be the technical term here, but I could be wrong. So, you know, if I think it might be.

**[2:07:02] Radio Free Mormon:** Indeed. And I think that is part of the counterclaims you've got. It's also part of your defense, because what right does the church have to protect a trademark that they gained only by fraud?

**[2:07:14] Unclear (brief interjection):** Yeah.

**[2:07:15] Bill Reel:** Some sort of malfeasance, for sure. Okay, so there's that.

**[2:07:21] Radio Free Mormon:** The Tommy Thomas and thing.

**[2:07:23] Bill Reel:** Oh, this is my thing. Let me get this down and put back up that. There we go. So this is the next one.

**[2:07:31] Radio Free Mormon:** Okay. So this is claim number 14. I did the last one. Can we go up to you, John, again for this one?

**[2:07:38] John Dehlin:** Yeah. So each registration listed in the chart above is valid and subsisting. It's a bunch of federal registration numbers. Such registrations constitute conclusive evidence of the validity of the registered mark and registration of the marks of the registrant's ownership of the marks. End of the registrant's exclusive right to the registered marks in commerce unless they

**[2:08:04] Radio Free Mormon:** gain them under fraudulent pretenses. A. John.

**[2:08:09] John Dehlin:** Yeah, yeah, yeah. So the response is the church renamed Mormon Channel and Mormon messages in 2019 to drop the word. But in 2022 it told the Trademark office both marks had been in continuous use, supported by videos from before for the rename. It now wields those registrations against a podcast. So again, this seems to me is. Is kind of shady that they're alleging, claiming that they've been using these things continuously when I. I don't know what evidence they have that they actually have been using them continuously.

**[2:08:52] Bill Reel:** This is an instance of the Church literally having its. Well, not little, but having its cake and eating it too. Like it gets to have it both ways. We tell the members, drop the word. We drop the word from our products, but then we tell the Trademark office our products still have that name.

**[2:09:08] Radio Free Mormon:** I keep getting the feeling that the view of the Church is that the laws of the land are really just something to be gotten around, always have

**[2:09:16] Bill Reel:** been, since 1830, in spite of that

**[2:09:19] Radio Free Mormon:** article of faith that says otherwise. The Church is built on contradictions.

**[2:09:24] Bill Reel:** Yeah.

**[2:09:25] John Dehlin:** Yep.

**[2:09:26] Radio Free Mormon:** And claim number 15. Can you do this one, Bill? Is this a similar one?

**[2:09:31] Bill Reel:** Plaintiff's use of the mark Book of Mormon Stories includes, among others, use in connection with podcast videos, audio recordings in the field of history and religion. Here they're making the argument we own the trademark to Book of Mormon Stories. Except the Church dates its Book of Mormon stories podcast to 2010. Mormon Stories launched in 2005. Who was the first one to it? Mormon Stories.

**[2:09:59] John Dehlin:** Yeah. And I don't get why they would be even mentioning that trademark, knowing that. That my podcast preceded them by five years. Feels it feels dishonest to me.

**[2:10:11] Unclear (brief interjection):** It does.

**[2:10:13] Radio Free Mormon:** I think they should mention it. But I do think the issue still is circling out there. I don't know what the answer is as to who is it who trademarked the term first. I think that's important, but I don't know that it's conclusive.

**[2:10:26] Bill Reel:** Yeah. Like if somebody uses it earlier and someone trademarks it later, how does one decide that? It seems like if Somebody already existed. They shouldn't be compelled to desist from using the thing because someone later on trademarks it.

**[2:10:40] John Dehlin:** That.

**[2:10:41] Bill Reel:** That doesn't make a lot of sense to me.

**[2:10:42] Radio Free Mormon:** Well, presumably there would be a process by which the person who owned it at the beginning could now come in and try and contest someone trademarking it subsequently.

**[2:10:53] Bill Reel:** Yeah. I'll just read this point here. In its 2024 application, the church swore its first use of Book of Mormon stories was November 2010 and that no one else had the right to a confusingly similar mark. And meanwhile, they knew that Mormon Stories existed and had been podcasting under its name since 2005. So that's a self admittance that whatever Mormon Stories is, it's not confusing to Book of Mormon Stories because they use the opposite side of the argument in this instance.

**[2:11:28] Radio Free Mormon:** Any thoughts from you, John?

**[2:11:31] John Dehlin:** Just. Yeah, I just don't. I don't. Other than what I just said right before, Bill. No.

**[2:11:37] Radio Free Mormon:** Okay.

**[2:11:38] John Dehlin:** We've been using Mormon Stories five years before they actually bothered to register Book of Mormon Stories. So how can they be using that against us now? It makes no sense.

**[2:11:50] Bill Reel:** Yeah. They acknowledge then, like, look, we know Mormon Stories exist because they did know. No Mormon stories exist. And we would like a trademark for Book of Mormon Stories. And there's nothing out there that's confusing with that. So you can't come in now years and years later and go, Mormon Stories is confusing the Book of Mormon Stories because you applied for the trademark, admitting that it wasn't.

**[2:12:12] Radio Free Mormon:** Yeah. And can I also just state the obvious, that Mormon Stories is not the same thing as Book of Mormon stories. No.

**[2:12:19] Bill Reel:** Yeah.

**[2:12:20] Radio Free Mormon:** Okay, so what is the next slide? Claim number 16. I think this is my turn. Here's the Tommy Thomas thing. Quote, this is the Church's opposition brief to the motion to dismiss. Quote. In a 2022 Mormon

Stories episode, a guest tells Mr. Delin he began listening because he believed Mormon Stories was church affiliated. The only problem is that's not what he said, and this is a misrepresentation of fact in a brief filed with the court.

**[2:12:56] Bill Reel:** Not only is it not what he said during the interview, it's also he's come in after the interview since then and clarified, telling everybody that the Church's way of using his words was misrepresenting him.

**[2:13:10] Radio Free Mormon:** Yes. So what is the next slide? It'll probably have some of that information on it. Yeah. The defendant's reply. This is your reply, John. He said stories about Mormons, which is what he said. It's on tape. You don't have to guess at this. It's not a matter of opinion. It's a matter of fact. He said stories about Mormons. The episode also came out two months before the logo the church sued over. So that timing is interesting as well. Yeah, My take on what you had said, and Bill has the audio right here, so he's going to play it here in a second. But my take on what you said was he says, yeah, I wanted to hear stories about Mormons. And you said, yeah, that's why we named it that, because it's Mormon stories. Right. And then you. No, you said, that's not why we named it that. That was when you were being sarcastic.

**[2:14:01] Radio Free Mormon:** And then you said, well, maybe it was a little bit why we named it that. Because, of course that's why you named it Mormon Stories. Because it's stories about Mormons has nothing. Nothing to do with church affiliation.

**[2:14:11] John Dehlin:** What they were trying to infer or imply was that our. Was that I was admitting that. That we did the rebrand, that during the episode with Tommy, I admitted that we did the rebrand to confuse people. The problem with that is the interview with Tommy happened two months before we did the rebrand, or even the rebrand was recommended. And the episode that Tommy watched was from the late 2000 teens with Samantha Shelley and. And Tanner Gilliland. And it had a disclaimer at the beginning. So clearly we weren't trying to fool Tommy back when we were using a disclaimer. But also, I was not admitting to intentionally fooling people with the rebrand when Tommy was on Mormon stories because that interview happened two months before the rebrand.

**[2:15:04] John Dehlin:** And Tommy wasn't claiming that he was ever fooled by the rebrand because, you know, because again, when he looked up the Samantha Shelley and Tanner Gilliland episode, it was back in the late 2000 teens, and he said as much. It was on Apple podcasts, not on YouTube. And he saw the gold logo, didn't see a blue logo. And he said it wasn't that there was any brand confusion. It was simply that he was looking for stories about Mormons and he was confused. And he thought it was a faithful podcast, which at the time, you could argue there were still a lot of faithful episodes on it. But what he was disappointed was, was that in the case of Samantha and Tanner, they ended up losing the faith and leaving the church. And that's, you know, that's why he was disappointed. Not because of brand or. Or originator confusion.

**[2:16:02] Bill Reel:** The. The church actually makes three misrepresentations in. In about this, right? One is that it doesn't acknowledge to the court that you're actually using your old logo, the tan and gold logo at the time. That makes a big difference in what they're trying to use this for, number one. Number two, is that they're misrepresenting Tommy as saying that he thought this was church affiliated or owned content, and it turns out that it wasn't. And then three, they're trying to put in your mouth that you're saying you created Mormon stories as a way to deceive people into thinking it was the Mormon Church. And on all three instances, as we play the audio here, it's clear that none of those hold up.

**[2:16:46] Radio Free Mormon:** So you pretend you're on the jury out there, look at this video, see what you think is being communicated, and whether it lines up more with what the church is saying or with what John is saying.

**[2:16:59] Tommy (clip from his Mormon Stories interview):** And I do want to just add one quick anecdote as a part of all that. I just was looking for content to consume. So I remember pretty, pretty quickly after my mission because I am a big

fan of podcasts. So I went to the podcast app, Apple Podcast, typed in Mormon, saw Mormon stories, and I was like, perfect stories about Mormons. And the first one I came across,

**[2:17:24] John Dehlin:** that was not why I named it.

**[2:17:26] Tommy (clip from his Mormon Stories interview):** No. And I know.

**[2:17:27] Unclear (brief interjection):** And, and I.

**[2:17:28] John Dehlin:** Okay, maybe it was a little bit

**[2:17:29] Tommy (clip from his Mormon Stories interview):** late and it worked. And the first episode I ever listened to, which I was excited at first and then mad like an hour or two in, was with Sam and Tanner, which was later that year, I believe, in 2015. So this is like, this is like short haired Tanner and married Sam. I don't, I'm sorry I brought that up. I don't know if that's a sensitive topic, but this is. This is like seven years ago now.

**[2:17:59] John Dehlin:** So this was this episode for the listeners of viewers. It's called Losing Mormon Millennials. And Samantha makes fun of me because every time we talk about it, I say, number one, it's a legendary episode. Because this was right. This was recorded right when the church was starting to hemorrhage its millennials. But also it's the episode that Tyler Glenn from Neon Trees found that caused him to actually heal from a lot of trauma that he had experienced. But it's a legendary episode. We're going to include it in the show notes. Are we? So did you think for the first hour that it was going to be like faith?

**[2:18:32] Bill Reel:** Is that enough of it?

**[2:18:33] Radio Free Mormon:** I think this pretty plenty.

**[2:18:35] John Dehlin:** Yeah.

**[2:18:36] Radio Free Mormon:** Why don't you go ahead and play that she makes a little comment here that's going to touch on it. So go ahead. Just in the, in case people are thinking that we're not playing what she said there. You can go back like 10 seconds.

**[2:18:47] Bill Reel:** Yeah, it'll take me a second to sort of get back to where we were.

**[2:18:50] Radio Free Mormon:** I apologize. I apologize. When I did the clip, it was like three minutes, the whole clip.

**[2:18:54] John Dehlin:** We're gonna.

**[2:18:55] Radio Free Mormon:** And I made it that long because she does sort of touch on it. And then he. John clarifies again that it's not smash it.

**[2:19:03] Tommy (clip from his Mormon Stories interview):** You know, and as a, so as a missionary, about like halfway through, we got permission to use Facebook as a pro sliding tool, which is a questionable decision, but I enjoyed it, you know, because, you know, back in those days, two times a year you get to talk to your family. So any sort of outside anything was I welcomed. But I did see some millennial Mormon posts going through. So I saw Sam. So when I saw her on the episode, I was like, oh, awesome. Like, this is a fellow Mormon millennial. And here we go. And so my first ever. I just, I just add that because from like that moment I was like turned off from my Mormon stories. I was like, they got me like, this is some Bush Lake stuff.

**[2:19:52] John Dehlin:** Really quickly, Was it that we misbehaved or was it just that the story didn't end like you wanted? Were we too sarcastic?

**[2:19:59] Tommy (clip from his Mormon Stories interview):** No, I, I, well, yeah, so I thought it just didn't end the way I thought it was going to. And I was like, that's not a Mormon story. That's an ex Mormon story.

**[2:20:06] Unclear (brief interjection):** Was my process.

**[2:20:08] Tommy (clip from his Mormon Stories interview):** And again, I'm three months off the mission.

**[2:20:10] Unclear (brief interjection):** I'm not entertain.

**[2:20:12] Tommy (clip from his Mormon Stories interview):** Entertaining any sort of, you know, that kind of content. So. So yeah, bad first taste from Mormon stories.

**[2:20:20] John Dehlin:** Sorry.

**[2:20:22] Tommy (clip from his Mormon Stories interview):** No, you don't have to apologize. That's just, is how, how it went down. But yeah, so that's just a little anecdote from 2015 and 2018. That's where I was was. I think that's promoting stuff.

**[2:20:35] Radio Free Mormon:** And so John, by the way, I bet you're really glad that you did that follow up. Four years ago there was a great follow up question to clarify what it was that was done. So he makes it clear it is not because he thought the show was church affiliated. It's because he thought the show was going to have a happy ending, a pro church ending, that, that they were going to stay members of the church and not leave. And once he realized that, okay. He stopped listening.

**[2:21:02] John Dehlin:** Yeah.

**[2:21:03] Radio Free Mormon:** Yeah.

**[2:21:03] Bill Reel:** And this is him in the modern moment with all this lawsuit stuff going on.

**[2:21:10] John Dehlin:** Julia, from analyzing Mormonism, did a short about this whole fiasco and he weighed in because Jasmine's claiming that I admitted to deceiving people and that Tommy admitted to being deceived by the brand, the rebrand, which couldn't have happened because this interview was two months before the rebrand. And so the Tomsters weighs in and says, this is so weird to be a part of all this. But I can confirm that I'm talking about the summer of 2015, not December 2022, seven years prior. And I saw that tannish logo and never once thought the show was from the church itself. So he didn't see a blue logo, he saw a tan one. He didn't ever think the Mormon stories was run by the church. He just, in his own words, was hoping it would end in a faithful way. And at the time, it didn't. He, since, as I understand, it left the church, by the way. But it's not my fault. But, but the.

**[2:22:12] John Dehlin:** The main point is this seemed like a very, very careless thing for the church to do.

**[2:22:18] Radio Free Mormon:** Careless or calculated, John?

**[2:22:20] John Dehlin:** I mean, maybe, but. But if the church loses, this will go down as one of the top three errors that they committed is creating a centerpiece piece of evidence in a complaint, in a filing that turned out to be a complete misrepresentation of the facts.

**[2:22:39] Bill Reel:** And as you pointed out in the beginning, rfm, even if somebody cut a sound bite, gave it to them and said, here you've got them, and they put it in their legal document, it is now being explained to them right here that they have misrepresented John de Line and Tommy and that it is now their responsibility and duty to go back to the court and clarify that this is actually not accurate.

**[2:23:07] Radio Free Mormon:** It is their duty to take this comment, which they know about. Come on. It's their duty to take this comment and put it in front of the judge and retract that claim.

**[2:23:16] Bill Reel:** Yeah.

**[2:23:17] John Dehlin:** Now, to be clear, our reply, our final reply in the motion to dismiss includes this incident. So. So David Jordan would have had a full notification of this prior to his interview with David Schnell. And guess what? They didn't mention it.

**[2:23:37] Bill Reel:** Yeah. The way I knew Elder Oaks was lying about the electroshock therapy rather than mistaken was because when he had the chance, he didn't correct the record. It's the same reason I would know that David Jordan in the LDS Church are lying in the current moment, in this instance, if they don't take the opportunity to correct the record I don't know about that.

**[2:24:00] John Dehlin:** I don't know.

**[2:24:01] Radio Free Mormon:** I'm not sure I do. I agree with him, but I understand why you don't.

**[2:24:05] John Dehlin:** But isn't that dumb? Isn't that not. Wouldn't that be dumb?

**[2:24:09] Radio Free Mormon:** It's a sign of desperation. It is this entire entitled attitude that the church has that they can say whatever they want and you just have to believe it.

**[2:24:20] Bill Reel:** This was their strongest piece of evidence, John, that you had created Mormon stories to confuse people. And the only way they got there was to completely misrepresent you, your logo at the time and Tommy's words.

**[2:24:38] John Dehlin:** But it's weird. They didn't anticipate getting caught. That's weird.

**[2:24:43] Radio Free Mormon:** They never anticipate getting caught. This is the blind spot of Mormonism. No matter how many times they get caught, and no matter how many times you catch them, John, and you do, Bill and I do, and Julia and all of us catch them, they still think they're never going to get caught. Because that is a mindset that is shared with another class of people that I've spent a career representing. And they're called criminals. Criminals don't think they're going to get caught as a rule, which is why they commit the crime.

**[2:25:14] Bill Reel:** Amen.

**[2:25:16] John Dehlin:** Yeah, but it's always shocking. It shouldn't be, but it always is to me.

**[2:25:22] Radio Free Mormon:** Well, this is kind of revelatory to me too, because I think I understand something more about the Mormon Church. It operates from a criminal mindset. And I think the record indicates that strongly the whole.

**[2:25:35] Bill Reel:** Again, go back in time. Polygamy in the. In 1890, polygamy in 1904, polygamy in 1914. You go to the SEC stuff that went down. You go to. There's so many other instances, the Church's carefully crafted stuff in some of the gospel topic essays, not wanting to acknowledge that Fanny Alger was 14 years old, but she's several months shy of her 15th birthday. It's all intentional obfuscation. And it's the kind of behavior when you know you're not doing the right thing, but you want people to think you're doing the right thing.

**[2:26:12] Radio Free Mormon:** And the Fanny Alger one being a classic case because it's ridiculous. Everybody knows it. And yet somebody said, somebody in authority said, we're going to include that in there. We're not going to say she's 14 years old. We're going to say that when Joseph Smith married her, she was several months shy of her 15th birthday.

**[2:26:30] John Dehlin:** Her.

**[2:26:31] Radio Free Mormon:** Who in their right mind would think that you would get away with that and that people would think that's not 14. And you're trying to say it in a way that's going to make us think it's not even, even church General

**[2:26:42] Bill Reel:** authorities have admitted since then that was a bad move. And I'll just say you said Fanny Elr. I might have said Fanny Eler too, but it was Helen Mark Kimble, just to be accurate.

**[2:26:51] Radio Free Mormon:** Oh, thank you very much. Yes.

**[2:26:54] Bill Reel:** Okay. This was the next one on that claim 16.

**[2:27:03] John Dehlin:** And I'll just say that this is, all this is saying is that I thought it was hilarious that, that the video that Tommy went to back in, in, you know, 2017, 2018 or whatever had a disclaimer at the beginning. So there's no way he could have been confused that, that this was a church runner owned podcast because it literally said, produced by me. And it called for a donation to the Open Stories Foundation. We did include disclaimers early on on YouTube and we were just told by a consultant, that's not the way to grow your YouTube channel. Those first, you know, three seconds are crucial to capturing people's interest. And that's why we dropped the disclaimers. Not to be deceitful, but because YouTube consultants and YouTube itself advised people, get right into your story. Don't, don't waste time on disclaimers. And that's why we dropped them. Not because we wanted to deceive people.

**[2:28:07] Radio Free Mormon:** Yeah.

**[2:28:08] Bill Reel:** But by the way, not only by not clarifying the record and coming out and saying, hey, we were mistaken, do they demonstrate that they're being intentionally dishonest. But what does it look like when you get to court, the trial takes place, there's the proceedings take place, and Tommy's words come back to demonstrate clearly, both in the modern moment and at the time in the interview, that that's not what he said. That even looks worse. You want to clarify the record, you want to take your best evidence and acknowledge to the judge that it actually wasn't evidence at all.

**[2:28:46] Radio Free Mormon:** This was a real boner that David Jordan pulled on this one.

**[2:28:52] Bill Reel:** Yeah,

**[2:28:54] Radio Free Mormon:** that's a technical phrase. So this is claim 17. Are we back to you, John?

**[2:29:01] John Dehlin:** Sure. Yeah. But there are serious questions about whether defendants disclaimers accomplish anything and some reasons to believe they contribute to confusion. One would have to be actively searching for this disclaimer to find it. So basically, during mediation, I copied and pasted the disclaimer text. Even though we've been using disclaimers from the start in various ways, they wanted it in the description. They wanted it on our banners, and they wanted it on our logos, and they wanted it at the top of every blog post or podcast post.

**[2:29:39] Radio Free Mormon:** What is it they want exactly? I know it's a disclaimer, but what kind?

**[2:29:43] John Dehlin:** Just. Just one that says, this podcast is not owned by, operated by, affiliated with, or associated with the Church of Jesus Christ of Latter Day Saints.

**[2:29:52] Radio Free Mormon:** Got it.

**[2:29:53] John Dehlin:** And. And the industry standard is put that on your footer of your. If you want to be kind or if you think there's an issue, put it on the footer of your website, which we did, you know, put it at the end of your episodes or put it in the description of your YouTube channel at the bottom, but not at the top. So we did it. We incorporated the

disclaimer in what we felt was like a very generous and reasonable and industry standard way. And they apparently weren't satisfied with that, by the way.

**[2:30:29] Bill Reel:** They were satisfied with us doing that.

**[2:30:33] Radio Free Mormon:** Yeah, I wanted to ask you about that, Bill, because we went through that, didn't we?

**[2:30:36] John Dehlin:** We did.

**[2:30:36] Bill Reel:** The church reached out to me and said, we feel like you're really close to being in violation of our trademark of the use of the word Mormon, essentially. But they said, if you'll put a disclaimer at the bottom of your website, we will leave you alone. And we put a disclaimer at the bottom of our website, and they left us alone. So it would be impossible for them to argue that. They've always viewed it as. As not reasonable to put a disclaimer at the bottom, because that's the very thing they asked us to do.

**[2:31:09] Radio Free Mormon:** This could be an important piece of evidence for the trial, and maybe Bill would be a witness, but that's up to your attorneys to decide. John.

**[2:31:19] Bill Reel:** Yeah, okay, there's that. This is just the evidence of that. So this talks about all the disclaimers that you've had over the years, the. Where you've located them, showing that they've been on episode description, showing they've been on the bottom of websites. So I'm happy to stop there if we want, but otherwise we can.

**[2:31:37] John Dehlin:** No, let's keep going. Let's keep going.

**[2:31:39] Radio Free Mormon:** All right, Bill, do you want to do this one?

**[2:31:42] John Dehlin:** Yeah.

**[2:31:44] Bill Reel:** Yeah. Claim number 18, the ACLU's amicus brief raises the fair use defense. Defendants did not raise that issue. Now, that's a strange thing, because what other argument do they have about you using copyrighted images in. In some of your YouTube thumbnails and in other places? And so that's a strange thing.

**[2:32:06] Radio Free Mormon:** And we could, by the way, if I can go back there for just a second to make a little bit of sense out of that. I think that's the place in the church's brief where they're saying that if an amicus brief raises an issue that is not raised by the defense defendant itself, then it is not properly before the court. I don't know that that's true, but that's. I think what they're trying to convey. The ACLU amicus brief raises the fair use defense. Defendants did not raise that issue. Therefore, they're saying. Therefore it's moot, and the. The court cannot even consider it. Hey, Bill.

**[2:32:47] John Dehlin:** Bill. I think you're muted.

**[2:32:48] Bill Reel:** I was using defendants. I was using it the other way, and I shouldn't have. So I was inaccurate. Thank you for RFM for clarifying the record on this. Defendant's answer filed two months earlier pleads fair use for both copyright and trademark. So while the Church is saying that Open Stories and John Delin never said anything about fair use, the actual reality is that two months earlier, you guys had made filings and you had spoken about fair use in both regards to copyright and trademark.

**[2:33:21] Radio Free Mormon:** Yeah, it sounds like there's too many chefs in that particular kitchen and not enough cooks.

**[2:33:29] Bill Reel:** Yeah.

**[2:33:31] Radio Free Mormon:** So here's claim 19. I'll do this one. Mormon stories began once again, this is the claim being made by the Church.

**[2:33:40] John Dehlin:** It seems like it's a repeat because it's about the Blue Light Rays logo again.

**[2:33:45] Radio Free Mormon:** Well, let's go ahead and let's see. Mormon Stories began as a small podcast. Its reach has increased significantly in recent years, including since the adoption of the Blue Light rays logo in 2022. Now, so can I just say that that claim by the Church is interesting to me because, you know, you have been growing a lot.

**[2:34:04] John Dehlin:** Oh, yeah.

**[2:34:05] Radio Free Mormon:** And people could make the. People could be confused and think that maybe the Church is going after you because you're becoming so popular and your message is reaching so many people, and the Church would not want the public to come to that incorrect conclusion. Therefore, they're going to say this. Mormon Stories began as a small podcast. Its reach has increased significantly in recent years, but they're going to tie it, too, including since the adoption of the Blue Light rays logo in 2022. So they're trying to say we're suing you, not because you're getting so dang popular, even though we have to acknowledge that you are, but it's really because of using all of these little marks, the light rays and the blue color and that stuff that's confusing people, and especially that word Mormon, even though the lawsuit is not about Mormon at all.

**[2:34:51] John Dehlin:** And I'll just say our ascent did not happen, in my opinion, because we adopted blue or rebranded. We rebranded because we started getting really popular on YouTube. And what. What happened was I was really focusing on Thrive prior to Covid, and we were doing these Thrive events, and we were trying to grow community. We were all set up to do workshops and retreats and conferences. And then Covid happened, and we couldn't do events anymore. And so I'm sitting here in this office alone. I don't have staff anymore, and I'm like, what do we do? And I'm like, well, I've always wanted to grow my YouTube channel, and Covid's happening. So I start. I get a better camera, I get better lighting.

**[2:35:38] John Dehlin:** I turn this office space from a workshop and a retreat office into a studio, and I increase my audio visual quality, and I start trying to do YouTube instead of just a audio podcast that started uploading the Zoom videos into YouTube just because I had them, I started trying to make this channel more of a legitimate YouTube channel. And so from 2020 to 2022, we. Because our production values improved, and because Covid happened and everyone on YouTube started growing. We started growing. So because we were growing, we were able to have a graphic designer and have a YouTube consultant. And so by. By December 2022, we're like, whoa, we've really, really grown. How do we keep growing? And of the many things that we did, one of the many things we did was a rebrand to make our YouTube channel look a little better. Look a little bit better.

**[2:36:45] John Dehlin:** But I can promise you it wasn't the Christus, it wasn't the rays, and it wasn't the color blue that led to our growth. It was really, really good production values, really, really good content, and the COVID and. And all sorts of other factors. So anyway, that. That was a good point RFM to mention.

**[2:37:06] Radio Free Mormon:** Okay, great. Let's see what's on the next slide on this claim 19 and what the record says. The church knew for 20 years, waited three more after 2022, and wrote about legal deadlines. What's this about, Phil? Do you know?

**[2:37:22] Bill Reel:** Yeah. So again, it goes back to sort of the latches argument, which is the John changes his logo in 2022. They would have, again, reasonably, let's say three years to make an argument that three years comes and goes. Again, my guess, no one said this. My guess is Nelson had no desire. He wanted to abandon Mormon and He had no desire to go after anybody using the word. He wanted to. People are using it and we're using it. And people are finding the critics material because it's the word everybody looks up. So we can either make the critics get rid of it, or we can get

rid of it. And Nelson said, we'll get rid of it. He passes away, Oakes takes over, and he wishes the other move was made. He wishes that you go after the more people using the word. Scare the hell out of them, make them abandon it. And we use the word Mormon because it's.

**[2:38:15] Bill Reel:** It's a great word to bring people our direction. And so three years comes and goes, no one does anything. And then presumably suddenly they're like, yeah, we know we should have brought up the argument earlier. We didn't, but we're still going to. Anyway.

**[2:38:32] Radio Free Mormon:** The thing that strikes me. Thank you for that recapitulation, Bill. The thing that strikes me, and I want to ask you about this, John, if you'd ever considered it, because he. Here's the church who are hemorrhaging members hand over fist. They keep making all of these minor modifications, cosmetic in nature, I would call them to the church, but many of them, and they're not helping. They're trying to put. Trying to put new programs in to keep the youth in. It's not helping. They're casting about for why it is that they're still losing members. They can't see that it's their own damn fault. And then the Eye of Sauron falls upon John Delin and they sue him because he must be the problem and he must be destroyed.

**[2:39:17] John Dehlin:** I think that's a viable theory.

**[2:39:20] Radio Free Mormon:** Thank you. I like it. What do you think of that theory, Bell?

**[2:39:23] Bill Reel:** I think you're on to something, but we'll see.

**[2:39:26] Radio Free Mormon:** Or maybe I'm on something. But anyway, we're up to claim 20, so we're getting there. We're. We're two thirds of the way through. This is the claim. Can you take us through this one, John?

**[2:39:35] John Dehlin:** Mr. Dillon's refusals contradict his narrative that this case is all about barring defendants from using the word Mormon and silencing his criticisms of the Church. It is not and has never been. I think we've kind of covered this.

**[2:39:47] Radio Free Mormon:** What refusals is it talking about there? Mr. Delin's refusals contradict his narrative that this case is all about barring defendants from using the word Mormon. Are they talking about? You're refusing to.

**[2:40:00] John Dehlin:** I. I think they mean to do the audio disclaimer Every 15 minutes or every 15 minutes at the beginning and then every 15 minutes.

**[2:40:10] Radio Free Mormon:** That would make sense.

**[2:40:11] John Dehlin:** Yeah, I think. And maybe the next slide will tell

**[2:40:14] Radio Free Mormon:** us, okay, the record, the church. I can't remember who's doing this. Is this, Is this you, John? Are you doing this one?

**[2:40:22] John Dehlin:** I'll just say that this is the same point we made before that when we, when we emailed David Jordan before mediation and said, what is mediation going to be about? His response was, number one, use of Mormon. And then number three, use in domain name and YouTube and social media handles. And then they even write, we're, we're willing to negotiate a reasonable transition period, which is basically assuming we're going to abandon our domain names and our URLs because they include the word Mormon. So it's just, again, it's another way of just addressing this issue that they keep denying that this lawsuit was about the use of the word Mormon. And the, the facts just are against them. And they know the facts are against them. So I'm confused why they ever made that assertion to begin with and why they keep making it. Because they know we have receipts. So it doesn't make sense to the audience.

**[2:41:22] Bill Reel:** To the audience. Pause your screen. Read these with one. Yeah, about Mormon. Two is about Mormon.

**[2:41:32] John Dehlin:** Yeah.

**[2:41:32] Bill Reel:** Three is about Mormon. Four is about. It's all about the word Mormon. So over here, it's about the word Mormon. But the magic trick is that it's not about the word Mormon. These are not the droids you are looking for. You're being lied to, you're being deceived. They're doing a sleight of hand, smoke and mirrors. But you're smart enough, everybody, you can see through it, even you apologists, Jasmine rapely folks over there at, at the Keystone Podcast, you know it, you know this is about the word Mormon because they say it over and over and over again in the writing materials and then in the audio materials. They just keep saying it's not about the word Mormon. But you're smarter than that. Even you guys.

**[2:42:19] Radio Free Mormon:** Jury's out on that one.

**[2:42:22] John Dehlin:** My best theory, and I'm guessing I'm speculating, is that they wanted to do the lawsuit, in my opinion, to silence and bankrupt us and to get us to, you know, distort our brand, poison our brand, and to just hobble us. That's why the lawsuit and then the PR is all about smearing my reputation to make the members think that I'm a deceitful, dishonest, bad actor. That's again, it's my Opinion, but it's twofold. It's use the law. And this is again, what the Electronic Frontier foundation and ACLU were concerned about. It's using something like Lawfare to silence and bankrupt and intimidate us. And then the other, the other part of the PR campaign, which I would include the Keystone interview as a part of that. But also the church's media statements are about soiling my name and reputation to the members. That's how it appears to me. I don't know their motives, but that's how I interpret their behavior.

**[2:43:29] Radio Free Mormon:** Okay, well, it's obvious to me that that's what they're doing. And the story that they're trying to play play is that you were intentionally mimicking church trademarks in order to fool innocent people into listening to your stuff, thinking it was really from the church.

**[2:43:46] Bill Reel:** And just to show a secondary piece of evidence, rfm. You pointed this out on the newscast. Again, their words. This is Mr.

**[2:43:55] Bill Reel (reading or playing the Keystone video):** David Jordan, and of course, nobody owns the word Mormon. And he explains that this lawsuit is not about the word Mormon. It's about using the word Mormon in a context like you've described.

**[2:44:07] Bill Reel:** He goes on and on. He says, to give an example of Mormon that does not infringe on the church's trademark rights. Mr. Jordan referred to Bad Mormon Heather Gay and her branding the name of a book using the image below. And that's the image there to the top right.

**[2:44:21] Bill Reel (reading or playing the Keystone video):** If you see the words Bad Mormon, you're not thinking, oh, I bet that's affiliated with the church.

**[2:44:26] Bill Reel:** And yet the church, in order to get her to not brand that name, made it absolutely about Bad Mormon being confusing to the branding of the church. They're talking out both sides of their mouth every time they speak.

**[2:44:39] Radio Free Mormon:** But you know why it is that I thought that Bad Mormon was associated with the church, Bill? It's not only because it has the name Mormon in it, but look at the first O in the word Mormon. There's light rays. That's what the clincher was. That's why I thought it was coming from the church. It not only has the word Mormon, but it's got the light rays.

**[2:44:59] Bill Reel:** And what color is the book and what color is her outfit? It's blue. Oh, dangerous.

**[2:45:06] Radio Free Mormon:** Funny, they didn't mention those in there. What was it? They're. They're filing with the trademark office in opposition to her trademarking the term Bad Mormon. At least I don't think they did. Okay, this is also the record on claim number 20 on Keystone, the podcast. The church lawyer says it Pushed about a dozen new names for the show before offering.

**[2:45:30] Radio Free Mormon (reading or playing the Keystone video):** You don't have to change your name now.

**[2:45:32] Radio Free Mormon:** I want to hear about this from you, John. They're talking about mediation, aren't they?

**[2:45:36] John Dehlin:** Yes.

**[2:45:37] Radio Free Mormon:** Tell us about this. What does this mean?

**[2:45:41] John Dehlin:** Yeah, so that's interesting because this is again where they're conversation contradicting themselves. They're saying it's not about. It never was and it's not about use of the word Mormon yet. I, I would say half of both mediation days were spent with them trying to get it to get us to change our name. So they wanted us to consider post Mormon Stories with Dr. John De Lin. Ex Mormon Stories with Dr. John De Lin. The. And they were specifying what font we had to use in our logo and that all the words had to appear there and that had to be visible everywhere. And you know, it was just a. It would, it would make our logos look bloated and wordy and ugly. And again, there was no reason for us to accommodate these requests because latches. And we've been doing it for 20 years. So. But, but it's weird because why would they get us.

**[2:46:34] John Dehlin:** Try to get us to change the name if it wasn't ever about the name? It was about the name.

**[2:46:39] Radio Free Mormon:** Yeah.

**[2:46:39] John Dehlin:** And. And they're admitting it here that, that they. But they wanted those mediation negotiations to be secret and private. And so they. That. I don't think that they wanted this to come out that, that they had made these attempts. But I refuse to sign a secrecy agreement for mediation, which I'm glad I did.

**[2:47:00] Radio Free Mormon:** At what point during this did you want to just tell David Jordan to off?

**[2:47:06] John Dehlin:** I never talked to him. Like he said hi and that was it.

**[2:47:09] Radio Free Mormon:** So I know you're talking through the media. We were talking to the mediator who was the mediator. And where did this take place?

**[2:47:15] John Dehlin:** The. It. It was in some law offices downtown. I think it was in David Jordan's law offices for his company. I think it's Foley Gardner. I think that's their name. It's just a skyscraper close to church headquarters. And, and yeah, I don't have the name of the meteor. I could look it up really quick. She's. She's a really wonderful, talented, bright woman from Texas who's a trademark expert but

**[2:47:44] Radio Free Mormon:** wasn't quite able to mediate the case and bring the parties together.

**[2:47:49] John Dehlin:** Yeah, yeah, I, I'll look up her name now if, if you'd like, but.

**[2:47:55] Radio Free Mormon:** No, that's okay. Yeah, I don't think it's that important.

**[2:47:57] John Dehlin:** Number 21 is Molly Richard. Is her name Molly Richard. Molly Richard of the Richard Law Group in Dallas, Texas. Yeah.

**[2:48:06] Radio Free Mormon:** They flew somebody up from Dallas for this.

**[2:48:08] John Dehlin:** Yeah, yeah, we, we got to. They gave us three options. We got to pick and we picked. We picked her.

**[2:48:14] Radio Free Mormon:** Wow. You couldn't agree on anybody more local, huh?

**[2:48:18] John Dehlin:** We wanted someone who could be independent and she was, she was great.

**[2:48:22] Radio Free Mormon:** Okay, Very good.

**[2:48:23] John Dehlin:** Yeah.

**[2:48:24] Radio Free Mormon:** Claim number 21. Now is this time for you, Bill?

**[2:48:27] Bill Reel:** Yeah, let's do it. Mr. Delin again refused even though the proposed disclaimer is entirely truthful and would take less than 10 seconds in podcast that often last over two hours. Again, why do you need a disclaimer? If Mormon isn't the problem, it's the only problem left. It seems like such a strange thing.

**[2:48:50] Radio Free Mormon:** But anyway, this is a great, this is a great line of thinking that Bill's coming up with and I hope you're taking notes there, John.

**[2:48:57] Bill Reel:** Yeah, so he's, he is just hell bent. Why you should just put a disclaimer in. It's just the honest thing to do. And I wanted to put a little sound bite up of him. Let me grab this really quick, See if it is this one. Yeah, this is it. View slideshow Put this up on the screen.

**[2:49:24] Radio Free Mormon:** Okay. David Jordan, the church's lead attorney, when he showed up on Keystone last week,

**[2:49:28] Bill Reel:** this is what he said about John should just put the disclaimer in and be honest.

**[2:49:33] David Jordan:** So when people talk about this is a David and Goliath story, or they talk about us trying to put Mr. Delin out of business, that's just not true. And think about it, it's an honest disclaimer. How does it in any way impact the content of the Mormon stories podcast? For Mr. Delin to say this podcast is not affiliated with the Church of Jesus Christ of Latter Day Saints, it's just the truth.

**[2:50:04] Radio Free Mormon:** Well, why doesn't he take up his time and say it's not affiliated with every other church on the face of the planet too? Because it's just the truth.

**[2:50:13] Bill Reel:** Why doesn't the church put disclaimers everywhere telling its history, honestly, acknowledging everything that went on in the sec, telling people left and right all of the things that it's gotten. It's just the truth.

**[2:50:28] Radio Free Mormon:** The church seems to have a love hate relationship with the truth. They love it when they're saying John Delin and other people have to say it, but they don't like it so much when the three fingers are pointing back at them.

**[2:50:39] Bill Reel:** What was it Elder Oaks who said it's not Our job or the critics job to tell the full story.

**[2:50:45] Radio Free Mormon:** Right. It is not a. It's not our responsibility from the church to tell both sides of the story. That's what he said back in 1984 or six.

**[2:50:53] Bill Reel:** It's just the truth.

**[2:50:56] John Dehlin:** Yeah. There's so many answers here. One is, is. Is. And they admit this in. In. And this is one of the pieces of evidence that they gave us for the lawsuit because David Snell admits, Schnell. That it's not. It's not good

YouTube protocol to start YouTube episodes with disclaimers, which is why we dropped them to begin with. A YouTube consultant told us, you got to get right to the story.

**[2:51:24] Radio Free Mormon:** Why would you start off a podcast telling people what you're not?

**[2:51:27] John Dehlin:** That's the next thing. It's a negative brand identity. It's also advertising for the church. And I could just as well say to the church, look, we've been doing Mormon themed podcasts for 20 years. How about you agree every Mormon themed podcast you ever do, you start with the disclaimer that you're not Mormon stories podcast, because we got to the podcasting game 10 years before you. So, you know, it's an unreasonable thing. And by the way, I think I searched 200 non LDS YouTube channels that were religiously themed, and I could not find one. I could not find one YouTube channel that was religiously themed that wasn't basically trying to curry favor with the church that had an. That started with an audio disclaimer. It's just not standard. It's not done. There's just so many reasons why this was an unreasonable request, why it wouldn't be good for us to do it, and, and, and why we didn't agree to it. That specific request.

**[2:52:37] John Dehlin:** But why? It. It's silly because we agreed to disclaimers and we've been using disclaimers ever since the beginning. So anyway.

**[2:52:45] Radio Free Mormon:** And once again, once again, you have the lead attorney, David Jordan, insinuating strongly that the reason that you don't want to do this is because you are trying to force fool people. You're trying to not tell them the truth about who you really are. And you're a wolf in sheep's clothing. And he keeps piling up the damages that I think the church is eventually going to have to pay you.

**[2:53:08] Bill Reel:** Yeah, there's an argument there, isn't there, that when you besmirch somebody in the legal arena, you might owe them some money. I'll just note the churchofchrist.org it's a break off of Mormonism very close in website name of the churchofjesuschrist.org the LDS Church's ownership. But this church, this Joseph Smith Mormonism break off has a very similar URL. It was there first. Maybe the church should put a disclaimer in that. It's not these guys. I mean, it's just the truth. There's so many instances where Mormonism is asking John to do a thing that a thousand people could point at Mormonism and say, you should do a disclaimer. Or on this, and you should do a disclaimer on that. It's just the truth. It really isn't about doing disclaimers to tell the truth. It's about the church accomplishing its goal by pressuring John to get as far away from any believer finding his content and giving it even 10 seconds of a listen.

**[2:54:08] Bill Reel:** He's trying to build distrust in the critic, which is just. It's a different argument because he really doesn't believe in disclaimers and he really doesn't believe in the truth.

**[2:54:22] Radio Free Mormon:** Okay, so what is the next slide? Well put, Bill.

**[2:54:25] Bill Reel:** All right, let me put this back up.

**[2:54:28] Unclear (brief interjection):** I don't know.

**[2:54:29] Bill Reel:** Was this the claim we just talked about? Yep, that's the declaim you talk. Same thing you talk about the. The agreements and whatnot. We can go into detail there if you want.

**[2:54:39] John Dehlin:** They asked. They asked for a lot more, too. You know, part of their. The press release that they. That they released when they. When they released the lot. The original lawsuit was two. Two things that I felt were very dishonest. One was all we asked for was a disclaimer. And then the other thing that was untrue was. And he wouldn't adopt it. We did adopt a written disclaimer everywhere that we could, in addition to the disclaimers we've always been using. But the first part, all we asked for was a disclaimer was. Was, in my opinion, very, very misleading because they asked for an audible disclaimer every 15 or 20 minutes and a whole other list of super outrageous and ridiculous

requests, including to, you know, as. As I recall, to never file a trademark claim for any of the things we would have the right to file a trademark claim for.

**[2:55:35] John Dehlin:** To just agree that that will never contest their trademarks, that I'll never start a project again that includes the word Mormon. You know, any. Any advertising or marketing, we have to include disclaimers. It. The list just went on and on and on and on, worlds without end. And so. Yeah, that's enough.

**[2:55:57] Radio Free Mormon:** Yeah, it's that entitled Church talking. They think that just because they asked for it, they're entitled to say it here.

**[2:56:05] Bill Reel:** I think it's covered somewhere else, but I just don't want to forget it. David Schnell jumps in, by the way. There are some moments where David Schnell sort of moves the conversation in places that were, I think, helpful to your side. One of them is he. He makes mention of, like, how long would John have to do this? Would it be forever? And I think David Jordan was being so deceptive in this moment because he's like, you know, we never. We never negotiated that. We never got there. But for everybody listening, picture yourself on the front end. You're told you have to put a disclaimer all throughout your audio, on all your episodes, on your websites. You're never in your mind going to go, oh, I hope someday I can get away from that. You know, you're stuck. As far as you're concerned, you're stuck doing it forever. It's only if the other side brings it up and goes, we would like for five years.

**[2:56:58] Bill Reel:** We'd like for three years, whatever it is. Otherwise you're stuck knowing your. Your default position is it's forever. And he wants to go, well, we didn't say forever. We implied it and say forever. That sort of could still be up for negotiation. That's not how John Dehlin or the Open Stories foundation would feel about it.

**[2:57:21] John Dehlin:** And the other thing I didn't like about this is if one time we forgot on accident, in good faith, they could come after us for breach of contract. So we're basically potentially giving them the rope to hang us by agreeing to something like this.

**[2:57:37] Radio Free Mormon:** Yeah.

**[2:57:38] John Dehlin:** Why, if they don't have standing TV and ask for it because of latches, because of first Amendment, because of, you know, all the different reasons we've already argued because of abandonment, because we did make so many accommodations. Why would we agree to it? Why would we agree to it?

**[2:57:55] Bill Reel:** You know, if you don't name an end date, if you're David Jordan and the church's law team, if you don't name an end date, the default position in the contract is forever, for sure. That's how.

**[2:58:06] John Dehlin:** That's how a court system a th

**[2:58:08] Radio Free Mormon:** percent rule on it.

**[2:58:09] Bill Reel:** Yeah.

**[2:58:10] John Dehlin:** Th percent y. Yeah.

**[2:58:11] Bill Reel:** It's up to him to make it not forever.

**[2:58:14] John Dehlin:** Yeah. Yeah.

**[2:58:17] Radio Free Mormon:** All right, and the next slide, we.

**[2:58:20] John Dehlin:** Yeah, I don't think we have to play these.

**[2:58:23] Bill Reel:** Okay.

**[2:58:24] Radio Free Mormon:** Well, it says, though, that Jordan, David Jordan admits that the church's first ask. Was the disclaimer spoken several Times in every episode. So did he admit that? He admitted that in the. The interview.

**[2:58:40] John Dehlin:** And that's only because I disclosed that and kind of made fun of it. There was an episode I did with Holy Kool Aid, a YouTube channel, where he actually, throughout the episode, interjected disclaimers, audible disclaimers, just to show how ridiculous that request was. Because, no, there's. I'm not unaware of anyone in the industry that does this anywhere. So, like, that should just show how, in my opinion, in bad faith, they were negotiating.

**[2:59:06] Radio Free Mormon:** I would like to hear his admissions to this.

**[2:59:09] John Dehlin:** Well, he. Okay, go ahead. Go ahead, Bill.

**[2:59:11] Bill Reel:** Do these. Do these play right here? Oh, they do.

**[2:59:14] John Dehlin:** Well, I think there's the. You. If you advance. I think it plays.

**[2:59:17] Bill Reel:** Yeah, here we go.

**[2:59:19] David Jordan:** And we talked about how often that should appear in the podcast verbally. And our initial proposal was we'll do it several times over the course of the mediation. And I think he's talked about that in some of the comments he's made

**[2:59:35] Bill Reel (reading or playing the Keystone video):** several times over the course of each episode.

**[2:59:37] Unclear (brief interjection):** Right?

**[2:59:40] Radio Free Mormon:** Yeah, he made a mistake there. Could have been innocent, could have been Freudian. What does the next one say?

**[2:59:46] David Jordan:** And that certainly was the case in this mediation. When we initially proposed including a verbal disclaimer at multiple points in the course of a two hour podcast, she communicated back to us. That's going to be a tough one for the other side to accept.

**[3:00:08] Radio Free Mormon:** No shit, Sherlock.

**[3:00:09] John Dehlin:** Basically, he's saying, see, we're reasonable. We made it outrageously ridiculous request. And then the mediator came back and told us that that wasn't going to fly. And it was almost like he was using that as evidence that they were reasonable.

**[3:00:25] Radio Free Mormon:** You know, the more facts come out, the more unreasonable the church looks, in

**[3:00:30] John Dehlin:** my opinion, for those who care. But are we preaching to the choir? You know what I mean?

**[3:00:35] Radio Free Mormon:** I think that certainly we're preaching to the choir, but there's also an audience out there in the congregation. And I mean the congregation of the LDS Church, you got the choir, you've got the independent people out there who are not members of the church, who are seeing this for what it is, and the big guy trying to stomp on the small guy because the church doesn't want anybody saying bad things about him or saying the truth about him, by the way, but you've also got the audience of people in the church, and a lot of them are paying attention, and a lot of them are saying, what the h is my church doing and why is it acting this way?

**[3:01:11] Bill Reel:** Yeah, the. The reason why David Jordan went onto A podcast to begin with. That only makes sense to me. Again, I could be wrong. Better evidence.

**[3:01:19] Radio Free Mormon:** And the only audience is going to be faithful Mormons. Go ahead.

**[3:01:23] Bill Reel:** The only way I can make sense of him showing up on the Keystone podcast. I mean, do we really believe that? Schnell emails David Jordan and says, hey, I'd love to have you as a guest on the Keystone podcast. And he goes, yeah, how about next Tuesday, 3 o'clock? No, the church said, David Jordan, get your ass out there, answer some questions. And. And I don't think. I think all said and done, the church now goes, yeah, I don't know if that was a good idea. I think we probably should have just not done that. But they're trying to save some face in places, and they're only compounding the problem and making it worse.

**[3:01:59] Radio Free Mormon:** There's an old saying about when you're digging a hole and getting deeper and deeper, stop digging, stop digging, get out of the hole. But they can't resist. They. They think that the next thing they do is going to take care of the problem. Because the problem isn't what the Church is doing. The problem is the dumbass people. Obviously, the Mormons have to be saved from themselves because even a name that they've been told is a victory for Satan, they're being fooled by into thinking it's produced by the church. I like the setup with me being Vegas.

**[3:02:34] John Dehlin:** There it is.

**[3:02:35] Bill Reel:** All right,

**[3:02:37] Radio Free Mormon:** this is claim 2222, John, do you want to take this one?

**[3:02:41] John Dehlin:** The church denies that the specimens misrepresented the Church's trademark use, denies that it abandoned any trademark rights in the Mormon formative marks and denies any remaining allegations. So it's basically saying it hasn't. It. It hasn't committed fraud. I think this was in the response.

**[3:03:00] Radio Free Mormon:** It's in the answer. That's where you get all the denial.

**[3:03:03] John Dehlin:** They're basically saying, we didn't commit trademark fraud and we didn't abandon our trademarks.

**[3:03:09] Bill Reel:** And do you think the church will change its Deseret book listing for the Mormon Tabernacle Choir back before this goes to trial?

**[3:03:16] John Dehlin:** I don't. No.

**[3:03:17] Radio Free Mormon:** No. This is remarkable. This is remarkable because this is an out and out lie. And I'll say it right here to you, David Jordan. The church denies that it abandoned any trademark rights in the Mormon formative marks. You mean like Mormon Tabernacle Choir? And denies any remaining allegations in this paragraph. This is a flat out lie of a denial. This is going to get him in trouble because there is an abundance of proof that the church did abandon its trademark rights in the word Mormon, starting with President Nelson in 2018. Major victory. Reporting for duty, sir.

**[3:04:04] Bill Reel:** Yeah. And this gives the examples again. There they are. We showed those earlier and I think

**[3:04:11] Radio Free Mormon:** of the Morven Tabernacle Choir fraud on the trademark office. Yes. And here's claim 23. Do you. Is this you, Bill?

**[3:04:18] Bill Reel:** Now I'll take this one.

**[3:04:20] Bill Reel (reading or playing the Keystone video):** So when people talk about this is a David and Goliath story or they talk about us trying to put Mr. Delin out of business, that's just not true.

**[3:04:30] Bill Reel:** And here is the audio of that.

**[3:04:32] Radio Free Mormon:** That's when you know it's true.

**[3:04:33] David Jordan:** When people talk about this is a David and Goliath story or they talk about us trying to put Mr. Delin out of business, that's just not true.

**[3:04:44] Radio Free Mormon:** Said the liar. Said the lying liar. Who lies.

**[3:04:48] Bill Reel:** And so the record here, a 200 year 17 million member institution against a small profit and two civil libert liberty groups stepped in. So here's the what you've got as the point there. The church describes itself as a 200 year old institution with 17 million members. Mormon stories told it in writing that it lacked the church's resources and wanted to avoid litigation. You made all the changes except for you still are called Mormon Stories. And the ACLU and the Electronic Frontier foundation both filed briefs on your behalf as amicus briefs calling this a misuse of trademark law against speech. And Jordan never mentions either group. He wants to paint this a certain way. It's not about Mormon, but it is bad. Mormon's not a problem. But it was. We changed our name of the choir, but we haven't. It's double speech at every turn. Of course this is about making things hard on the Open Stories foundation and on John Dehlink.

**[3:05:56] Radio Free Mormon:** I think David Jordan had a bet going with the attorneys back in the office is how many lies he could squeeze into this podcast interview should have been about three.

**[3:06:05] Unclear (brief interjection):** Less.

**[3:06:06] Radio Free Mormon:** It's amazing. It's like college boys cramming into a phone booth.

**[3:06:10] John Dehlin:** I mean the only way people have been able to explain this to me is the real calculus was how soon will John and the Open Stories foundation fold? I think because they are a 300 billion pound gorilla. Gorilla. Right. We have two employees. You know, they have Kurt McConkey and hundreds of billions of dollars in wealth. And I think they're just used to whenever they sue someone, people just buckle. And. And I think they didn't really care how meritorious their lawsuit was or even if they were necessarily representing the truth because you know, rfm, I think you'll agree, you can. You can make any old claims you want to in the initial filing. You know, the real evidence comes out in discovery. Anyone can file a lawsuit. And I just think part of why they were so careless, the calculus had to have been, they, they'll buckle. They'll buckle quick. And that's the only way that I can explain their carelessness.

**[3:07:18] Radio Free Mormon:** Yeah.

**[3:07:19] Bill Reel:** By the way, one thing I'm just going to throw out. As you move towards discovery, one thing I would really want to know because I think it impacts how it's seen, is how did that David Schnell, David Jordan interview get arranged? And if it didn't happen so innocently and the church made the moves to initiate that, I don't. I think that puts more impact on David Jordan's words in the interview. I'd also want to know if there was any preemptive giving of the questions, David Jordan, to be able to write the answers.

**[3:07:58] Radio Free Mormon:** And if there's a question about relevance, I think the relevance would be that if the church arranged for the interview to smear your name, John, then that seems like a jury should pay you more money.

**[3:08:13] John Dehlin:** But, yeah, well, we'll see if it goes to damages.

**[3:08:16] Radio Free Mormon:** In other words, I think that that's more a culpable behavior on the part of the church. I mean, if you're asked to go on and you still lie your ass off, that's bad, but I think this would be worse.

**[3:08:26] John Dehlin:** Well, we're certainly going to ask for a whole lot of stuff, and I'm sure they're going to fight our requests for discovery. But, you know, it'll be interesting. The discovery process will definitely be interesting.

**[3:08:41] Radio Free Mormon:** It's so funny watching the church get hoisted on its own petard. A little Shakespeare for you just a wee bit. So this is claim 24. Hey, John, you want to take us through this one?

**[3:08:56] John Dehlin (reading or playing the Keystone video):** Yeah. Church has not written a letter to Hulu saying you're infringing our trademarks because the heart of trademark law is confusion.

**[3:09:04] John Dehlin:** So, yeah, you can play the clip.

**[3:09:09] David Jordan:** All right. Think about that for a minute.

**[3:09:11] Unclear (brief interjection):** The church has.

**[3:09:12] David Jordan (Keystone clip):** What network is that on?

**[3:09:13] Unclear (brief interjection):** Netflix? Hulu. Hulu.

**[3:09:15] David Jordan:** Yeah. Church has not written a letter to Hulu saying you're infringing our trademarks. I wonder why. Because the heart of trademark law is confusion. Is there. Is the mark being mimicked in such a way that it's likely to cause confusion to people? I don't think anybody sees an advertisement for Secret Lives of Mormon Wives on Hulu and thinks to themselves, I wonder if that's affiliated with the Church of Jesus Christ of Latter Day Saints.

**[3:09:53] Radio Free Mormon:** Well, apparently they don't think that when they look at bad Mormon either. By the way, I have to correct myself. I always say, hoisted on your own. It's hoisted by your own patard. There was a listener who corrected me on that. And it's one of those things I keep getting wrong because it's kind of ingrained, but I looked it up. It's hoisted by your own petard. Thank you for the correction. So what is this claim about? And why is it here? And what does the record show on it?

**[3:10:19] John Dehlin:** Yeah, like, I just thought this was a really bad argument. It's like, see, we didn't sue Hulu and Disney, that's also \$100 billion organization with the multimedia assets and global reach. And it would be totally embarrassing and we'd be mocked in the press if we sued them. But we're magnanimous. We did. We clearly, we didn't sue them. So we're not picking on the little guy. I don't even get the logic right. It doesn't even make sense. But he was basically saying, we only sue, you know, things that are confusing. But that also doesn't make sense because I. Those girls are those women. A lot of them are active Mormons, and they're showing the temple in those episodes, and they're. They're showing all sorts of Mormon branding. And I just thought it was a really, really bad, bad argument. And of course, they're not suing rich, powerful, wealthy organizations with huge media outlets. Of course they're not right.

**[3:11:26] Radio Free Mormon:** And that was what I insinuated when I said, for some reason. When he said we didn't send them a letter for some reason. Yeah, of course, because you get your ass kicked. What you didn't recognize is that that's what's going to happen to you when you do it to John De Lin, too, because he's not gonna cave. People are going to see what's going on. They're not stupid. People don't like it when a big corporation is trying to erase a small voice, a relatively small voice that is simply giving the other side of the opinion on the big organization. Regardless of what you think is true or not, it's given the other side. It's a counter voice. The big organization is trying to destroy it. And people can see that.

**[3:12:12] Bill Reel:** They wrote us a letter. They wrote Heather Gay a letter. They wrote Deseret Pilsner beer a letter. Those. Are those confusing? Are they less confusing or More confusing than Secret Lives of Mormon Wives. I.

**[3:12:27] Radio Free Mormon:** And that's the other thing. I think that anybody who's dumb enough to think that Mormon Stories is associated with the church is dumb enough to think that Secret Lives is associated with the Mormon Church. At some point, you've gotta try and take into account the fact that there are really stupid people out there. And is the law really going to revolve around what these stupid people think as far as trademark actions?

**[3:12:50] Bill Reel:** The law can't accommodate the minority view. That is absurd.

**[3:12:53] Radio Free Mormon:** Right. That's what I'm saying. If. All I'm saying is, I'm not saying anybody believes anything. I'm saying that if you are stupid enough to believe that Mormon Stories is associated with the Mormon Church, you would also be stupid enough to believe that the. The Secret Lives thing, Secret Lives of Mormon Wives is associated with the Mormon Church.

**[3:13:11] John Dehlin:** Yeah, if it gets that far. They'll have to prove in court that a material. I think that a material number of people have that confusion.

**[3:13:18] Radio Free Mormon:** Well, I think that what they have to show is not necessarily actual confusion, but under the law, what they have to show is likelihood of confusion. It is sort of an objective standard that the judge is supposed to sit in there as where the jury is supposed to sit in there as the reasonable person. And that's where you get out of this idea. The stupid people. It's supposed to be a reasonable person standard. So a reasonable person looking at this, are they going to come to that conclusion? I mean, as opposed to bringing in people who have actually been confused, which is really not the standard.

**[3:13:49] John Dehlin:** Yeah.

**[3:13:49] Bill Reel:** Claim 26. I'll take this one.

**[3:13:53] Bill Reel (reading or playing the Keystone video):** At one point in the mediation, we suggested maybe a dozen different ways to add words to the title Mormon Stories. We said, why don't you call it Former Mormon Stories?

**[3:14:05] Bill Reel:** Well, because it's not just former Mormon stories. It's the stories of people both in and out of the church about their time in Mormonism. It's a Mormon story.

**[3:14:17] Bill Reel (reading or playing the Keystone video):** We said, why don't you call it Former Mormon Stories? That will certainly mitigate the risk of confusion.

**[3:14:23] Bill Reel:** I think this is the most ridiculous thing in the world. Because he's treating you, John, like all you ever do is present the critical viewpoint outside the church. You should leave. It's a cult. Meanwhile, you have spent almost, what is it, 20 years at this point helping people share their voice about their Mormon story. Both people who have stayed in, people who are in but know it's sort of messy. People who are out know it's not true. But he wants you to align yourself with one angle which doesn't rep Mormon Stories is a thousand times more fair representation of your work than Former Mormon Stories. Anyway, here's him saying that stupid thing.

**[3:15:13] David Jordan:** At one point in the mediation, we suggested maybe a dozen different ways to add words to the title Mormon Stories. That might mitigate the risk of confusion. We said, why don't you call it Former Mormon Stories? That will certainly mitigate the risk of confusion. We tried any number of those and there was no interest in the other room in adopting any of those.

**[3:15:48] John Dehlin:** It's interesting that he was really a fan of his disclaimer because it was true, and yet he wants to mischaracterize the podcast and get us to change our name to something that wasn't true. But he doesn't have quite the love for truth when it comes to the name of our podcast as he does for the love of truth when it comes to the disclaimer that they want to force upon us.

**[3:16:16] Radio Free Mormon:** You didn't like Former Mormon Stories?

**[3:16:19] John Dehlin:** I actually did a search for the past three years on all the long form personal one on one interviews that we did. How many of them were still active and or believing members of the church, And I think it was 19%. And it

would be more if more people applied. We have always interviewed people across the faith spectrum and we will always continue to do it. And it would literally be, you know, not just completely untrue and dishonest and accurate for us to call ourselves ex Mormon stories or post Mormon stories. It would also damage our brand, which I think he was going for. I think what a huge part of their motivation. I assume I don't know this, but I'm just guessing is they want the podcast to seem scary and unattractive to, you know, newly questioning members of the church.

**[3:17:21] Bill Reel:** Why not call it. Why not call it 80% former Mormon stories? Like it just becomes an absurd conversation. And as you point out, I think it's clearly to poison the well and make it so that the believer goes, oh, I wouldn't even want to get close to whatever that is.

**[3:17:40] Radio Free Mormon:** If David Jordan keeps up his representations the way he has been, he may become a flesh former Mormon lawyer.

**[3:17:49] Bill Reel:** He might want to advertise that it just be the truth.

**[3:17:56] John Dehlin:** Yeah.

**[3:17:57] Radio Free Mormon:** Isn't it fun coming on this show and talking to us about this lawsuit?

**[3:18:00] John Dehlin:** Of course it is.

**[3:18:01] Radio Free Mormon:** Must be de stressing for you. I mean, if we can laugh about it. So claim 27.

**[3:18:08] Bill Reel:** We're almost there.

**[3:18:10] Radio Free Mormon:** All right, this is from the Keystone Podcast. Once again, David Jordan talking. It'll take you five seconds to say it in a. By the way, by the way, why is this lawyer going on a podcast and publicly talking about what happened in mediation? John, do you know the answer to that? That strikes me as unusual.

**[3:18:29] John Dehlin:** I, I just think that they feel like the narrative is, is lost. And to be honest, I, I did not sign the confidentiality agreement for mediation because I wanted, I feared, like, with my excommunication, they were going to deceive the public about what actually happened in mediation. And it was one of the best decisions I've made because that's exactly what they did. As soon as they filed their lawsuit, they issued a press release that said all we asked was that he incorporated disclaimer and he wouldn't do it. And those were. I've already addressed why those were lies. And so then I went on to describe all the outrageous things they did ask for in mediation, which not only showed them to be not telling the truth, but also showed how, how bullying and outrageous they were. And once that narrative got out there, then I think they were worried that it made them look bad and dishonest.

**[3:19:25] John Dehlin:** And so in my opinion, this was their attempt at trying to explain their behavior in the mediation that they would have preferred been kept secret and private from the public so they could mischaracterize what actually happened in mediation.

**[3:19:40] Radio Free Mormon:** Well, it's what Jesus would do. So let's play this clip where he makes a. This is the same interview and he's going to make different representations about this. Here he's saying it'll take you five seconds to say it. He's talking about the disclaimer, obviously, in a podcast that's two hours long. I thought he just got done saying it. Take you around 15 seconds to say say it several times in a two hour podcast. But I guess facts are fungible when it comes to David Jordan. Let's hear him say this.

**[3:20:04] David Jordan:** But as we went back and forth, the proposal we ultimately made was. All right, just put it at the beginning.

**[3:20:12] David Jordan (Keystone clip):** At the beginning of each podcast, it'll take you five seconds to say it in a podcast that's two hours long. And it's truthful in every way and will go away towards mitigating the risk of confusion.

**[3:20:28] Radio Free Mormon:** Okay, so let me correct myself. If we're done with that clip, let me correct myself. So what he's saying is further on in mediation, if I'm understanding him after the several, you know, times in two hours, he's saying, we came to a point where the church was suggesting to you just One disclaimer at the beginning of the show, maybe five seconds, that's all they wanted. And then you turn that down. Is this a correct recitation of what happened? John,

**[3:20:55] John Dehlin:** we may need to add an edit. My. My mom fell down in her and my siblings are texting me. So I missed your question. So I apologize. Let's add a edit.

**[3:21:07] Radio Free Mormon:** And do you need to go.

**[3:21:08] John Dehlin:** No, no, no, I, that I'm handling it. But I apologize. I, I mean no disrespect that I was answering my siblings.

**[3:21:15] Radio Free Mormon:** Well, God, no.

**[3:21:16] John Dehlin:** I mean, but I missed the question. We say it again.

**[3:21:18] Bill Reel:** Yeah, we would all, we would all do that.

**[3:21:19] Radio Free Mormon:** So, yeah, so what I was asking was going back to this, this clip, this with a quote on it. I was asking you if that's what happened, what Jordan is saying, happened, happened.

**[3:21:30] John Dehlin:** Rfm. My answer to that would be that they definitely seemed like they really cared about that audible disclaimer at the beginning. That's true. After they were after. But if you look at the, at the settlement agreement that they offered post mediation, it was a super long list of demands. And did I believe that if we verbally agreed to the audible disclaimer at the beginning of the episode that they were going to leave it at that and not try to work in other aspects of their super long mediation slash settlement agreement? I just had no, I had lost all faith in them acting in good faith. And, and so even if I were willing to entertain that audible disclaimer, I still didn't believe that, that we would arrive at a successful, you know, settlement.

**[3:22:30] Bill Reel:** Am I, am I wrong in saying, number one, the mediator went to them and said, basically, that's an absurd ask. They're not going to do that? Number two, isn't the faithful believing Mormon interviewer sitting across from him also saying, that's absurd. That doesn't work well with YouTube. That's an absurd ask.

**[3:22:56] John Dehlin:** Yeah, yeah.

**[3:22:58] Bill Reel:** But he still presents it like it's a reasonable request. Meanwhile, everyone who has even an unbiased or even biased in his favor is telling him that that's an absurd ask.

**[3:23:12] John Dehlin:** Yeah, My memory of what happened was at the end of the second mediation, we said, I don't think this is going anywhere. This is our final offer. This is what we're willing to do? I don't remember exactly what those things were, but it was not an audible disclaimer and that was our final offer. Then they came back to us with this outrageous mediation agreement afterwards, as if they didn't hear our final offer. We redlined it and just basically gutted 90% of it. And I thought that was just silly because it just seemed like we were way too far apart. And then my memory is, what they said was, well, you know, we're not even going to even address the redline comments until we know that you agree to the audible disclaimer. And I'm just like, this is stupid. Let's just, let's just tell them we're done because we gave them the final offer. We did two full days of mediation. They're asking for ridiculous things.

**[3:24:12] John Dehlin:** They've come back with this outrageous mediation agreement. I have no faith that if we even agree to the verbal opening disclaimer, that, that it's going to stop there. And by the way, I, I, I meant it when I said I didn't want to do that. Anyway, they wanted, you know, two days

**[3:24:29] Radio Free Mormon:** of, Two days of mediation is an awfully long time, and much more complicated issues have been resolved in two days. In fact, the Yalta conference took only eight days, and that definitely covered a lot more territory than light rays and a color.

**[3:24:45] John Dehlin:** Yeah.

**[3:24:46] Bill Reel:** Again, it sounds like their hard line was the disclaimer at the beginning of your episode. And as I said, one was that the mediator said that was absurd.

**[3:24:57] David Jordan:** And that certainly was the case in this mediation. When we initially proposed including a verbal disclaimer at multiple points in the course of a two hour podcast, she communicated back to us. That's going to be a tough one for the other side to accept.

**[3:25:19] Bill Reel:** And even more directly, David Schnell says that's a bad idea.

**[3:25:23] Bill Reel (reading or playing the Keystone video):** On the other hand, I understand, you know, doing YouTube, the beginning of your episode is very important. And so I could see from his perspective not wanting to take time out of that beginning to insert a disclaimer.

**[3:25:39] John Dehlin:** And I'll just bet you could bet we'll be using that as evidence.

**[3:25:43] Bill Reel:** Yeah.

**[3:25:43] Radio Free Mormon:** David Snell gets to be a witness for the defense.

**[3:25:47] John Dehlin:** Well, we've got it. We've got the video.

**[3:25:49] Bill Reel:** Hostile witnesses telling you what you want to hear is always the best kind of witness.

**[3:25:55] John Dehlin:** And. Yeah. So that we, we thank you. Thank you, David Schnell and, and David Jordan and Keystone YouTube channel for that one. That was great. Yeah.

**[3:26:04] Radio Free Mormon:** You'll have to call him anyway, but if it gets squirrely, you have the video to impeach him with.

**[3:26:09] John Dehlin:** To David Schnell's credit, he, he did ask some good questions and give a tiny bit of feedback, a pushback that I, I felt useful.

**[3:26:16] Bill Reel:** Yeah. And I'll just correct the record. It's clear that she was Talking about disclaimers all throughout your episodes, whereas he is addressing directly the disclaimer at the very beginning.

**[3:26:26] Radio Free Mormon:** Very good.

**[3:26:27] Bill Reel:** Okay, now we should be on the claim 28 soon.

**[3:26:30] Radio Free Mormon:** Claim 28. Oh, my gosh. We're coming around the clubhouse turn. It's claim 28. You want to do this one, John?

**[3:26:36] John Dehlin:** It's an honest. I'm just going to repeat what he's about to say. We could just play what he's going to say because it's what's there. Go ahead and play it. Think about it.

**[3:26:44] David Jordan (Keystone clip):** It's an honest disclaimer.

**[3:26:47] David Jordan:** How does it in any way impact the content of the Mormon Stories podcast? Because it's a disclaimer, dumbass. This podcast is not affiliated with the Church of Jesus Christ of Latter Day Saints.

**[3:26:59] Radio Free Mormon:** How is that not content?

**[3:27:00] Unclear (brief interjection):** It's just.

**[3:27:02] John Dehlin:** I want to be snarky and say not all things that are true are useful.

**[3:27:07] Bill Reel:** How many?

**[3:27:07] Radio Free Mormon:** I'll tell you, no Mormon has a moral high ground when it comes to lecturing other people about being honest.

**[3:27:13] John Dehlin:** You're right. I could start the podcast and say, this podcast is not a baloney sandwich.

**[3:27:18] Radio Free Mormon:** Yeah.

**[3:27:19] John Dehlin:** I could ask him to have disclaimers at every general conference. We're not Mormon Stories. It'd be true. It's the truth. So start General conference telling everyone you know Joseph Smith was a sexual predator. Like, it's the truth. Like, you don't. You don't just get the truth. Give someone the burden of doing something you want them to do that benefits you, that harms them, just because the assertion you're putting in their mouth is. Happens to be true.

**[3:27:48] Radio Free Mormon:** I think this is the kind of entitlement that is leaving a sour taste in the mouth of a lot of people and including Mormons, active Mormons.

**[3:27:57] Bill Reel:** How many honest disclaimers. How many truthful disclaimers does the LDS Church give?

**[3:28:04] John Dehlin:** We were podcasting. We were podcasting. We've been podcasting for 20 years under this name. We don't need to give a disclaimer. We just don't.

**[3:28:13] Radio Free Mormon:** Nope. And that's going to be, I think, where it all lands. Number one, 20 years, latches. And number two, abandonment. Big time. There's never been a trademark that's been more abandoned than this one, I think.

**[3:28:27] John Dehlin:** And we've already. We've already shown this slide and the words.

**[3:28:31] Radio Free Mormon:** So this is claim 29, where David Jordan in the interview says, if you see the words bad, oh, bad Mormon, you're not thinking, oh, I bet that's affiliated with the church.

**[3:28:42] John Dehlin:** Blew me away. Go ahead. And play the video because, because he

**[3:28:44] Bill Reel:** says it, the church actually does the opposite of the thing he claims the church did.

**[3:28:49] John Dehlin:** Yeah, this is bad.

**[3:28:50] Bill Reel:** This is a pretty blatant lie.

**[3:28:52] John Dehlin:** This is bad.

**[3:28:52] David Jordan:** Mormon stories don't suggest anything about non affiliation. If anything, they suggest affiliation to just a common person seeing those words. If you see the words Bad Mormon, you're not thinking, oh, I bet that's affiliated with the church. Probably being too specific here. But if you see the word Mormonish, you're probably not thinking, I'll bet that the church chose that as an affiliated site. No, but if you see the words Mormon stories, it might remind you of Book of Mormon stories or any other number of ways in which historically the word Mormon has been used. So it really is about likelihood of confusion.

**[3:29:47] John Dehlin:** Talk about likelihood of confusion. What he said is likely going to confuse a lot of people.

**[3:29:52] Radio Free Mormon:** Yeah, you can say it all you want, but you're the one creating the confusion.

**[3:29:56] John Dehlin:** You know who's really confused is Heather Gay. Because my mouth was on the floor. He just made it sound like obviously the book Bad Mormon, the brand, the trademark Bad Mormon would never confuse anyone. And yet he doesn't acknowledge that the church sued and, and, and defeated Heather Gay's attempt at getting the trademark Bad Mormon.

**[3:30:23] Radio Free Mormon:** Yeah, they opposed her trademarking Bad Mormon on that very ground that the word Mormon would be confusing to the public thinking it was associated with the church.

**[3:30:34] John Dehlin:** Yeah. And the Salt LA Tribune. This is breaking news. But Sally, Tribune is going to be doing an article because we filed on Monday evidence. We, we basically said, Judge Shelby, the church is admitting that they misused trademark law because they've admitted publicly no one in the right mind would be confused that Bad Mormon is, is, is something owned and operated and run by the church. And yet they, they did successfully sue Heather Gay to give up that trademark. So we're fight, we filed on Monday our, our note notification to Judge Shelby of this, I don't know, misstatement, misinformation, misrepresentation and, and now the Salt Lake Tribune is going to run an article about that, so.

**[3:31:21] Radio Free Mormon:** Good, because I think that David Jordan needs to have people in Utah know his name a little bit better. By the way, something he said which was a bit queer in that last clip that I've, it's caught my attention each time. I don't know what to make of it, but 20 segues to mormonish to use that now once again, they're putting up those images later. So he's just coming up with this as an example he said Bad Mormon is an example that you wouldn't think was associated with the church unless they're trying to trademark the name. Then he goes to Mormonish. But he says, right before that he says, probably being too specific here, but Mormonish, what do you think he means when he says I'm probably being too specific here? Have you picked up on that? Do you want to play it again? What the heck? We're almost at four hours, we may as well go for five.

**[3:32:18] David Jordan:** And the words Mormon stories don't suggest anything about non affiliation. If anything, they suggest affiliation to just a common person seeing those words. Words. If you see the words bad Mormon, you're not thinking, oh, I bet that's affiliated with the church. Probably being too specific here. But if you see the word Mormonish, you're probably not thinking, I'll bet that the church chose that as an affiliated site. No, but if you see the words Mormon stories, it might remind you of Book of Mormon stories.

**[3:33:00] Radio Free Mormon:** Okay, and that's enough because he's already said the thing about Mormonish. But it's really interesting to me that he says probably being too specific here before he introduces Mormonish as an example. And I guess everybody can make of that what they will.

**[3:33:14] Bill Reel:** The only thing I would say is that conversations happen behind the scenes in the circles of the people who decide who to go after and who not to and what reasons and what reasons not. And when he says that, the implication to me, whether true or not, who knows, is that I probably shouldn't tell you a little bit about some of the

conversations we have over here, but we've decided that Mormonish is on this side of the line and he's, he's wanting to indicate that, but he knows that maybe I shouldn't have said it.

**[3:33:46] John Dehlin:** Yeah, I'm not sure what he meant by that. I don't want to speculate about Mormonish, but I am flabbergasted. Like what? Either he didn't know that they had defeated Bad Mormons trademark, which is just impossible for me to believe that he didn't know that and that he's leading this trademark case and that that passed correlation and that because we know this video was edited. So not only did he say it, but it, it passed the editing and the review of other people. So either they didn't know and all the other people involved in the video didn't know and his whole legal team didn't know, or there was an intent to lie. I, I don't know how else there could be another explanation, but it's mind blowing that such an untruth or, you know, was, was shared there or such a, you know, inaccurate and what appears to be a very deceiving statement was allowed to be made or made.

**[3:34:55] Radio Free Mormon:** What Colby Reddish said on the last RFM where we covered your motion to dismiss, I think is insightful. And he says this is one of the problems you get into. And when an attorney is too close to the defendant, and that could happen if, I mean, in medicine. Right. A parent probably should not be operating on their own child. They can avoid it. Right. Because it's hard to concentrate on what you're doing when you're so emotionally involved in the outcome. And this isn't a child and it's not a family member. It's worse than that. It's the church. And they've got David Jordan being, and I think he was a mission president recently, so he's obviously very, very faithful as a member of the church. They've got him representing the church, and he's so close to it that I think that's interfering with his objectively representing his client.

**[3:35:45] John Dehlin:** Yeah, I, I can't imagine they would lie on purpose, but I can't imagine they didn't know that and that it made it through correlation. So that's just mind boggling. But again, it, it feels like a huge gift to our case because it's just a prime example of trademark litigation abuse. But I'm, I'm not a lawyer. That's just how my common sense brain works.

**[3:36:11] Bill Reel:** Yeah. I'll only add to that when, for a group of people who have spent a lifetime in the space of mental gymnastics, it's not unreasonable to assume that there's some mental gymnastic way that he says both things and thinks in his head. They're both true. But for the rest of us who are thinking reasonably and rationally, we're going like that just sounds like you contradicted the very thing the Church did.

**[3:36:40] Radio Free Mormon:** Yeah, because he did. And mislead, as Julia showed on analyzing Mormonism.

**[3:36:46] John Dehlin:** Yeah.

**[3:36:49] Radio Free Mormon:** Is this claim 30? Is this the last one?

**[3:36:52] John Dehlin:** It might be.

**[3:36:53] Radio Free Mormon:** Can I do this one, please? All right, this is once again, David Jordan from this, this Keystone interview, the gift that keeps giving.

**[3:37:02] Radio Free Mormon (reading or playing the Keystone video):** Quote. Now, you'll notice if you look at the Church's original complaint, we haven't asked for some number in damages.

**[3:37:12] Radio Free Mormon:** Now, that was actually technically true. But then David Schnell Mock snell follows up.

**[3:37:19] Radio Free Mormon (reading or playing the Keystone video):** So the Church isn't looking for damages at all. And Jordan now says this. It's certainly nothing that we've asked for to this point.

**[3:37:29] Radio Free Mormon:** Can you play the clip? Because the second part is the lie.

**[3:37:33] David Jordan:** Now, you'll notice if you look at the church's original complaint, we haven't asked for some number and damages. That's not what we're really trying to accomplish here. We're trying to eliminate confusion. We're not trying to stop his business.

**[3:37:52] Bill Reel (reading or playing the Keystone video):** So the church isn't looking for damages at all.

**[3:37:55] David Jordan:** It's certainly nothing that we've asked for to this point.

**[3:37:59] Bill Reel (reading or playing the Keystone video):** So if Mormon Stories loses this case, it could be something as simple as the court orders them to put that

**[3:38:09] David Snell:** disclaimer at the beginning of their episodes.

**[3:38:11] David Jordan:** It could. It could be something as simple as the court ordering a name change. The jury has the right to award damages if they think that's an appropriate remedy. But we're. We're not looking for it to come to that.

**[3:38:27] Radio Free Mormon:** David Jordan can't get that name change off of his mind, can he? But where he lies, and this is something that we covered. I don't know if we have the video in the next slide, but Colby and I had covered this part. Where he lies is when he said, that's not something we've asked for damages. When it is in the complaint that they have asked for statutory damages. And Colby and I went over the actual statute, the one that they cite under which they're asking for relief. It covers damages. It covers up to treble damages. It covers attorneys fees. It covers all sorts of damages. So for him, there's not a number. Okay. And actually, it's not that common in my experience, for a specific number to be put on a complaint. Rather, usually you leave it kind of amorphous and let the jury fill in the. The number. Okay. When it comes time to render that decision.

**[3:39:19] Radio Free Mormon:** But when he says, we haven't asked for damages because David Schnell follows up and says, so you haven't asked for damages at all? Basically, he says, that's not something we've asked for at this. To this point, when actually they asked for it in the complaint they filed back in April, didn't it?

**[3:39:39] John Dehlin:** Again, I just don't. I don't even understand what he's thinking to say something like that.

**[3:39:45] Bill Reel:** Did it feel like a threat at all? Like we. We haven't asked for it yet. If you guys don't figure your stuff out on your side quickly.

**[3:39:55] John Dehlin:** No, because I knew they had asked for it. And that's the whole point is that's the lawyer fees plus the time, plus the potential damages and legal fees. That's why they assumed we would fold from the beginning. But, you know, they just don't understand that we've. I started Mormon Stories podcast because I felt like the church lied to and deceived me and many, many other people. And I wanted to help the church become more honest and learn to deal with its history better. So I started and I've always tried to operate Mormon Stories podcast on principle. And if, if I, if I didn't operate on those values, I would have quit a long time ago. But I'm operating on those values and that doesn't mean I'm a perfect person, but that's why that's what I'm doing here. So, you know, I, the fact that I'm.

**[3:41:05] John Dehlin:** We're willing to stand up to the Church, not back down, should just show people, number one, how, how much confidence we have that we've never intentionally tried to deceive anybody, but also how much we believe in what we do. For him to just have the gall to claim that they haven't asked for damages is just ridiculous. But we've known all along they, they've included damages in their requests. So at this point, it's hard to, it's hard to trust the words coming out of his mouth, which is again, so maddeningly ironic that they're accusing me of deception. And I would just say, where have I been explicitly deceptive in how I've characterized this lawsuit? It may be I got excited and spoke in a bit of a generalizations, but I think I've done my best to stay close to the truth and I don't think I've succumbed to the, the deceptions that they have.

**[3:42:05] John Dehlin:** So I feel good about how we've, we've comported during this, this case.

**[3:42:11] Radio Free Mormon:** Well, we appreciate your coming on the show to share your perspective what's been going on. The church's claims contrasted with what the evidence actually shows. And I will tell you that I think that the irony here, that the church's fundamental mistake has been in bringing this lawsuit against you and thinking they could squash you, John, is that the LDS Church underestimated the power of the truth.

**[3:42:44] John Dehlin:** Yeah. And I think they underestimated the great attorneys that stepped up to work pro bono if they had to, to support us. I think the end.

**[3:42:55] Radio Free Mormon:** Are there any names you want to share, John?

**[3:42:57] John Dehlin:** I mean, my, my, my lead attorney is Mark Miller. You know, he works for, for Dorsey Whitney. There's a whole, there's several lawyers that work with him. And then there are also lawyers coast to coast who are Volunteers. And I guess unless I list them all, I, I worry that I'll be leaving them out. But the truth is I'm. Let me go ahead and just read the names of the attorneys that show up on our complaints because they certainly, they certainly deserve it and they've been amazing. So Mark Miller, Elliot Hales, Olivia McQuarrie, those are the. And then Mike Keys, those, those are all with Dorsey Whitney. And then Alyssa Brockbank Reese, she works out of the Potomac Law group in Washington, D.C. and then Ryan Hatch, he works out of Los Angeles. He's with Hatch Law. Yeah. And that's, that's our main legal team. And we've also had dozens of other attorneys offer to work volunteer pro bono as well.

**[3:44:21] John Dehlin:** And, and I also have to mention I'm really grateful for the coverage. You know, Bill, you and RFM have given. Rebecca Nemo, the Mormon. Julia has been amazing. And I'm also grateful for all the donors who have stepped up to, to donate to our legal fund. That's just a huge relief to know that we've got coverage there. And just all the people, I, I get stopped all the time by faithful Mormons telling me I'm, I'm a faithful member of the church and I hate what the church is doing. Thank you for standing up against the church in this way that we feel is abusive. And several more faithful Mormons. Their faith crisis started when the church initiated this lawsuit and it's caused several people to leave the church. And they've all reached out to me, including people in high leadership positions, by the way. So the church is really stabbing itself or shooting itself, whatever, pick your metaphor.

**[3:45:21] John Dehlin:** They're poisoning their own membership by, I believe, by, by continuing this lawsuit.

**[3:45:28] Bill Reel:** So I also think, by the way, to the LDS Church, I, I think David Jordan should do a few more interviews, I think.

**[3:45:35] John Dehlin:** Are you inviting David Jordan on Mormonism Live?

**[3:45:40] Bill Reel:** If David wanted to sit down, I could think of maybe 10 or 12 questions that RFM and I could come up with and want to ask him about and see what his answers are on those.

**[3:45:48] Radio Free Mormon:** I already invited him on to RFM on the last episode. David Jordan, you're welcome. This is an invitation to you. You come on Mormonism Live with me and Bill Real and sit down. Sit down and talk about the case. And maybe if we're lucky, we can get Richard Dreyfus to join us and have a Close Encounters reunion. Well, that's that.

**[3:46:09] John Dehlin:** What I will say is that if people want to follow this lawsuit, there's a webpage on mormonstories.org it's mormonstories.org lawsuit. And all the filings are linked to there. All our responses are linked to there. You know, major social media videos, articles by major news sources. They're all accessible there and along with kind of just a basic timeline and details. So check that out. And also the link to our donate button to be able to donate to the lawsuit, which is MormonStories.org legal. That's how you donate to our lawsuit. MormonStories.org lawsuit is where you can get just. And we update that daily. Every time there's a new, you know, element to the case within 24 hours, it's. It's added to the page. So it's all there.

**[3:47:06] Radio Free Mormon:** Okay, so back at David Jordan's email, which is on, as you said, the, the complaint, we're not putting that up here, even though it's publicly available. We just bring it up because now we have a way to get in contact with him, to invite him on the show.

**[3:47:24] Bill Reel:** Yeah, he's eager to talk. It seems like he's eager to set the record straight.

**[3:47:28] Radio Free Mormon:** And I tell the truth if he. Accident. Sorry, just the truth.

**[3:47:34] Bill Reel:** Right.

**[3:47:37] Unclear (brief interjection):** But.

**[3:47:37] John Dehlin:** Hello, Mary.

**[3:47:38] Bill Reel:** He could settle some things if he really wants to clear things up and get rid of some confusion. We just would ask him to explain a few things that seem really confusing.

**[3:47:48] Radio Free Mormon:** Yeah.

**[3:47:48] John Dehlin:** And. And we've got Radio Free Mormons episodes up there. Mormon newscast up there, Julia's stuff analyzing Mormonism, Nemo stuff I think is up there. Mormonish, podcast friendly atheist, Holy Kool Aid, Alyssa Grenfell. We're really grateful for everyone who's covered, you know, covered the story. And so we're trying to, to promote their work as well. And thanks to you both.

**[3:48:11] Radio Free Mormon:** Are you kidding me? This is the story of the decade, John.

**[3:48:15] John Dehlin:** All right. Well, I hope it ends in a, in a happy way for all.

**[3:48:19] Radio Free Mormon:** Well, this has legal ramifications beyond Mormonism. It goes into free speech, it goes into trademark. And this case has the potential of resolving a lot of kind of weird issues out there that aren't really crystallized yet.

**[3:48:32] John Dehlin:** Yeah, I, I do hope it goes the distance.

**[3:48:35] Radio Free Mormon:** I do, too.

**[3:48:36] John Dehlin:** I hope. I hope we win.

**[3:48:40] Radio Free Mormon:** Well, I do, too. In fact, I predict you will win.

**[3:48:43] John Dehlin:** Thank you.

**[3:48:44] Radio Free Mormon:** You're welcome.

**[3:48:45] Bill Reel:** Your predictions are usually right, just FYI so far.

**[3:48:49] Radio Free Mormon:** But, you know, it's not like this is really that hard a call. Okay, we're ready to leave now. We're going to get out of here before four hours so that people don't confuse this with a morin stories episode. It's 358-2425 right now. We'll say thank you again. John. Bill, thanks for being here. As always, I'll thank myself for being here. Thank every one of us for being here, and especially thank you for being here. Please remember, click the like button before you go. Click that donate button, too. If you haven't already, make a donation over there at Mormonism Live. You'll be glad you did and thank you. A special thank you to all of our listeners who have gone that extra mile and made a

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