



David Dennis has his day in court, and the court dismisses one count outright, much of the second count, and permits an amended complaint on the third count—defamation of character.

David Dennis vs. the General Conference: Round Two

by Sharise Esb

The Montgomery County Circuit Court of Maryland, on July 27, 1995, dismissed without recourse of appeal the first of the three counts in David Dennis' suit against the General Conference of Seventh-day Adventists and others for unlawful discharge and breach of contract. The second count, of defamation of character, was also dismissed, although Dennis was allowed to file an amended complaint solely against the General Conference of Seventh-day Adventists. The court also dismissed the third count of Dennis' suit, defamation of character, but permitted an "amended complaint." Dennis filed his complaint on August 15, 1995. Counsel for the plaintiff and defendants have since met and decided on September 25, 1995, as the deadline for the defendants to file a response to Dennis' amended complaint.

David Dennis, former director of internal auditing for the General Conference of Seventh-day Adventists, had filed the suit against four high-ranking officials at the General Conference, the General Conference itself, and the General Conference Corporation, after removal from his position December 29, 1994, for alleged sexual misconduct. Dennis claimed that he was never a party to the sexual misconduct and that his removal from office and defamation of character took place due to his efforts to

uncover improper financial dealings by prominent General Conference officials (see "The Auditor vs. Church Leaders," *Spectrum*, Vol. 24, No. 5, pp. 23-29).

In his July 27 order, Judge William P. Turner dismissed Dennis' complaint "with prejudice" of unlawful discharge due to Dennis' ambiguity about his employment contract and his inability to establish a clear cause for unlawful discharge. The judge's order states, "It is alleged that the plaintiff was elected to five year terms, and alternatively alleged that he had a specific employment contract. The Appellate Courts of this State have indicated that the cause of action is defined 'as an action in which the employee may recover damages arising from the employee's discharge under circumstances violating a clear mandate of public policy. The public policy could derive from statute, judicial decision, administrative regulation, or from any other appropriate source.' . . . A complete review of all the facts alleged in this Complaint do not establish a cause of action or wrongful discharge."

Judge Turner also dismissed "with prejudice" (except for the General Conference of Seventh-day Adventists) Dennis' second complaint of breach of contract due to ambiguity in regard to Dennis' employment contract.

"There is no representation that

any of the other mentioned defendants have any contractual obligation to the plaintiff and therefore, Count II [breach of contract] will be dismissed as to all defendants except the General Conference of Seventh-day Adventists."

On the third complaint by Dennis of defamation of character, Judge Turner acknowledged the relevance of more clarification. "The Court will also treat the Motion to Dismiss as a Motion for More Definite Statement of Facts and grant the Dismissal without prejudice and further grant leave to the plaintiff to file an Amended Complaint within 30 days giving a more definitive statement of facts."

On August 18, 1995, Dennis filed his amended complaint on the breach of contract and on the defamation counts. To clarify the question of his employment contract, Dennis states, "Plaintiff was elected and re-elected to his position by the members of the General Conference of Seventh-day Adventists for periods of 5 years. He was last elected in 1990, therefore his term would have expired in July 1995. However, re-election was routinely granted and, but for his termination and destruction of his personal reputation, he had an expectation of continuing his service until age sixty-two when he would be eligible for full retirement benefits."

In regard to the defamation count, Dennis concentrates most of his amended statement on remarks made by defendants Walter E. Carson from the office of general counsel at the General Conference; Kenneth J. Mittleider, a vice presi-

dent at the General Conference; and E.A., the unnamed woman defendant who brought forward the charges of sexual misconduct.

Dennis claims that in investigative hearings held at the General Conference prior to his removal, Carson, Mittleider, and E.A. stated that the plaintiff was sexually abusing defendant E.A., that Dennis had a long history of sexual misconduct, and that Dennis was lying about these events. Carson and Mittleider are also credited with sharing information about a series of letters Dennis allegedly sent to females other than his wife, which demonstrated he had adulterous affairs with these women. Carson and Mittleider also allegedly stated that "eight more women had come forward," implying that these women had also been involved in sexual relations with Dennis. Finally, Dennis states that Carson and Mittleider claimed he had defrauded the church by accepting a salary when he was actually working in an outside business. Dennis further asserts that Carson and Mittleider made these statements under the direction and control of General Conference President Robert Folkenberg.

Other statements made by Dennis focus on activities by these General Conference officials following his removal. Dennis states that beginning in January 1995, under the direction of Folkenberg, Mittleider, and Carson, E.A.'s statement describing Dennis' alleged sexual misconduct was made available to anyone wanting to read it at the General Conference headquarters. As a result, Dennis says, numerous people have read this docu-

ment and have copies of it.

Dennis also states that, under the direction of these same General Conference officials, employees at the General Conference disseminated written statements for public disclosure, as well as computer messages repeating E.A.'s allegations of molestation and adultery. Dennis says that these statements were disseminated to the Seventh-day Adventist Church on a worldwide basis. In addition, the full text of E.A.'s statement was published on the Internet, making it available to anyone with Internet access.

Dennis further states that, again under the direction of Folkenberg, Mittleider, and Carson, the contents of E.A.'s statement were provided to all General Conference employees, and Mittleider and Carson are continuing to make speaking appointments across the country to share these charges.

Finally, Dennis states that under the direction of Folkenberg, Mittleider repeated allegations to at least four other people, implying that Dennis had molested his own son and daughter.

In his prayer for relief, Dennis seeks judgment against the defendants with regard to all of the claims; compensatory damages against defendants jointly and severally in the amount of \$1 million, plus interest; and punitive damages against the defendants jointly and severally in the amount of \$3 million, plus interest.

Sbarise Esb, a graduate of Columbia Union College and a former Spectrum editorial assistant, is manager of serial publications for Special Libraries Association, Washington, D.C.