



CAUSE NO. 21-FD-0201 0102

IN THE MATTER OF THE
MARRIAGE OF

RAWAN ALNAJJAR
(Petitioner)

and

HATEM ALGHUTI
(Respondent)

§
§
§
§
§
§
§
§
§
§
§

IN THE DISTRICT COURT

GALVESTON COUNTY - DISTRICT
COURT AT LAW NO. 2

GALVESTON COUNTY, TEXAS

2021 MAY -3 AM 9:59
DISTRICT CLERK
GALVESTON COUNTY, TEXAS

2021 MAY -3 AM 9:59

FILED

**RESPONDENTS ORIGINAL ANSWER, COUNTERCLAIM AND REQUEST FOR
DISCLOSURE. SUBJECT TO THE SPECIAL APPEARANCE**

TO THE HONORABLE JUDGE OF SAID COURT, GREETINGS OF PEACE

NOW COMES THE PERMANENT REPRESENTATIVE OF THE MADINAH MISSION AND HEAD OF THE U.S. MADINAH MISSION (UMM), HATEM TAWFIQ ALGHUTI, Respondent in the above entitled and numbered Cause acting on his own behalf, has standing to bring or intervene in any action against and all matters concerning the Hejaz, or where the Hejaz is directly named or indirectly referenced as a party in any petition in the instant cause, by and through the undersigned HEAD OF MISSION, and presents this, Respondent Original Answer, Counterclaim, and Request for Disclosure, and in support thereof, would respectively show the Court as follows:

Though respondent respectfully submits that this dispute does not belong in this Court, due to the extraordinary circumstances Respondent has been placed under as a result of petitioner's actions as provided under the Affirmative Defenses heading— respondent, under protest, duress, and coercion, submits these special exceptions.

SPECIAL EXCEPTIONS

1. Respondent specially excepts to the entire Petition and particularly to Paragraph (2), (11), and (13) of the Petition for omitting to state that any proposed transaction involving the estate, including, but not limited to the disposition of real property, is subject to approval by the Department of State's Office of Foreign Missions (OFM) —as provided in Section 205 of 22 U.S.C. § 4305 and, that all requests are subject to disapproval by the Department. As provided under 22 U.S.C. § 4302(4), "real property" includes any right, title, or interest in or to, or the beneficial use of, any real property in the United States, including any office or any other

building” used by an entity which: (i) is involved in *activities of an organization representing a territory or political entity*; and (ii) *which engages in some aspect of the conduct of the international affairs of such territory or political entity*.

Accordingly, Respondent requests that the court make an order sustaining this special exception, requiring that Petitioner amend the original Petition to plead sufficient facts to demonstrate that the entity conveyed in the “Trust Certificate” referenced in Paragraph (2)(b) and (c) of this Original Answer fails to fall within the legal definition of a foreign mission as provided under 22 U.S. Code § 4302 (a)(3), providing that if and to the extent that petitioner fails to provide sufficient evidence or refuses to so amend, within 10 days from the filing of this Original Answer, or before an appropriate specific future date petitioner must file notice with OFM in accordance with instructions provided by Respondent, pay legal fees associated with said filing and for resolving dispute provided under 2(a.) of this Original Answer, and that this action will be dismissed.

2. If a justiciable controversy exists between the parties as to the rights of Respondent and status of the property as a foreign mission, or of the Hejaz as a Sovereign Entity, and, if a declaratory judgment cannot resolve the above mentioned controversy without inquiring into or passing judgment” on political decisions (i.e. deciding issues assigned to the Executive or Legislative branches of the U.S. government), respondent requests that the decision be reserved for the appropriate executive department as provided under Section 205 of 22 U.S.C. § 4305, and that the Judicial guidance below be considered.

—*Baker v. Carr*, 369 U.S. 186 (1962). Supreme Court, *id.* at 217, has opined that “[p]rominent on the surface of any case held to involve a political question is”: (1) ‘the impossibility of a court’s undertaking independent resolution without expressing lack of the respect due coordinate branches of government’; (2) ‘an unusual need for unquestioning adherence to a political decision already made’; or (3) ‘the potentiality of embarrassment from multifarious pronouncements by various departments on one question.’ (4) ‘a lack of judicially discoverable and manageable standards for resolving it’; (5) ‘the impossibility of deciding without an initial policy determination of a kind clearly for nonjudicial discretion’;

- (a) Paragraph (11) and (13) of the Petition fails to notify the court that prior to November 2020, Petitioner had been notified by Regions Bank of an existing dispute between Respondent and Regions Bank Mortgage Division related to the banks unauthorized use of the Hejaz Legal Code. On December 10, 2020, the Vice President at Regions Bank Mortgage Loan department instructed Hatem Al-Ghuti to contact Winn Shannon (mortgage department legal office) in order to resolve aforesaid dispute. Refer to Section I and II in the document attached to this Original answer as Exhibit D for details.
- (b) A Trust Certificate was sent to Regions Bank on July 2020 related to the above mentioned dispute. Matthew Skillern’s law office emailed a copy of the Trust Certificate to Galveston County Court reporter Mary Goan on January 13, 2020 without permission from Respondent. The Trust Certificate includes identifiers associated with a contract or

instrument secured by a Deed of Trust on the residence. The external document is integral to the request for award made by petitioner in paragraph (11)(13) of the original petition, and Paragraph (J) of the "Ex Parte Protective Order" filed on 01/07/21. A copy of the certificate is attached to this Original answer as Exhibit A.

- (c) Respondent is not waiving any issues with regards to any defenses applicable to the entity established by the Trust Certificate pursuant to Chapter 2 Article 282 of the Islamic Criterion, under the name "HEJAZ SOVEREIGN TRUST," which is a "foreign mission," in accordance with 22 U.S. Code § 4302 (a)(3), which defines "foreign mission" as "any mission to or agency or entity in the United States which is involved in the diplomatic, consular, *or other activities of, or which is substantially owned or effectively controlled by an organization representing a territory or political entity which engages in some aspect of the conduct of the international affairs of such territory or political entity including any real property of such a mission and including the personnel of such a mission.*" As a preliminary matter, because the Hejaz has not waived its Sovereign immunity, Derivative Sovereign Immunity should apply to this dispute.

AFFIRMATIVE DEFENSES

3. Without prejudice to the special exceptions of Paragraph (1) and (2) herein, Respondent specially excepts to Paragraph (6), and sub-paragraph 5 through 10 portions of Paragraph (9) of the original petition on the grounds that petitioner is seeking construction through the declaratory or injunctive relief provided under title 4 of the Texas family code which was not challenged by respondent due to fear Petitioner would damage property of the Office/ Mission being held by Petitioner at 4704 Eagle Cove in League City as evidenced in **Exhibit B** attached to this Original Answer. Respondent requests that the court resolve aforesaid affirmative defense prior to proceeding with petitioners petition for divorce, and make an order sustaining this special exception, requiring that Petitioner return all property belonging to the Mission, and for the court to honor the policy statements published on the official Galveston County website by the Assistant District Attorney related to complaints filed at the District Attorney's Office. Kevin Petroff, Assistant District Attorney states that [alleged] "civil and criminal actions are completely independent Criminal charges WILL NOT be presented to gain advantage in a civil matter."

4. Respondent specially excepts to the entire petition on the grounds that it does not allege jurisdictional facts, and infringes upon the inviolability of the Household, the Hejaz, its U.S. Mission, the rights of the Respondent, and would inevitably interrupt the Mission's future correspondence with the appropriate executive office.

- (a) Respondent specially excepts to the entire petition, and particularly to Paragraph (14) (15) for failing to state whether only the selected parts of the Texas Rules of Procedure provided in said Paragraph's of the Petition would apply, or whether the court intends to

apply the full corpus of the procedural law to the case including Rule 52, which states that “An allegation that a corporation is incorporated shall be taken as true, unless denied by the affidavit of the adverse party, his agent or attorney, whether such corporation is a public or private corporation and however created.” By the Petitioners own recitation of facts provided under the tenth paragraph of the **Applicants Affidavit** attached to the Ex Parte Protective Order — petitioner alleges Respondent purportedly “created “an entity... placing the custody of Sarah Hatem Al-Ghuti under the jurisdiction of “Al-hijaz””. Subject to further discovery, the above statement made by petitioner in said affidavit, as well as subsequent actions taken by Petitioner’s attorney under (2)(b) of this answer, are seen by Respondent as preemptive measures taken by Petitioner, which aim to prevent Respondent from invoking the defense of Immunity including personal or derivative Sovereign Immunity, and to deny suits from being made by or against the U.S. Mission in its corporate name. Regardless of intent, petitioner’s subsequent actions provided in Paragraph (3), (5), (6) and (9) of this Original Answer has caused irreparable harm to Respondent and the Mission. Respondent specially excepts to Paragraph 13 and 15 of the Petition if the Texas Business & Commerce Code - BUS & COM § 71.002.(5)(A) is used by the court to define *corporation*—“a domestic or foreign corporation, professional corporation, professional association, or other corporation.” Moreover, disclosing private information that contains political statements may expose respondent and household to hostility and unnecessary risks.

- (b) Without prejudice to the special exceptions of Paragraph (1) and (2) herein, Respondent specially excepts to the entire petition, and particularly to Paragraph (2), (6), (13) and the second sub-paragraph portion of the Prayer of the Petition on the grounds that neither the Declaratory Judgment Act nor the injunctive provisions pleaded by Petitioner waive immunity with respect to such matters. Respondent requests that the Court make an order sustaining this special exception, requiring that petitioner present any duty Al Hejaz may have owed to petitioner and amend the Petition to plead sufficient facts to demonstrate that each of the claims falls within a constitutional or legislative waiver of immunity on or before a specific future date, and providing that if and to the extent that petitioner fails or refuses to so amend, this action will be dismissed. Respondent further requests for the Court to dismiss or terminate the protective order provided in Paragraph 6 of the Petition.

- *Respondent neither requested services from Mr Skillern nor did he appoint the court for this case.*

5. Respondent specially excepts to the Petition in its entirety for failing to state whether the participation of parties associated with the dispute referenced under (2)(a) of this Original Answer, will be necessary particularly in light of the fact respondent will suffer irreparable harm, including having to (i) re-due documents prepared for a proposed settlement with said parties (ii) reinvent business plans, (iii) re-format and re-print related documents, and (iv) forego benefits of potential settlement.

6. Respondent further requests that, in light of the aforesaid affirmative defense, that the court issue an opinion to determine whether actions taken by the petitioner after the Protective Order provided in Paragraph 6 of the Petition had been issued, if petitioner's claim of "fear from retaliation" as stated in the affidavit attached to the application for Ex Parte Protective Order Cause No. 20-FD-2694, is supported by the petitioners subsequent actions, particularly, petitioner's refusal to return property belonging to the Mission after over a dozen requests were made for property to be returned to respondent, and only returning a portion of the property to respondent 105 days after the separation date.

7. The League City Records department has restricted access to the evidence requested by Respondent in Exhibit C attached to this Original answer. Respondent requests that petitioner's suit be dismissed and resolved privately, or in the alternative that the court—(i) award respondent interim attorney fees to acquire legal representation if Respondent agrees to proceed with this case, (ii) order petitioner to address defects in petition (iii) and after satisfying requirements provided under paragraph (1) of this original answer. Respondent further requests that the court provide Respondent with access to the records requested in Exhibit C.

8. Respondent specially excepts to the description of Respondent in Paragraph 8 subparagraph 2 of the Petition. Petitioner cannot provide a single piece of evidence or any statement made by respondent prior to the separation date which can validate petitioner's perpetual slander against Respondent. Grounds for divorce are the result of Petitioner acting unfaithfully towards her husband by engaging in the following activity: (i) knowingly submitting false sworn statements to the court against her husband; (ii) infringing upon the inviolability of the household by calling neighbors to interfere in family affairs; (iii) not joining her husband in filing a complaint against Lisa Salazar for endangering the household, lives of the emergency responders, neighbors, Hatem Al-Ghuti's new born child, and Petitioners son, by calling in a false hostage situation— instead, using the foregoing as an opportunity to undermine her husband's vulnerable position in order to gain through a divorce; (iv) by violating provisions of the marital agreement that superseded the premarital agreement, which does not authorize this suit as a means of resolving disputes, instead, knowingly submitting the terminated temporary agreement referenced in Paragraph 10 of the Petition to the court; (v) refusing offer made by Respondent which effectively would have granted all real property to petitioner after satisfying requirements provided under (1) of this answer, in return for petitioner to resolve matters privately, with dignity, and without involving the court; (vi) submitting private material belonging to Respondent to Matthew Skillern and the court without authority or permission; (vii) for jeopardizing and damaging property of the Mission which had been established for the benefit of future generations; (viii) requesting protection from persons other than her husband, against her husband as a form of retaliation, and filing suits which could be resolved out of court for the sole purpose of damaging the Mission and attempting to subject husband under a jurisdiction neither agreed to in the marriage agreement nor accepted by him as appropriate for matters concerning the household; (ix) and for placing herself above the interest of all others, including the interest of Sarah Hatem Al-Ghuti (her daughter), the community, the family unit,

and using wealth entrusted to her for corrupt ends. Rawan Al-Najjar has been divorced dishonorably by the third decree invoked by the respondent in accordance with the provision of the current and valid marriage agreement, the estate shall be managed according to the valid marriage agreement and NOT the agreement provided under paragraph (10) of the Petition. Respondent specially excepts to Paragraph (9) of the Petition, Sarah Hatem Al-Ghuti shall NOT be subject to the jurisdiction of the court. In terms of fault for the divorce, Both parties are at fault, Respondent accepts responsibility of his actions and ownership of the marriage.

9. Respondent specially excepts to Paragraph (10) of the Petition on the grounds that Applicant knowingly attached the terminated agreement referenced in Paragraph 10 of the Petition to the "Final Protective Order" filed on February 4, 2021 — purporting that the authority conferred upon the Court pursuant to section 24 (page 6 of 9) of the terminated contract with the Respondent establishes the court jurisdiction over the complaint. Moreover, the terminated agreement was not an item included in negotiations between the parties on January 14, 2021 (related to the "Protective Order" hearing), and respondent was unaware the agreement would be attached to the court order. (See Exhibit B & Chancery Notes).

10. Without prejudice to the special exceptions of Paragraph (1) and (2) herein, Respondent specially excepts to paragraph 6 of the Petition on the ground that by incorporating sub-paragraph 5 through 10 portion of paragraphs 9 of the Petition (which allege One Count) into a Second or Separate Count of the Petition, paragraph 6 renders the Second or entangled Count (including subparagraph 2 portion of Paragraph 11 of the Petition) duplicative of the initial Count. Respondent requests that the Court make an order sustaining this special exception, requiring that Petitioner amend the petition to cure this defect on or before a specific future date, and providing that if Petitioner fails or refuses to amend, the action will be dismissed.

11. Property and/ or payment requested by petitioner and petitioner attorney under Paragraph (12) and (13) of the original petition are subject to the Original Sanctions attached to this Original answer as Exhibit D.

GENERAL DENIAL

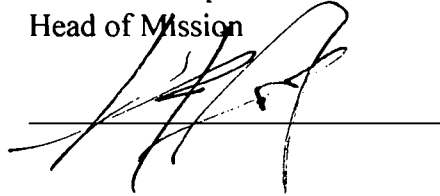
12. Respondent enters a General Denial.

13. Respondent denies each and every, all and singular, the material allegations of fact and law contained in Petitioner Original Petition and Application for Temporary Injunction, and demands strict proof thereof. This Case Must Be Dismissed Because Respondent is Entitled to Derivative Sovereign Immunity based on the Complaint's Allegations.

- Reduced in Writing and Entered by Submission -

WHEREFORE, PREMISES CONSIDERED, Respondent requests that the special exceptions be awarded and the Petition should be dismissed with prejudice or, in the alternative, upon final trial (if any) wherever it may take place (without prejudice to Paragraph (1) herein), on the merits, if same be necessary, that Petitioner and Petitioner attorney take nothing and that Respondent be awarded its costs, together with such other general and special relief as it may show itself to be justly entitled.

RESPECTFULLY SUBMITTED,
Hatem Tawfiq Al-Ghuti
Head of Mission

A handwritten signature in black ink, appearing to be 'H. Al-Ghuti', is written over a horizontal line.