



## West Virginia E-Filing Notice

CC-28-2024-C-272

Judge: Ryan Flanigan

**To:** Jonathan James Bailie  
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### NOTICE OF FILING

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IN THE CIRCUIT COURT OF MERCER COUNTY, WEST VIRGINIA  
Trustees of Madison United Methodist Church, Trustee v. Trustees of the West Virginia Conference  
of the United Methodist Church, Trustee  
CC-28-2024-C-272

The following order - case - final was FILED on 10/28/2025 3:56:37 PM

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Julie Ball  
CLERK OF THE CIRCUIT COURT  
Mercer County  
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**In the Circuit Court of Mercer County, West Virginia**

**Trustees of Madison United  
Methodist Church, Trustee,  
Trustees of Bellemead United  
Methodist Church, Trustee,  
Trustees of Irons Chapel United  
Methodist Church, Trustee,  
Trustees of Oakvale United Methodist  
Church, Trustee,  
Trustees of Horner United Methodist  
Church, Trustee ET AL,  
Plaintiffs,**

v.

Case No. CC-28-2024-C-272  
Judge Ryan Flanigan

**Scott Ferguson,  
Chip Bennett,  
Trustees of the West Virginia  
Conference of the United Methodist  
Church, Trustee,  
Bishop Debra Wallace Padgett,  
Bishop Sandra Steiner Ball ET AL,  
Defendants**

**ORDER**

The Court, after hearing the arguments from counsel for the Defendants, the Plaintiffs and after reviewing the motions and proposed orders filed regarding this matter finds the following:

**Findings of Fact**

1. Plaintiffs are trustees of local churches affiliated with the United Methodist Church (hereinafter “UMC”).
2. The UMC is a church denomination that governs itself by the Book of Discipline of the United Methodist Church (hereinafter “Discipline”), which is the contract to which all persons or entities within the UMC covenant to be bound.
3. The Defendant Trustees of the West Virginia Conference is the annual conference

with oversight over the Plaintiffs.

4. The individual Defendants are the Trustees of the West Virginia Conference of the UMC and individual ecclesiastical leaders in the Conference.

5. The Discipline is the instrument for setting forth the laws, plan, polity, and processes by which United Methodist govern themselves to remain constant. It is the most current statement of how United Methodist agree to live their lives together and reflects the UMC's understanding of the church and articulates the mission of the UMC.

6. The Discipline reflects the Wesleyan way of serving Christ through doctrine and disciplined Christian life. It is intended to govern a worldwide denomination united by doctrine, discipline, and mission through its connectional covenant.

7. In sum, to the UMC and its followers as a whole, the Discipline defines what is expected of its laity and clergy as they seek to be effective witnesses in the world as a part of the whole body of Christ.

8. The Discipline governs all facets of administration and polity, including the ownership of property.

9. Under what is referred to as the Trust Clause in the Discipline, all properties of the UMC local churches and other United Methodist agencies and institutions are held, in trust, for the benefit of the entire denomination, and ownership and usage of the church property is subject to the Discipline.

10. The Trust is and always has been irrevocable. The Trust Clause is a legal concept predating the founding of The United Methodist Church in 1968 and tracing back to its Wesleyan origins and ensures that the property will be used solely for purposes consonant with the mission of the entire denomination as set forth in the Discipline.

11. This Trust Clause has been a foundational element of the bedrock principle of United Methodist constitutional polity, being connectionalism.

12. Disaffiliation, which is the subject of this suit, is a radical departure from connectionalism.

13. The Discipline also establishes the constitutional organization of the UMC.

14. While the Discipline establishes several bodies tasked with various functions, the most pertinent organizational bodies in this case are the General Conference, the Annual Conferences, and the Judicial Council.

15. The General Conference oversees the entire church. Under the Discipline, the General Conference has full legislative power over all matters distinctively connectional, including sole responsibility for enacting or amending the provisions of the Discipline.

16. The Annual Conferences are comprised of clergy and lay members and are the fundamental bodies of the Church. Under the Discipline, the Annual Conferences are empowered to oversee the operations of local churches operating as UMC congregations within the annual conference's jurisdiction.

17. Finally, under the Discipline, the UMC Judicial Council has the sole authority to: (1) determine the constitutionality of any act of the General Conference; (2) consider questions of law raised by bishops; (3) pass upon decisions of law made by bishops in annual conferences; and (4) make rulings in the nature of a declaratory decision as to the constitutionality, meaning, application, or effect of the Discipline or any portion thereof.

18. The Discipline expressly provides that all decisions of the Judicial Council shall be final.

19. In recent years, a conflict developed within the UMC over human sexuality, namely, regarding the issues of same-sex marriage and/or allowing self-professed homosexuals to act as ordained clergy. The UMC hierarchy addressed this conflict taking into consideration its laws, plan, polity, and processes as set forth in the Discipline.

20. Exercising the authority afforded by the Discipline, the General Conference, by

special session, passed a temporary amendment to the Discipline in February of 2019, known as section 2553.

21. Section 2553 of the Discipline recognized there was a deep conflict within UMC around issues of human sexuality, and therefore, a local church shall have a limited right to disaffiliate from the denomination for reasons of conscience.

22. Before the enactment of section 2553, the Discipline did not provide for disaffiliation of a local church while allowing it to maintain UMC property as such action is contrary to bedrock principle of connectionalism and violative of the Trust Clause.

23. The General Conference found it important for this limited right of disaffiliation to automatically sunset on December 31, 2023.

24. After the General Conference amended the Discipline to temporarily allow disaffiliation through section 2553, the UMC Judicial Council considered its constitutionality. In Decision 1379, the UMC Judicial Council found that section 2553 was unconstitutional within the context of the Discipline to the extent that it allowed a local church to disaffiliate from the UMC without the approval of the annual conference.

25. In addition to other sections of the Discipline, the Judicial Council expressly referenced and relied upon section 2529.1(b)(3) which states, the local church cannot sever its connectional relationship to the United Methodist Church without the consent of the annual conference. Therefore, the UMC Judicial Council concluded that any disaffiliation under section 2553 must be approved by the majority of the annual conference.

26. The Plaintiffs assert that “in or around August of 2022, the Defendants denied the Plaintiffs application to disaffiliate, stating that they did not qualify for disaffiliation under section 2553 because the human sexuality issue was not changed in the Discipline and the Conference had not taken any actions that would give the Plaintiffs the ability to utilize that Paragraph.” Comp. para. 83.

27. The Plaintiffs assert that they were entitled to use section 2553 and had an absolute right to disaffiliate but the West Virginia Annual Conference's decided that the Plaintiffs did not qualify to disaffiliate under section 2553 which was based on fraud and collusion.

28. In May of 2024, the General Conference voted to lift the ban on same-sex marriage and on self-professed homosexuals from being ordained clergy.

29. The Plaintiffs assert that the "Defendants and their agents, knowing Plaintiff Churches wished to disaffiliate because of the same-sex issues, were actively orchestrating the same-sex issue and fraudulently induced Plaintiff Churches to wait until after the ¶2553 sunset date and after the 2024 General Conference with the intent that Plaintiff Churches would not be allowed to leave without handing their property over to Defendants in exchange for nothing."

Comp. para. 91

30. After the May 2024 General Conference, Plaintiffs sought to disaffiliate from the UMC and sought to use other provisions of the Discipline, section 2548.2, which deals with the deeding and transfer of property to another denomination, and section 2549, which provides property held by a local church that closes vests in the annual conference.

31. The Plaintiffs assert that the Defendants and their agents promised that the Plaintiff Churches could disaffiliate with their property pursuant section 2548.2 or section 2549 as a replacement to section 2553.

32. The UMC Judicial Council, however, expressly ruled neither section 2548.2 (Decision 1449) nor section 2549 of the Discipline (Decision 1512) can be used to disaffiliate. When considering disaffiliation, the UMC Judicial Council has explained that connectionalism is a bedrock principle of the United Methodist constitutional polity, and disaffiliation is a radical departure from connectionalism. Prior to the General Conference enacting section 2553, the Discipline did not provide for disaffiliation of a local church while allowing it to maintain the UMC property as it counter to the bedrock principle of connectionalism and violative of the Trust

Clause. Had sections 2548.2 or 2549 allowed for disaffiliation in such a manner, the General Conference would have no reason to amend the Discipline to temporarily allow disaffiliation through section 2553. Thus, the UMC Judicial Council expressly held that the use of other provisions of the Discipline to circumvent the sunset of section 2553 is unconstitutional under the Discipline.

33. The Plaintiffs brought this action asserting nine causes of action: (1) fraud and fraudulent inducement; (2) breach of fiduciary duty; (3) constructive fraud; (4) breach of contract and the implied covenant of good faith and fair dealing; (5) collusion/conspiracy; (6) promissory estoppel; (7) equitable estoppel; (8) modification of trust; and (9) unjust enrichment. Comp. generally.

34. The Defendants moved to dismiss under West Virginia Rule of Civil Procedure 12(b)(1) for lack of subject-matter jurisdiction. Def. Mot. Dismiss pg. 10. They also seek dismissal of the individual defendants (not including the Conference) under 12(b)(6) for failure to state a claim. They contend the dispute is inherently religious in nature and not subject to judicial scrutiny, and that Plaintiffs' claims are nothing more than objections to ecclesiastical governance. Id. at pg. 19.

### **Conclusions of Law**

1. "[S]ubject-matter jurisdiction ... must exist as a matter of law for the court to act." State ex rel. Dale v. Stucky, 232 W. Va. 299, 303(2013) (quoting State ex rel. Smith v. Thornsberry, 588 S.E.2d 217, 222 (W. Va. 2003)).

2. "Jurisdiction is not related to the rights of the parties but concerns the power to decide a justiciable controversy between the parties." State ex rel. Dale v. Stucky, 232 W. Va. 299, 303(2013) (quoting Hanson v. Board of Education of the County of Mineral, 198 W. Va. 6, 11, n3 (1996)).

3. As the West Virginia Supreme Court explained in Elmore v. Triad Hospitals, a motion

for dismissal based on Rule 12(b)(1) grounds, being jurisdictional, merits the same treatment as personal jurisdiction motions, which cannot be converted to a Rule 56 motion for summary judgment, even though a trial court considers matters outside the pleadings. Elmore v. Triad Hospitals, Inc., 220 W.Va.154, n.7 (2006).

4. The court's role on jurisdictional motions allows the judge “[to] resolve disputed jurisdictional-fact issues, which distinguishes these motions from summary judgment proceedings where the judge simply determines whether any issues of material fact exist that require trial.” Elmore v. Triad Hospitals, Inc., 220 W.Va.154, n.7 (2006).

5. The West Virginia Supreme Court has emphasized the urgency of addressing jurisdictional defects, noting that any decree made by a court lacking jurisdiction is void. State ex rel. Universal Underwriters Insurance Company v. Wilson, 239 W.Va.338, 346 (2017).

6. “[C]ivil courts exercise no jurisdiction” over matters of “church discipline, ecclesiastical government, or the conformity of the members of the church to the standard of morals required of them,” because to allow civil courts into intrude into these matters “would deprive these [religious] bodies of the right of construing their own church laws[.]” Watson v. Jones, 80 U.S. 679, 733-34 (1871).

7. The First Amendment “permit[s] hierarchical religious organizations to establish their own rules and regulations for internal discipline and government, and to create tribunals for adjudicating disputes over these matters.” Hosanna-Tabor Evangelical Lutheran Church & Sch. v. EEOC, 565 U.S. 171, 187 (2012).

8. “When ecclesiastical tribunals decide such disputes . . .the Constitution requires that civil courts accept their decisions as binding upon them[;]” thus, when a civil court inquires “into whether the Church had followed its own procedures,” that civil court has “unconstitutionally undertaken the resolution of quintessentially religious controversies whose resolution the First Amendment commits exclusively to the highest ecclesiastical tribunals of the Church.” Hosanna-



Tabor Evangelical Lutheran Church & Sch. v. EEOC, 565 U.S. 171, 187 (2012).

9. The United States Supreme Court reiterated that courts must abstain from considering “matters purely ecclesiastical,” but only “[i]n the absence of fraud, collusion, or arbitrariness.” Gonzalez v. Roman Catholic Archbishop of Manila, 280 U.S. 1, 16 (1929).

10. “In the absence of fraud, collusion, or arbitrariness, the decisions of the proper church tribunals on matters purely ecclesiastical... are accepted in litigation before secular courts as conclusive. ... . Kedroff v. St. Nicholas Cathedral of Russian Orthodox Church in North America, 344 U.S. 94, n. 23 (1952).

11. Considering whether a church decision “resulted from fraud, collusion, or arbitrariness... does not inject the civil courts into substantive ecclesiastical matters.” Presbyterian Church in U.S. v. Mary Elizabeth Blue Hull, 393 U.S. 440, 451 (1969).

12. Probing into religious law prohibited “[e]xcept that civil tribunals may examine church rulings alleged to be the product of fraud, collusion, or arbitrariness.” MD & VA Eldership of Churches of God v. Church of God, Inc., 396 U.S. 367, n.3 (1970).

13. The West Virginia Supreme Court explained that the “West Virginia Constitution, Article III, Section 15 and the First Amendment to the United States Constitution absolutely forbid civil governments, either through judicial decision or legislative enactment, from interfering in church doctrine or practice[.]” Syl. pt. 1, Brady v. Reiner, 157 W. Va. 10 (1973).

14. “The power of the civil courts to interfere with the internal operations of churches is severely limited by the First Amendment to the Constitution of the United States as applied to the states by the Fourteenth Amendment, and by West Virginia Constitution, Art. III, § 15; therefore, the separation of church and state dictates two distinct approaches to church litigation depending upon whether a given church conforms to a hierarchical church structure where the local churches are connected with and subordinate to the laws, procedures and organs established by the constitution and bylaws of the general church, or alternatively whether the church is

congregational in nature with authority vested in local congregations.” Syl. pt. 1, Board of Church Extension v. Eads, 159 W.Va.943 (1976).

15. The West Virginia Supreme Court, however, also recognized in the hierarchical church exception that “[i]n the absence of fraud, collusion, or arbitrariness, the decisions of the proper church tribunals on matters purely ecclesiastical, although affecting civil rights, are accepted in litigation before the secular courts as conclusive.” Brady v. Reiner, 157 W. Va. 10, 65 (1973) (citing Gonzalez v. Roman Cath. Archbishop of Manila, 280 U.S. 1, 7-8 (1929)).

16. The “arbitrary” exception was explicitly overturned by Board of Church Extension v. Eads, when it held Brady v. Reiner, “is hereby expressly overruled to the extent that its incorporation into West Virginia jurisprudence of the Gonzalez exception is inconsistent with this opinion.” Board of Church Extension v. Eads, 159 W. Va. 943, n.6 (1976).

17. The Supreme Court of Appeals of West Virginia held that “[w]ith regard to disputes within hierarchical churches, civil courts should respect, and where appropriate enforce, the final adjudications of the highest church tribunals, provided that such adjudications are not procured by fraud or collusion.” Syl. pt. 2, Board of Church Extension v. Eads, 159 W. Va. 943 (1976).

18. “With regard to disputes within congregational churches, a civil court may intervene only if it may apply a completely neutral principle of law unsusceptible to a result-oriented rule selection process and the Court is not required to inquire into church doctrine or practice; where a court cannot apply a completely neutral principle to resolve the dispute, it must stay its hand, decline to intervene, and leave the matter in whatever Status quo the machinations of the church itself have brought it.” Syl. pt. 3, Board of Church Extension v. Eads, 159 W.Va.943 (1976).

19. The Supreme Court of Appeals of West Virginia has held that the Defendant, UMC is a hierarchical religious organization thus, the “rule of the [UMC], embodied as it is in the written ecclesiastical law of the church, considered in conjunction with the action of the West Virginia Annual Conference of The United Methodist Church, constitutes a judgment of a church tribunal

which is absolutely conclusive upon this Court as to the matters contained therein.” Brady v. Reiner, 157 W. Va. 10, 65 (1973).

20. “This rule of the church, [UMC] embodied as it is in the written ecclesiastical law of the church, considered in conjunction with the action of the West Virginia Annual Conference of The United Methodist Church, constitutes a judgment of a church tribunal which is absolutely conclusive upon this Court as to the matters contained therein.” Brady v. Reiner, 157 W. Va. 10, 65 (1973).

21. A final adjudication from a church tribunal refers to the binding decision made by the highest ecclesiastical authority of a hierarchical religious organization on matters of faith, discipline, church law, custom or government. “In other words, it refers to the body internal to the church which made the final disposition of the matter which subsequently gave rise to the case at hand. It does *not* mean that a civil court need only defer to the “highest” decision-making body of the church and may ignore the others. Rather, it means that the civil court must defer to the highest body to which the matter had been carried prior to reaching the civil court.” Young v. Northern Illinois Conference of United Methodist Church, 21 F.3d 184, n. 2 (1994).

22. “According to the ecclesiastical law of The United Methodist Church, titles to property held by trustees of a local church are held in trust for the general church,” and therefore, “the action of the general church through the trustees appointed by its West Virginia Annual Conference to recover the local church property, not being the product of fraud, collusion or arbitrary conduct, is absolutely conclusive upon the civil courts and will be respected and enforced by the courts of this State.” Syl. pt. 10, Brady v. Reiner, 157 W. Va. 10 (1973).

23. “When one joins a church and contributes of his time and property to the improvement of the church, he does so with the recognition that, as a condition of membership, that he submits himself to the doctrine and rule of the church.” Syl. pt. 16, Brady v. Reiner, 157 W. Va. 10 (1973).

24. “Civil courts freely recognize and affirm the right of any individual or group to leave, abandon or separate from membership in a church. Upon separation, however, such person may not take with him the property of the church departed from, since such property, in absence of agreement with the church, remains under the jurisdiction and control of the church.” Syl. pt. 17, Brady v. Reiner, 157 W. Va. 10 (1973).

### **Analysis**

#### **Subject-Matter Jurisdiction**

The Defendants seek dismissal under West Virginia Rule of Civil Procedure 12(b)(1), arguing this Court lacks subject-matter jurisdiction under the ecclesiastical abstention doctrine. Thus, the first issue the Court must address is does the Court have subject-matter jurisdiction over this case. “[S]ubject-matter jurisdiction must exist as a matter of law for the court to act.” State ex rel. Dale v. Stucky, 752 S.E.2d at 334 (2013) (quoting State ex rel. Smith v. Thornsberry, 588 S.E.2d 217, 222 (W. Va. 2003). “Jurisdiction is not related to the rights of the parties but concerns the power to decide a justiciable controversy between the parties.” Id.

In West Virginia, a motion to dismiss for lack of subject matter jurisdiction is governed by Rule 12(b)(1) of the West Virginia Rules of Civil Procedure. The standard requires that courts dismiss an action whenever they determine they lack subject-matter jurisdiction, and this determination can be made at any time during the proceedings, even sua sponte by the court. Elmore v. Triad Hospitals, Inc., 220 W.Va. 154, n.7 (2006). The Court, under Rule 12(b)(1) has broad authority to consider evidence beyond the pleadings without converting the motion to summary judgment. Id. As the West Virginia Supreme Court explained in Elmore v. Triad Hospitals, a motion for dismissal based on Rule 12(b)(1) grounds, being jurisdictional, merits the same treatment as personal jurisdiction motions, which cannot be converted to a Rule 56 motion for summary judgement, even though a trial court considers matters outside the pleadings. Id. This authority extends to resolving factual disputes. The court's role on jurisdictional motions

allows the judge “[to] resolve disputed jurisdictional-fact issues, which distinguishes these motions from summary judgment proceedings where the judge simply determines whether any issues of material fact exist that require trial.” Id. The West Virginia Supreme Court has emphasized the urgency of addressing jurisdictional defects, noting that any decree made by a court lacking jurisdiction is void State ex rel. Universal Underwriters Insurance Company v. Wilson, 239 W.Va. 338, 346 (2017). “When courts lack subject matter jurisdiction, they direct the circuit court to dismiss [claims] without prejudice for want of subject matter jurisdiction.” Id.

### **West Virginia Ecclesiastical Abstention Doctrine**

The ecclesiastical abstention doctrine which is the basis of the Defendants’ motion, emerged prominently from the United States Supreme Court’s 1872 decision in Watson v. Jones, holding that “civil courts exercise no jurisdiction” over matters of “church discipline, ecclesiastical government, or the conformity of the members of the church to the standard morals required of them,” because to allow civil courts into intrude into these matters “would deprive these [religious] bodies of the right of construing their own church laws[.]” Watson v. Jones, 80 U.S. 679, 733-34 (1871). The First Amendment “permits hierarchical religious organizations to establish their own rules and regulations for internal discipline and government, and to create tribunals for adjudicating disputes over these matters.” Hosanna-Tabor Evangelical Lutheran Church & Sch. v. EEOC, 565 U.S. 171, 187 (2012). Accordingly, “[w]hen ecclesiastical tribunals decide such disputes . . . the Constitution requires that civil courts accept their decisions as binding upon them[;]” thus, when a civil court inquires “into whether the Church had followed its own procedures,” that civil court has “unconstitutionally undertaken the resolution of quintessentially religious controversies whose resolution the First Amendment commits exclusively to the highest ecclesiastical tribunals of the Church.” Id.

There is, however, an exception to the ecclesiastical abstention doctrine which was recognized in Gonzalez v. Roman Catholic Archbishop of Manila, 280 U.S. 1, 16 (1929). There,

the United States Supreme Court reiterated that courts must abstain from considering “matters purely ecclesiastical,” but only “[i]n the absence of fraud, collusion, or arbitrariness.” *Id.* See also Kedroff v. St. Nicholas Cathedral of Russian Orthodox Church, 344 U.S. 94 n.23 (1952) (“In the absence of fraud, collusion, or arbitrariness, the decisions of the proper church tribunals on matters purely ecclesiastical... are accepted in litigation before secular courts as conclusive”); Presbyterian Church in U.S. v. Mary Elizabeth Blue Hull, 393 U.S. 440, 451 (1969)(considering whether a church decision “resulted from fraud, collusion, or arbitrariness... does not inject the civil courts into substantive ecclesiastical matters”); MD & VA Eldership of Churches of God v. Church of God, Inc., 396 U.S. 367 n.3 (1970) (probing into religious law prohibited “[e]xcept that civil tribunals may examine church rulings alleged to be the product of fraud, collusion, or arbitrariness”).

In Brady v. Reiner, the Supreme Court of Appeals of West Virginia adhered to the United States Supreme Court’s “commandment” and required secular courts in West Virginia to respect and enforce the decisions of hierarchical church tribunals adopting the ecclesiastical abstention doctrine. West Virginia's ecclesiastical abstention doctrine derives from dual constitutional sources. In Brady v. Reiner, the West Virginia Supreme Court explained that the “West Virginia Constitution, Article III, Section 15 and the First Amendment to the United States Constitution absolutely forbid civil governments, either through judicial decision or legislative enactment, from interfering in church doctrine or practice[.]” Syl. pt. 1, Brady v. Reiner, 157 W. Va. 10, 65 (1973). The West Virginia Supreme Court, however, also recognized in Gonzalez v. Roman Cath. Archbishop of Manila, the hierarchical church exception that “[i]n the absence of fraud, collusion, or arbitrariness, the decisions of the proper church tribunals on matters purely ecclesiastical, although affecting civil rights, are accepted in litigation before the secular courts as conclusive.” 280 U.S. 1, 16 (1929). The “arbitrary” exception was explicitly overturned by Board of Church Extension v. Eads, 159 W.Va.943, n.6 (1976), when it held Brady v. Reiner, “is

hereby expressly overruled to the extent that its incorporation into West Virginia jurisprudence of the Gonzalez exception is inconsistent with this opinion.” Specifically, in Board of Church Extension v. Eads, the West Virginia Supreme Court of Appeals held that “[w]ith regard to disputes within hierarchical churches, civil courts should respect, and where appropriate enforce, the final adjudications of the highest church tribunals, provided that such adjudications are not procured by fraud or collusion.” Syl. pt. 2, Board of Church Extension v. Eads, 159 W.Va. 943 (1976).

For congregational churches, courts may exercise more limited review. Regarding disputes “within congregational churches, a civil court may intervene only if it may apply a completely neutral principle of law unsusceptible to a result-oriented rule selection process and the Court is not required to inquire into church doctrine or practice.” Syl. pt. 3, Board of Church Extension v. Eads, 159 W.Va. 943 (1976). “Where a court cannot apply completely neutral principles, it must stay its hand, decline to intervene, and leave the matter in whatever status quo the machinations of the church itself have brought it.” Id.

Thus, West Virginia courts apply different standards based on church organizational structure. The separation of church and state dictates two distinct approaches to church litigation depending upon whether a given church conforms to a hierarchical church structure where the local churches are connected with and subordinate to the laws, procedures and organs established by the constitution and bylaws of the general church, or alternatively whether the church is congregational in nature with authority vested in local congregations. Syl. pt. 1, Original Glorious Church of God in Christ, Inc. of Apostolic Faith v. Myers, 179 W. Va. 255 (1988).

Moreover, a hierarchical church is less prone to court intrusion. The reason being is that hierarchical churches have their “own general law, procedure, and organs for the authoritative resolution of internal disputes” and “gives some assurance of the continued institutional stability.” Brady v. Reiner, 157 W. Va. 10, 36 (1973). Congregational churches on the other hand

are more prone to court intrusion. The reason being is that a “local congregation is autonomous and subject to majority rule, the danger of manipulation by a shifting and impermanent temporal majority so as to hasten deviations from established doctrine and usage is greater and consequently invites more frequent and intrusive judicial scrutiny.” Id.

The Supreme Court of Appeals of West Virginia has held that the Defendant, UMC is a hierarchical religious organization thus, the “rule of the [UMC], embodied as it is in the written ecclesiastical law of the church, considered in conjunction with the action of the West Virginia Annual Conference of The United Methodist Church, constitutes a judgment of a church tribunal which is absolutely conclusive upon this Court as to the matters contained therein.” Brady v. Reiner, 157 W. Va. 10, 65 (1973). Accordingly, decisions by the UMC governing bodies, such as the UMC’s respective General and Annual Conferences and Judicial Counsel, must be respected and enforced by this Court as final adjudications of the highest church tribunal and this Court, only has jurisdiction if a final adjudication is procured by fraud or collusion.

A final adjudication from a church tribunal refers to the binding decision made by the highest ecclesiastical authority of a hierarchical religious organization on matters of faith, discipline, church law, custom or government. “In other words, it refers to the body internal to the church which made the final disposition of the matter which subsequently gave rise to the case at hand. It does *not* mean that a civil court need only defer to the “highest” decision-making body of the church and may ignore the others. Rather, it means that the civil court must defer to the highest body to which the matter had been carried prior to reaching the civil court.” Young v. Northern Illinois Conference of United Methodist Church, 21 F.3d 184, n. 2 (1994).

In this case, the Plaintiffs seek relief based on nine distinct causes of action recognized under West Virginia civil law: (1) fraud and fraudulent inducement; (2) breach of fiduciary duty; (3) constructive fraud; (4) breach of contract and the implied covenant of good faith and fair dealing; (5) collusion/conspiracy; (6) promissory estoppel; (7) equitable estoppel; (8)



modification of trust; and (9) unjust enrichment. Comp. generally. All the claims, except for number (8), assert fraud and collusion by the Defendants as the basis of the claim. To summarize the fraud and collusion asserted by the Plaintiffs is that the Defendants “have blatantly lied” by making “deliberate and material misrepresentations knowing the Plaintiffs would rely on them to their detriment.” Pl. Reply Mot. pg. 1. Basically, the Plaintiffs assert that the Defendants lied about how the application of section 2553, 2548.2 and 2549 of the Discipline affected their ability to disaffiliate. The issue the Court must decide to find subject-matter jurisdiction is whether any of the decisions by the Defendants, which impacted the Plaintiffs attempt to disaffiliate, were procured by fraud and collusion.

### **Section 2553 of the Discipline**

The first decision asserted by the Plaintiffs as procured by fraud or collusion is regarding the August 2022 application made by the Plaintiffs to the Defendants to disaffiliate. The Plaintiffs assert that “[i]n or around August 2022, Defendants informed Plaintiff Churches that they did not qualify for disaffiliation under ¶2553 because nothing had yet changed in the Discipline and the Conference had not taken any actions that would give the Plaintiffs the ability to utilize that Paragraph which was an alternate interpretation than utilized across the majority of the conferences in the United States.” Comp. 83. The change referenced is the implementation of the human sexuality issues addressed in the Plaintiffs’ Complaint. The Plaintiffs claim they were entitled to use section 2553 and had an absolute right to disaffiliate but the West Virginia Annual Conference’s decided that the Plaintiffs did not qualify to disaffiliate under section 2553 which was based on fraud and collusion. The Court, however, finds that the Plaintiffs were not entitled to use section 2553, regardless of the Defendants’ fraud and collusion.

Shortly after section 2553 was passed by the UMC General Conference in February of 2019, the UMC Judicial Council reviewed section 2553 in the context of the Discipline and clarified section 2553 in its April 25, 2019, Decision 1379. The Decision stated that the process

of disaffiliation by a local church under section 2553 is not finalized until a simple majority of the annual conference acts to approve the motion for disaffiliation. Def. Mot. Dismiss, Ex. D. The UMC Judicial Council made clear that the Discipline authorizes the annual conference to approve or not approve any application for disaffiliation and in one of its other opinions on the application of section 2553, Decision 1421, stated “the annual conference as the basic body in the church that has the reserved right to make final decisions regarding disaffiliation of local churches within its boundaries.” Def. Mot. Dismiss Ex. E. Accordingly, Judicial Council’s Decision 1379, held that no absolute right to disaffiliate under section 2553 ever existed but was contingent on the West Virginia Annual Conference’s approval. Thus, when the Plaintiffs allege that Defendants found the Plaintiffs did not qualify to disaffiliate under section 2553, Defendants were well within their rights to make this decision under the Discipline, as interpreted by the UMC’s Judicial Council.

Under section 2608 of the Discipline, the Plaintiffs had the right to appeal the action taken by Defendants concerning their application for disaffiliation under section 2553, before UMC’s Judicial Council who had previously reviewed and issued decisions concerning section 2553. The Judicial Council has the jurisdiction to pass upon, affirm, modify, or reverse decisions of law made by bishops in central, district, annual, or jurisdictional conferences upon questions of law. The Plaintiffs, however, chose not to avail themselves of this right.

Moreover, if this Court were to allow Plaintiffs to disaffiliate as a matter of right without approval from the West Virginia Annual Conference as requested, it must overturn or reject the decision of the UMC’s General Conference limiting the duration of section 2553 and the decision of the UMC Judicial Council Decision 1379, explicitly holding that the Discipline requires that the annual conferences have the right to approve or disapprove of a local church’s ability to disaffiliate under section 2553. It must overturn these final adjudications by these UMC governing bodies with no fraud or collusion being alleged.

## **Section 2549 and 2548.2 of Discipline**

The second decision by the Defendants which impacted the Plaintiffs attempt to disaffiliate was regarding section 2549 and 2548.2 of the Discipline and the Judicial Council's October 26, 2024, decision directly addressing these sections. In support of their Complaint, Plaintiffs allege that various agents of the West Virginia Annual Conference promised if Plaintiffs wished to disaffiliate after the May 2024 Conference they would be entitled to do so. Comp. at para. 85-86, 106-107, 160. Putting aside whether such promises were made, what is critical is whether disaffiliation can be accomplished by section 2549 or 2548.2 and act as a substitute for section 2553. This question, however, was not left to various agents of the West Virginia Annual Conference but rather was decided by the UMC Judicial Council.

The UMC Judicial Council is constitutionally endowed with the right to pass upon decisions of law made by bishops of the annual conference, and to pass upon, affirm, modify, or reverse decisions of law made by bishops in central, district, annual, or jurisdictional conferences upon questions of law. Further, the Judicial Council shall have jurisdiction to make a ruling in the nature of a declaratory decision as to the constitutionality, meaning, application, or effect of the Discipline or any portion thereof and all decisions of the Judicial Council shall be final. On October 26, 2024, in Decision 1512, the Judicial Council directly addressed whether section 2549 could be used as a substitute for disaffiliation after the sunset of section 2553, stating:

With the expiration and deletion of ¶2553, the postponed 2020 General Conference effectively removed from The Book of Discipline, 2016, [hereinafter Discipline] the only pathway for the disaffiliation of local churches. Except for the General Conference, no body or entity in the Church has the power to reinstate or replicate ¶2553 or adopt legislation, policies, guidelines, rules, or regulations authorizing the departure of local churches. Any such action, plan, or attempt to do so intrudes upon the exclusive prerogative of the General Conference and is unconstitutional, null, and void.

Further, ¶2549 cannot be construed or used as legislation permitting the “gracious exit” of local churches because it applies to church closure and the sale of property, not disaffiliation. Any application of ¶2549 to that end would be a misapplication of Church law. See Def. Mot. Dismiss Ex. A.

As is clear from this binding decision from the Judicial Council, “no body or entity in the Church has the power to reinstate, or replicate section 2553 or adopt legislation, policies, guidelines, rules, or regulations authorizing the departure of local churches” Id. This would obviously include any one of the Defendants named in this action. Thus, even though Decision 1512 occurred after the alleged statements upon which Plaintiffs base their fraud, collusion, and equitable claims, Defendants’ refusal to allow Plaintiffs to disaffiliate under section 2549 was in accord with the dictates of the Discipline as subsequently interpreted by UMC’s highest judicial tribunal, the UMC Judicial Council.

The Plaintiffs’ Complaint also suggests that section 2548.2 of the Discipline can be used for disaffiliation. Comp. para. 141, sub-para. d. The UMC Judicial Council, however, held on August 22, 2022, Decision 1449 that section 2548.2 of the Discipline could no longer be used to disaffiliate. See Def. Mot. Dismiss Ex. B. Just like section 2549, the UMC’s Judicial Council’s decision on this matter is a final adjudication and the Plaintiffs cannot request that this Court essentially overturn the UMC’s highest judicial tribunal decision, and in contravention of its decision, allow Plaintiffs to disaffiliate under section 2548.2.

Furthermore, the Plaintiffs assert that fraud and collusion was conducted by various agents of the West Virginia Annual Conference; however, this is not the standard for the Court to find subject-matter jurisdiction. The individual fraudulent promises and collusion asserted by the Plaintiffs by individual agents of the West Virginia Annual Conference do not constitute a final adjudication by the UMC’s governing bodies. There must be a final adjudication (a decision) by the highest church tribunal (UMC governing bodies, such as the UMC’s respective annual conferences and Judicial Counsel) procured by fraud or collusion for this Court to find subject-matter jurisdiction. A final adjudication from a church tribunal refers to the binding decision made by the highest ecclesiastical authority of a hierarchical religious organization on matters of faith, discipline, church law, custom or government. The Judicial Counsel’s Decision 1512 and

1449 were final adjudications by the UMC's governing judicial body, but the Plaintiffs do not allege that either of these decisions were obtained by some fraud or collusion.

### **Trust Clause**

Finally, regarding Count (8) of the Plaintiffs' Complaint to terminate or reform the Trust Clause, the Court finds it has no subject-matter jurisdiction. The Plaintiffs assert that "it was their intent and understanding that the terms of any trust created by the Discipline would still allow them to disaffiliate, if necessary, without abandoning their long-held church property." Comp. para. 188. The "Plaintiff Churches also intended and understood that, pursuant to the terms of the Discipline, they would be the trustee of any trust in which they placed their church property and as such, would be able to exercise all authority and powers vested in trustees under West Virginia law." Id. at para. 190. The Supreme Court of Appeals of West Virginia, however, has already specifically addressed the issue raised by the Plaintiffs in Brady v. Reiner. (quoting "The basic question presented by this appeal is whether a local parish or affiliate of The United Methodist Church has a right to withdraw from that church and take with it to the formation of an independent church such property, real and personal, accumulated, controlled and used by the local church over the years?").

In Brady v. Reiner, a local church sought to leave the UMC but keep its property, notwithstanding the Trust Clause of the Discipline. The Brady Court held that "[a]ccording to the ecclesiastical law of The United Methodist Church, titles to property held by trustees of a local church are held in trust for the general church," and therefore, "the action of the general church through the trustees appointed by its West Virginia Annual Conference to recover the local church property, not being the product of fraud [] [or] collusion [...], is absolutely conclusive upon the civil courts and will be respected and enforced by the courts of this State." Syl. pt. 10 Brady v. Reiner, 157 W. Va. 10 (1973). The Plaintiffs in this case do not allege any fraud or collusion regarding the Trust.

Even if the Court had such jurisdiction, the West Virginia Supreme Court of Appeals has already rejected what the Plaintiffs seek in this case, property. The West Virginia Supreme Court held that “[w]hen one joins a church and contributes of his time and property to the improvement of the church, he does so with the recognition, as a condition of membership, that he submits himself to the doctrine and rule of the church.” Syl. pt. 16, Brady v. Reiner, 157 W. Va. 10 (1973). Thus, while “[c]ivil courts freely recognize and affirm the right of any individual or group to leave, abandon or separate from membership in a church,” “[u]pon separation, however, such person may not take with him the property of the church departed from, since such property, in absence of agreement with the church, remains under the jurisdiction and control of the church.” Id. at Syl. pt. 17.

### **Conclusion**

**WHEREFORE**, based on the foregoing, this Court **ADJUDGES, ORDERS**, and **DECLARES**, that it does not have subject-matter jurisdiction in this case and **GRANTS** the Defendants’ Motion to Dismiss.

**/s/ Ryan J. Flanigan**  
Circuit Court Judge  
13th Judicial Circuit

Note: The electronic signature on this order can be verified using the reference code that appears in the upper-left corner of the first page. Visit [www.courtswv.gov/e-file/](http://www.courtswv.gov/e-file/) for more details.