



West Virginia E-Filing Notice

CC-28-2024-C-272

Judge: Ryan Flanigan

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NOTICE OF FILING

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

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IN THE CIRCUIT COURT OF MERCER COUNTY, WEST VIRGINIA

Trustees of Madison United Methodist Church, *et al.*

Plaintiffs,

v.

**Civil Action No. 24-C-272
Judge: Ryan Flanigan**

**Trustees of the West Virginia Conference of the
United Methodist Church, *et al.***

Defendants.

**DEFENDANTS' RESPONSE IN OPPOSITION TO PLAINTIFFS' MOTION TO
ALTER OR AMEND JUDGMENT AND FOR CLARIFICATION AND FACTUAL
FINDINGS PURSUANT TO RULES 52(b) and 59(e)**

Defendants, by and through counsel, respond and oppose Plaintiffs' Motion to Alter or Amend Judgment and for Clarification and Factual Findings Pursuant to Rules 52(b) and 59(e).

I. INTRODUCTION

In their Motion to Amend or Alter and Motion for Clarification, Plaintiffs disagree with and attempt to amend this Court's Order Granting Defendants' Motion to Dismiss Under Rule 12(b)(1) of the West Virginia Rules of Civil Procedure for lack of jurisdiction. However, when closely examined, Plaintiffs actually disagree with the decisions of the United Methodist Church's Judicial Council because it forecloses the claims and relief sought by Plaintiffs, not this Court. Under clear and binding law set forth by the United States Supreme Court and the Supreme Court of Appeals of West Virginia, these decisions by the UMC Judicial Council are "absolutely conclusive" upon this Court, and in its Order, this Court correctly gave those decisions conclusive effect. The Court has no jurisdiction to offer its own judgment on issues of ecclesiastical law of the UMC as interpreted by UMC's highest ecclesiastical tribunal, as detailed in its Order.

In other instances, Plaintiffs also try to advance arguments or use evidence for the first time that could have been raised in their response brief or at the hearing on Defendants' motion. This is untimely and improper under Rule 52(b) and Rule 59(e). This alone forecloses this Court from granting Plaintiffs' two motions. Nevertheless, these untimely arguments and evidence are also fatally flawed because they would require the Court to ignore or reject clear decisions of the UMC Judicial Council that are dispositive of the claims made and relief sought by Plaintiffs. No argument raised by Plaintiffs in their motions affords the Court jurisdiction to contradict, overrule, or substitute its judgment for the decisions of the UMC's highest ecclesiastical tribunals. Therefore, Plaintiffs instant motions should be denied.

II. STANDARD OF REVIEW

Pursuant to Rule 59(e) of the West Virginia Rules of Civil Procedure, such a motion “. . . calls into question the correctness of a judgment. It may be invoked to correct manifest errors of law or fact, or to present newly discovered evidence.” Palmer, Louis J., *Litigation Handbook on West Virginia Rules of Civil Procedure*, 1529 (6th ed. 2025)(citing *Central Microfilm Serv. V. Basic/Four Corp.*, 688 F.2d 1206 (8th Cir. 1982). “Relief under Rule 59(e) is an **extraordinary remedy** reserved for the exceptional case.” *Id.* at 1530 (citing *Martin v. Actavis Pharma, Inc.* No.22-2664 (7th Cir. June 20, 2023)(emphasis added). A remedy under Rule 59(e) only where “(1) there is an intervening change in the controlling law; (2) new evidence not **previously available** comes to light; (3) it becomes necessary to remedy a clear error of law or (4) to prevent an obvious injustice.” *Id.* at 1531 (citing *Mey v. Pep-Boys-Manny, Moe & Jack*, 717 S.E.2d 235 (2011) (emphasis added). Critically, the new evidence must be “significant enough that, had it been presented at trial, the jury’s decision would have been different.” A Rule 59(e) motion “**is not**

appropriate for presenting new issues or evidence that could have previously been argued. *Id.* at 1532 (citing *Carroll v. Nakatani*, 342 F.3d 934 (9th Cir. 2003))(emphasis added).

Pursuant to Rule 52(b) of the West Virginia Rules of Civil Procedure, a trial court may amend its findings, make additional findings, or amend a judgment. “The general purpose of Rule 52(b) is to provide the trial court with ‘an opportunity to correct manifest errors of law or fact, or in some limited situations, to present newly discovered evidence.’” Palmer, *Litigation Handbook*, at 1349 (2025 6th ed.) (quoting *United States v. Local 1804-1, Int’l Longshoremen’s Ass’n*, 831 F. Supp. 167 (S.D.N.Y. 1993)) (emphasis added). Critically, the “rule is not intended as a device ‘to all the parties to relitigate old issues, to advance new legal theories, or re-hear the merits of a case.’” *Id.* (quoting *Diebitz v. Arreola*, 834 F. Supp. 298 (E.D. Wis. 1993)). Further, when a motion to amend is filed under Rule 52(b) for “findings that does not alter the outcome, if granted, [it] should be refused.” *Id.* at 1350 (citing *Weyerhaeuser Co. v. Atropos Island*, 777 F.2d 1344 (9th Cir. 1985)).

III. ARGUMENT

A. Motion to Amend or Alter Judgment

1. Plaintiffs Cannot Raise New Arguments or Proffer New Evidence Previously Available.

In an effort to persuade this Court to ignore or reject the UMC Judicial Council’s ruling in Decision 1512 and allow them to disaffiliate under Section 2549 of the Discipline, Plaintiffs argue that Decision 1512 should not be applied retroactively and provides affidavits to assert that the Defendants allowed others local churches to “disaffiliate” under Section 2549 before the UMC Judicial Council issued Decision 1512. Plaintiffs’ retroactivity argument and affidavits, however, were reasonably available to timely oppose Defendants’ Motion to Dismiss and cannot belatedly be offered under Rule 52(b) or Rule 59(e) to seek to amend this Court’s judgment.

Critically, Rule 59(e) “is not intended as a device ‘to all the parties to relitigate old issues, to advance new legal theories, or re-hear the merits of a case.’” Palmer, *Litigation Handbook*, at 1349 (quoting *Diebitz v. Arreola*, 834 F. Supp. 298 (E.D. Wis. 1993)). Likewise, a “Rule 52(b) motion should not be employed to introduce evidence that was available at trial but was not proffered, to relitigate old issues, to advance new theories, or to secure a rehearing on the merits.” *Power Integrations, Inc. v. Fairchild Semiconductor Int’l, Inc.*, 762 F. Supp. 2d 710, 718 (D. Del. 2011).

Initially in their Memorandum of Law in Support of its Motion to Dismiss and again in their Reply brief, Defendants extensively discussed the UMC Judicial Council’s Decision 1512 and its conclusive effect on this Court and the West Virginia Annual Conference. Mem. of Law at 13-16; Reply at 3-5. In fact, Defendants not only discussed Decision 1512, but they also discussed several UMC Judicial Council’s decisions and their conclusive effect on this Court. *See id.* at 11-13; Reply at 3-5. Yet, in their response, Plaintiffs failed to mention a single decision by the UMC Judicial Council let alone explain how this Court could ignore or reject those decisions. Now, after this Court recognized the conclusiveness of the UMC’s Judicial Decisions and dismissed their Complaint in its entirety for lack of jurisdiction, Plaintiffs for the first time argue that this Court may allow them to disaffiliate under Section 2549 because Decision 1512 should not be applied retroactively. When an argument is made for “the first time in a motion to alter or amend judgment, that argument is waived.” Palmer, *Litigation Handbook*, at 1532 (citing *Gray v. White*, 2021 WL 5346743 (5th Cir. 2021)) (emphasis added). Indeed, it is presumed that the entire basis of this motion is a last-ditch effort by Plaintiff to get an argument on the record for appeal purposes that at least appears to try and refute the basis of Defendants Rule 12(b)(1) Motion to Dismiss.

Therefore, Plaintiffs' retroactivity argument concerning the application of Decision 1512 is untimely and waived.

Likewise, the affidavits provided by Plaintiffs in an effort to persuade this Court to amend its Order are untimely. Critically, under Rule 59(e) "a party who relies on newly discovered evidence must produce a legitimate justification for not presenting the evidence during the earlier proceeding." Palmer, *Litigation Handbook*, at 1531 (citing *Mey*, 717 S.E.2d at 235). Further, to prevail on a Rule 59(e) motion based on new evidence, "at a minimum" the "movant must show (1) that the evidence was discovered after the court's order; (2) that the movant exercised diligence to obtain the evidence before entry of the order, (3) that the evidence is not merely cumulative or impeaching, (4) that the evidence is material, and (5) that the evidence would probably have produced a different result. Plaintiffs do not attempt to and cannot meet these "minimum" requirements.

In their initial Memorandum of Law in Support of its Motion to Dismiss filed on January 21, 2025, the Defendants explained that the UMC Judicial Council expressly held in Decision 1512 that the use of other provisions of the *Discipline* to circumvent the sunset of Section 2553 is unconstitutional. By stipulation of the parties, Plaintiffs received three months to respond to Defendants' Motion to Dismiss, and the hearing on Defendants' Motion was held approximately two months later on June 9, 2025. *See e.g.*, Defs.' Mem of Law at 3-16. Plaintiffs then had almost an additional five (5) months before the Court entered its Order to ask for leave to supplement its opposition to Defendants' Motion. The affidavits offered by Plaintiffs are dated only three weeks after this Court granted Defendants' Motion to Dismiss. *See* Pls.' Mot. at Ex. A, Ex. B. Plaintiff had more than sufficient time to gather these affidavits before responding to the Motion to Dismiss, appearing before this Court at the hearing on the Motion to Dismiss, and receiving the Court's

Order granting Defendants’ Motion to Dismiss. Thus, the affidavits are not new or previously unavailable evidence, but, instead, are evidence that was reasonably available to Plaintiffs when responding to the Motion to Dismiss and appearing at oral argument on the same. Therefore, Plaintiffs’ untimely retroactivity argument and affidavits proffered in support of allowing them to disaffiliate under Section 2549 should not be considered, and this Court should deny Plaintiffs’ Rule 52(b) and Rule 59(e) motions.

2. Plaintiffs Untimely Argument Also Lacks Merit and Does Not Change the Outcome of the Court’s Order.

The untimely arguments advanced by Plaintiff seeking disaffiliation under Section 2549 fail to address a critical and dispositive point upon which this Court Order rests- the controlling United States Supreme Court and West Virginia authority, which unequivocally hold that the decisions of the hierarchical church are absolutely conclusive upon the civil courts in the absence of fraud. *See* Or. at ¶¶ 6-22. This Court acknowledged several decisions by the UMC Judicial Council that prohibit the relief sought by Plaintiffs.

In Paragraph 15 of its Order, this Court found that “the General Conference has the full legislative power over all matters distinctively connectional, including sole responsibility for enacting or amending the provisions of the *Discipline*.” *See* Or. at ¶15. Exercising the authority afforded by the *Discipline*, the General Conference passed a temporary amendment of the *Discipline*, Section 2553, affording the limited right to disaffiliate from the UMC for reasons of conscience until its sunset on December 31, 2023. Or. at ¶¶ 19-22.

In Paragraph 17 of its Order, this Court found that “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.” Or. at ¶17. The Court further found that the UMC Judicial Council had exercised its authority afforded by the *Discipline* and has issued decisions addressing disaffiliation with respect to Sections 2553 and 2549 of the *Discipline*. Or. at ¶¶ 24-25, 32.

In discussing Decision 1379 by the UMC Judicial Council, this Court acknowledged that the Judicial Council held that there was no absolute right to disaffiliate under Section 2553. Or. at 17. Specifically, in Decision 1379, as noted by this Court, the UMC Judicial Council explained that Section 2553 must be construed in relation to other pertinent paragraphs of the *Discipline* and pointed to Paragraph 2529 which provides a local church under the *Discipline* “cannot sever its connectional relationship to The United Methodist Church without the consent of the annual conference.” This Court further observed in Paragraph 33 of its Order that this decision of the UMC Judicial Council reserves the right for the annual conference to make final decisions regarding the disaffiliation of local churches within its boundaries. Further, the Court recognized that Decision 1379 of the UMC Judicial Council made clear that to allow for disaffiliation under Section 2553 without the approval of the annual conference would be unconstitutional. Or. at 17. In Decision 1421, also discussed by this Court, the UMC Judicial Council applied its ruling in Decision 1379 and re-affirmed that the “annual conference at the basic body in the Church has the reserved right to make final decisions regarding the disaffiliation of local churches within its boundaries.” Or. at 17 (citing Decision 1421). Thus, this Court recognized that if it allowed Plaintiffs to disaffiliate without the consent of the West Virginia Annual Conference, it must overturn or reject decisions of the UMC Judicial Council without any allegations of fraud or collusion by the UMC Judicial Council. *Id.*

Similarly, this Court found the UMC Judicial Council expressly held in Decision 1512 that Section 2549 of the Discipline could not be used to disaffiliate. Or. at ¶32. If Section 2549 had provided for disaffiliation, the General Conference had no reason to amend the Discipline to temporarily allow disaffiliation under Section 2553. *Id.* This Court presented the question as whether Section 2549 could be used as a substitute or alternative for Section 2553 and quoted the express answer of the UMC Judicial Council in Decision 1512:

With the expiration and deletion of ¶2553, the postponed 2020 General Conference effectively 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 authoring 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.

Id. at 18. This Court found that Decision 1512, like Decisions 1379 and 1421, was the final adjudication by the UMC’s governing judicial body, and Plaintiffs do not allege that its decision was obtained by some fraud or collusion. *Id.* at 18-20. Thus, under this proper legal analysis by the Court, which is clearly set forth in its Order, the UMC Judicial Council decisions are conclusive and binding on this Court.

Seeking to circumvent the expiration of Section 2553 and the Trust Clause, Plaintiffs again ask this Court to permit disaffiliation under Section 2549, arguing that the UMC Judicial Council’s Decision 1512 should not be applied retroactively¹ and offering the proffered affidavits to assert

¹ Plaintiffs rely on West Virginia law concerning the retroactive application of statutes when arguing the UMC Judicial Council’s Decision 1512 should not be applied prior to the date of that decision. Because the *Discipline* is rooted in the “bedrock principle” of “connectionalism,” this Court should not apply secular law to decide when to apply certain sections of the *Discipline*. This

that Defendants allowed disaffiliation prior to the Judicial Council issuing Decision 1512. Even if the West Virginia Annual Conference allowed certain local churches to leave the UMC under Section 2549 before the UMC Judicial Council’s Decision 1512 in October 2024, it does not permit this Court to allow Plaintiffs to disaffiliate under Section 2549 now. First, the UMC Judicial Council held there is no absolute right to disaffiliation and made clear local church cannot sever its connectional relationship to the UMC without the consent of the annual conference. Or. at 16-18. Thus, the Court cannot allow Plaintiffs to disaffiliate absent such consent without impeding on the right afforded to the West Virginia Annual Conference by the *Discipline*. Moreover, forcing the West Virginia Annual Conference to consent to disaffiliation under Section 2549 after the UMC Judicial Council’s Decision 1512 would be no different than forcing the West Virginia Annual Conference to allow for disaffiliation under Section 2553 after it has sunset, both actions violate the *Discipline* and usurp the sole authority of the highest tribunals of the UMC. Additionally, Plaintiffs’ arguments ignore this Court’s conclusion that it cannot examine and reject the UMC Judicial Council’s decisions as there are no allegations that these decisions were procured through fraud or collusion.

Therefore, if this Court were to grant Plaintiffs’ motion, and alter or amend its Order as requested, this Court would be taking actions that the UMC Judicial Council has expressly held are unconstitutional under the *Discipline*. As thoroughly explained in its Order, this Court must accept the UMC Judicial Council’s decisions as binding of it and does not have jurisdiction to hear

is clearly the sole province of the UMC and its judicial body, not a secular court. In addition, Plaintiffs lose sight of the forest for the trees when focusing on the single use of the word “now” in Decision 1512. As clearly stated in Decision 1512, “if ¶2549 had been drafted to allow for disaffiliation, there would not have been a need for passing ¶2553 during the Special General Conference in 2019.” Thus, as stated in this Court’s Order, “any application of ¶2549 to that end [disaffiliation] would be misapplication of Church law.” Or. at *18.

the claims made and afford the relief sought in Plaintiffs' Complaint. Accordingly, this Court should deny Plaintiffs motion to alter or amend its Order for the reasons detailed above.

B. Motion for Clarification and Factual Findings

Plaintiffs make seven (7) different and distinct requests in conjunction with their motion for Clarification and Factual Findings of Fact. Each should be rejected for the reasons set forth below.

1. This Court's Order Clearly Dismissed Plaintiffs' Complaint for Lack of Jurisdiction Under Rule 12(b)(1); Thus, the Dismissal Is with Prejudice.²

The Plaintiffs argue it is unclear whether this Court dismissed this action for lack of subject-matter jurisdiction pursuant to Rule 12(b)(1) or on the merits based on Rule 12(b)(6). The Court, however, expressly stated at the end of its Order, "**WHEREFORE**, based on the forgoing, this Court **ADJUDGES, ORDERS**, and **DECLARES**, that it does not have subject-matter jurisdiction in this case and **GRANTS** the Defendants' Motion to Dismiss." Or. at *21. Since the Court granted Defendants Rule 12(b)(1) motion to dismiss for lack of jurisdiction, there was no need to consider Defendants' Rule 12(b)(6) motion. *See* Defs.' Memo. Supp. Mot. Dismiss.

Indeed, once a court determines it does not have subject-matter jurisdiction, it must just dismiss the action and proceed no further, which is what the Court did here. *See Miller v. United States Dist. Court*, No. 2:17-CV-137, 2017 U.S. Dist. LEXIS 217979, at *1 (N.D.W. Va. Nov. 29, 2017); *In re Recticel Foam Corp.*, 859 F.2d 1000, 1002 (1st Cir. 1988) ("If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action."). Therefore, the Court should deny Plaintiffs request for clarification on this point. Consequently, given the

² Three of Plaintiffs' specific requests for clarification regarding issues that concern the scope of whether the Order is jurisdictional, or merit based are similar and addressed together, as well as whether the Order is with prejudice. This addresses points 1, 5, and 7 for which Plaintiffs seek clarification, as identified on page 10 of Plaintiffs' instant motion.

Order expressly granted Defendants’ Rule 12(b)(1) motion for lack of jurisdiction and did not even discuss Defendants’ Rule 12(b)(6) motion - which was brought in the alternative in the event the Court denied Defendants’ Rules 12(b)(1) motion - any and all findings would be jurisdictional. Therefore, the Court should deny Plaintiffs’ request it clarify if its findings were jurisdictional or merit based, as this will be clear on appeal.

Plaintiffs also ask this Court to find that the dismissal of their Complaint was without prejudice. Here, the ecclesiastical abstention doctrine defeats jurisdiction over Plaintiffs’ Complaint in all secular courts and supports a dismissal with prejudice. As explained in this Court’s Order, under the ecclesiastical abstention doctrine “‘civil 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 [sic] intrude into these matters ‘would deprive these religious bodies of the right of construing their own church laws.’” Or. at 7 (quoting in part *Watson v. Jones*, 80 U.S. 679 (1871)). As explained in the context of a similar doctrine, sovereign immunity: “Ordinarily, a case dismissed for lack of subject matter jurisdiction should be dismissed without prejudice so that a plaintiff may reassert his claims in a competent court. Here, however, the bar of sovereign immunity is absolute: no other court has the power to hear the case, nor can the [plaintiffs] redraft their claims . . .” to avoid this result. *Frigard v. United States*, 862 F.2d 201, 204 (9th Cir. 1988) (per curiam). This is not a situation where one civil court does not have jurisdiction, but another civil court could have jurisdiction over the same claims, supporting a dismissal without prejudice.³ Rather, because there is no secular court in which to bring the claim under the ecclesiastical abstention doctrine, the dismissal

³ For example, a federal court could lack diversity or federal question jurisdiction to hear certain claims, but a state court could have jurisdiction over the same claims.

is with prejudice. Therefore, Plaintiffs request that this Court amend its order to state it is without prejudice should be denied. To the extent Plaintiffs take issue with this Court’s ruling, it can appeal.

2. The Court Clearly Found Neutral-Principles of Law Do No Apply or Allow Recovery of Damages.⁴

Plaintiffs argue that the Court failed to explain why the neutral-principles of law could not be employed in this case and asks this Court to state “claim-by-claim” why the neutral-principle of law exception does not apply, as well as explain why this exception is not applicable to claims that seek monetary damages. First, as a procedural matter, Rule 52(b) and Rules 59(e) require that the movant show there are some new facts or law that require a Court to alter, amend, or change its judgment or that manifest error would otherwise occur without such an alteration or amendment – these rules are not meant to allow parties to move courts to re-write their orders to their liking. *See Palmer, Litigation Handbook*, at 1350 (when a motion to amend is filed under Rule 52(b) for “findings that does not alter the outcome, if granted, [it] should be refused.”); *id* (“A Rule 59(e) motion “calls into question the correctness of a judgment. It may be invoked to correct manifest errors of law or fact, or to present newly discovered evidence.” *Palmer, Litigation Handbook*, at 1529 (citing *Central Microfilm Serv. V. Basic/Four Corp.*, 688 F.2d 1206 (8th Cir. 1982)). If Plaintiffs take issue with how this Court applied or did not apply neutral principles of law, it can do so on appeal. The Court should deny Plaintiffs’ request on this basis alone.

⁴ The basis for why this Court should deny Plaintiffs’ request for clarification that the Court explain why the neutral-principle of law is not applicable claim-by-claim and its separate request that it explain why monetary damages are not available under neutral-principles of law are the same and therefore are addressed jointly. This represents points 2 and 3 for which Plaintiffs seek clarification, as identified on page 10 of Plaintiffs’ instant motion.

Plaintiffs are essentially asking this Court to do what they failed to do themselves – explain why and how this exception is applicable when the entire predicate of the case is the interpretation and application of the UMC’s ecclesiastical laws and its internal governance under those laws. In their response, Plaintiffs cite case law recognizing there is a neutral-principle of law exception to the ecclesiastical abstention doctrine, and then simply states “that courts have subject-matter jurisdiction to resolve property and contract disputes involving churches so long as they do not involve excessive entanglement in church doctrine.” Pls.’ Resp. at 7. All of Plaintiffs’ claims would require this Court to interpret the *Discipline* and overrule various governing and judicial bodies of the United Methodist Church implementation of the *Discipline*. Yet, there is no “claim-by-claim” analysis or explanation how each of those claims can be adjudicated employing neutral principles of law or why the form of relief, whether specific performance or monetary, makes a difference. Merely recognizing an exception exists in a brief without an explanation as to why that exception is applicable has no use and is not an argument.

Ultimately, the Court’s analysis centered on the fact that none of Plaintiffs’ claims could be adjudicated without implicating or overturning decisions of the UMC Judicial Council. The Court explained that all Plaintiffs’ claims (except count eight (8) which pertained to Plaintiffs’ request to terminate/reform the trust clause) come back to whether Plaintiffs could disaffiliate under Section 2553, Section 2549, or Section 2548.2, or otherwise required the Court to usurp the West Virginia Annual Conference of its constitutional prerogative to decide if a local church can sever the connectional relationship with the UMC. Or. at 16-20. With respect to count eight (8), which requests reformation of the Trust Clause, the Court explains how West Virginia Supreme Court of Appeals already rejected what Plaintiffs requested in *Brady v. Reiner*, 157 W.Va. 10 (1973). This analysis is equally applicable to each claim *as well as* to any requested relief, whether

damages or specific performance. Therefore, no clarification is needed in Court's Order concerning the lack of an applicable neutral principle of law in this action. Ultimately, if Plaintiffs take issue with how this Court applied the neutral principle of law, it can do so on appeal, to the extent Plaintiffs did not waive the argument for failure to raise it themselves.

3. The Court's Order is Supported by Undisputed Facts Offered into the Record and the Law Applicable to the Ecclesiastical Abstention Doctrine.

Plaintiffs argue this Court made several findings of fact without an evidentiary record, citing to what it contends are various examples of the same. All of the examples offered by Plaintiffs, however, are simply where the Court recognized certain provisions of the *Discipline*, the decisions of the UMC Judicial Council interpreting the *Discipline*, and decisions made by the West Virginia Annual Conference under the rights and discretion afforded to it under the *Discipline*. The existence of these decisions is undisputed and in the record. The provisions of the *Discipline* are also undisputed and in the record. Therefore, for purposes of deciding whether it had subject matter jurisdiction over Plaintiff's Complaint, this Court correctly made findings that recognized that there were decisions of UMC's highest tribunals under, concerning, or applying the *Discipline*, that were dispositive of Plaintiffs' claims. It then found it had no subject matter jurisdiction.

The applicable law regarding how and why the Court reached this conclusion is unmistakably and systematically laid out in this Court's Order. As explained in the Court's Order, under *Brady*, the "rule[s] of the church, 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, 198 S.E.2d 812, 843 (1973). To break this principle down, once there is a judgment by a UMC

tribunal, that decision is “absolutely conclusive” on this Court.” Thus, the only appropriate finding the Court can make in this case is whether the issue at hand has been addressed by the tribunals of the UMC; if it has, it is “absolutely conclusive” upon this Court. This is exactly what this Court did in its Order.

Yet, Plaintiffs argues that the Court “found” (1) Plaintiffs were not entitled to use Section 2553 regardless of fraud or conclusion; (2) the trust is and always has been irrevocable before Section 2553; (3) the Discipline did not allow for disaffiliation before Section 2553; (4) the Discipline provided for an internal appeal process; and (5) Defendants’ refusal to allow disaffiliation under Section 2549 abided by the dictates of the *Discipline* as interpreted by the UMC Judicial Council. These were not findings of the Court, but findings of the highest tribunals of the UMC, which the Court acknowledged as conclusive and binding upon it in its Order. While self-evident and clearly explained in the Court’s Order, each point raised in Plaintiffs’ Motion will be addressed briefly.

Regarding the first point pertaining to Section 2553, as explained by the Court in its Order, the UMC Judicial Council found that there was no absolute right to disaffiliate under Section 2553 but was contingent upon the West Virginia Annual Conference’s approval: “when Plaintiffs allege that Defendant found Plaintiffs did not qualify to disaffiliate under Section 2553, Defendants were well within their right to make this decision under the *Discipline*, as interpreted by the UMC’s Judicial Council. Thus, there can be no fraud or collusion by the West Virginia Annual Conference by not allowing Plaintiffs to disaffiliate.” Or. at 17. As is clear, the only finding by the Court is that the UMC Judicial Council had addressed the relevant issue which in turn was dispositive of Plaintiffs’ claim. The Court recognized and was bound by this decision of the UMC Judicial Council and therefore lacked jurisdiction to contradict it.

Regarding the second point, the statement with which Plaintiffs take issue is an exact quote from the *Discipline* - Section 2501.2, which states “[t]he trust is and always has been irrevocable, except as provided in the *Discipline*. Property can be released from the trust, transferred free of the trust or subordination to the interest of creditors and other third parties only to the extent authority is given by the *Discipline*.” Thus, the Court was merely quoting the *Discipline*, not making a finding. Indeed, this is no different than *Brady*, which also recognized the same trust clause of *Discipline* and found it “absolutely conclusive” on civil courts, explaining the trust clause of the *Discipline* provides that “all property held at General, Jurisdictional, Annual, or District Conference levels, or by a local church or charge, or by an agency or institution of the Church, shall be held in trust for The United Methodist Church and subject to the provisions of its Discipline.” *Brady v. Reiner*, 198 S.E.2d 812, 820 (1973), *overturned on other grounds*, *Bd. of Church Extension v. Eads*, 230 S.E.2d 911 (1976).⁵

Regarding the third point, that the *Discipline* did not provide for disaffiliation before Section 2553 comes from Decision 1512 issued by the UMC’s Judicial Council, when is stated “[d]isaffiliation is a radical departure from connectionalism, and, therefore, church property can be released from the Trust Clause only to the extent authorized by Church law,” and “[w]ith the expiration and deletion of ¶2553, the postponed General Conference effectively removed from the *Book of Discipline*, 2016, [hereinafter *Discipline*] the only pathway for the disaffiliation of local churches.” This Court recognized it was bound by this decision of the UMC Judicial Council.

⁵ This section of the *Discipline* quoted by *Brady* is now contained in Section 2501.1 of the *Discipline* and is substantively the same, with only non-substantive revisions. The current provision provides that “[a]ll properties of the United Methodist 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 church property is subject to the *Discipline*.”

Regarding the fourth point, the opportunity to appeal is expressly stated in the *Discipline* in Section 2608 of the *Discipline* provides “[a]ll parties shall have the privilege of filing briefs and arguments and presenting such evidence. . .” before the UMC Judicial Council. The Court merely recognized the *Discipline* provided for this right.

Finally, for the fifth point, the UMC Judicial Council held in Decision 1512, which is quoted directly by the Court in its Order, that Section 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.” Indeed, in the context of this decision, the Court’s Order’s actual – and full – quote is “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 emphasized part of the quote from the Court’s Order was conveniently omitted from Plaintiffs brief. When put in context and not selectively quoted, it is clear the Court’s Order merely recognized that the UMC Judicial Council ruled that Section 2549 cannot be used to disaffiliate and it could not overturn this decision by UMC’s highest judicial tribunal.

What Plaintiffs are ultimately suggesting in their motion is that the Court inquire into these decisions, interpretations, and judgments of the UMC’s highest tribunals and actually make its own findings if it disagrees with those tribunals. The Court clearly states why it is not legally permissible to do this in its Order. *See* Or. 16-20. Therefore, this Court should deny Plaintiffs’ request to make findings on the various statements identified by Plaintiffs.

4. The Court’s Order Properly References Applicable Legal Authority to Support Its Conclusions of Law.

Plaintiffs argue that the Court made a statement of law without supporting authority when it claimed the fraud and collusion exception applies only to a “binding decision made by the highest ecclesiastical authority of a hierarchical religious organization.” Pl.’s Mot. at 13. This is incorrect. The Court specifically quotes Syllabus Point 2 of the Supreme Court of Appeals of West Virginia case *Bd. of Church Extension v. Eads*, 159 W. Va. 943, 945, 230 S.E.2d 911, 913 (1976), for the holding 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.” Or. at 9, ¶17. (emphasis added).

The Order continues “final adjudication from a church tribunal refers to the binding decisions made by the highest ecclesiastical authority of a hierarchical religious organization on matters of faith, discipline, church law, custom or government.” Or. at 13. To support this statement the Order offers the following direct quote from *Young v. Northern Illinois Conference of United Methodist Church*, 21 F.3d 184, n.2 (1994) to explain what a final adjudication represents: “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 needs only to defer to the ‘highest’ decision-making body of the church and ignore 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.” Ord. at 10, ¶21.

Thus, contrary to Plaintiffs’ empty protestations, this Court’s Order set forth substantial legal authority for the statement with which Plaintiffs take issue. Just because the Court did not restate its legal analysis in full when it reiterated this point in its Order does not represent some manifest error of fact or law or unduly prejudice Plaintiffs’ appeal such that the Court must amend, alter, or clarify its decision. Therefore, this Court should also deny this request.

IV. CONCLUSION

Based on the foregoing, the Court should deny Plaintiffs' Motion to Alter or Amend Judgment and for Clarification and Factual Findings Pursuant to Rules 52(b) and 59(e) in its entirety.

Respectfully submitted,

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Conference of the United Methodist
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Bishop Sandra Steiner Ball, Melissa
Shortridge, Rick Swearengin, Loretta
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By Counsel.

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IN THE CIRCUIT COURT OF MERCER COUNTY, WEST VIRGINIA

Trustees of Madison United Methodist Church, *et al.*

Plaintiffs,

v.

Civil Action No. 24-C-272

Judge: Ryan Flanigan

**Trustees of the West Virginia Conference of the
United Methodist Church, *et al.***

Defendants.

CERTIFICATE OF SERVICE

I, Dale H. Harrison, Esq., hereby certify that on this 15th day of December 2025, I served the foregoing **“DEFENDANTS’ RESPONSE IN OPPOSITION TO PLAINTIFFS’ MOTION TO ALTER OR AMEND JUDGMENT AND FOR CLARIFICATION AND FACTUAL FINDINGS PURSUANT TO RULES 52(B) AND 59(E)”** via the West Virginia E-Filing system to counsel of record.

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