

**IN THE ELEVENTH JUDICIAL CIRCUIT, STATE OF MISSOURI
CIRCUIT JUDGE DIVISION**

MORNING STAR CHURCH,)
)
 Plaintiff/Counterclaim Defendant,)
) Cause No.: 2211-CC00096
 vs.) Division: 5
)
 THE MISSOURI ANNUAL CONFERENCE)
 OF THE UNITED METHODIST CHURCH,)
)
 Defendant/Counterclaim Plaintiff.

FILED

JUN 22 2022

CIRCUIT CLERK
ST. CHARLES COUNTY

ORDER GRANTING THE PARTIES' MOTIONS TO DISMISS

On May 20, 2022 this cause came before the Court for hearing on: (1) Morning Star Church's ("Morning Star's") Motion to Dismiss The Missouri Annual Conference of the United Methodist Church's (the "Conference's") Counterclaims and (2) the Conference's Motion to Dismiss Morning Star's Petition.

The parties appeared by counsel. The motions were called and argued, whereupon the Court took both motions under submission. Having reviewed Morning Star's Petition, the Conference's Counterclaims, the parties' motions and detailed legal memoranda, and having considered the arguments of counsel, the Court is duly informed in the premises and now rules as follows.

LEGAL STANDARD

A motion to dismiss for failure to state a claim upon which relief can be granted, brought under Mo. Sup. Ct. R. 55.27, tests the legal sufficiency of the challenged pleading. "A motion to dismiss does not permit the circuit court...to determine the merits of a claim." *Missouri State Conference of Nat'l Ass'n for Advancement of Colored People v. State*, 601 S.W.3d 241, 246 (Mo. banc 2020).

The proper inquiry on a motion to dismiss “is solely a test of the adequacy of the petition.” *Mitchell v. Phillips*, 596 S.W.3d 120, 122 (Mo. banc 2020); *Nazeri v. Mo. Valley Coll.*, 860 S.W.2d 303, 306 (Mo. banc 1993). For that reason, all averments in the petition are assumed to be true and are construed liberally and favorably to the [non-moving party]. *Martin v. City of Washington*, 848 S.W.2d 487, 489 (Mo. banc 1993). Conclusory allegations of fact and legal conclusions are disregarded by the court. See *Hall v. Podleski*, 355 S.W.3d 570, 578 (Mo. App. 2011).

No attempt is made to weigh the factual allegations contained in the petition to determine whether they are credible or persuasive. *Nazeri*, 860 S.W.2d at 306. Instead, “the petition is reviewed in an almost academic manner, to determine if the facts alleged meet the elements of a recognized cause of action, or of a cause that might be adopted in that case.” *Id.* If a petition states any set of facts which, if proved, entitles the petitioner to relief, it should not be dismissed for failure to state a claim. *Martin*, 848 S.W.2d at 489.

Only matters appearing on face of petition can be considered in motion to dismiss for failure to state claim. *Geary v. Missouri State Employees' Retirement System*, 878 S.W.2d 918, 921 (Mo. App. W.D. 1994). When considering a motion to dismiss, the trial court also considers exhibits attached to the petition as a part of the allegations. *Hendricks v. Curators of Univ. of Missouri*, 308 S.W.3d 740, 747 (Mo. App. 2010); Rule 55.12 (“[a]n exhibit to a pleading is a part thereof for all purposes”).

“A motion to dismiss for lack of subject matter jurisdiction under Rule 55.27 is a preliminary question of the court’s power to act which is not a decision on the merits with res judicata effect, and in which the movant has a lower burden of proof.” *Parmer v. Bean*, 636 S.W.2d 691, 695 (Mo. App. E.D. 1982).

“Dismissal for lack of subject matter jurisdiction is appropriate ‘whenever it appears by suggestion of the parties or otherwise that the court lacks jurisdiction.’” *McCracken v. Wal-Mart Stores E., LP*, 298 S.W.3d 473, 476 (Mo. 2009) (quoting Rule 55.27(g)(3)). Where the facts are uncontested, a question as to the subject-matter jurisdiction of a court is purely a question of law. *Id.*

The Church Autonomy Doctrine

The U.S. Supreme Court has held that the First Amendment prohibits state interference into matters of faith and doctrine, and “matters of church government.” *Our Lady of Guadalupe*, 140 S. Ct. 2049, 2060 (2020). The First Amendment protects the authority of religious institutions “with respect to internal management decisions that are essential to the institution’s central mission.” *Id.*

“[W]henever the questions of discipline, or of faith, or ecclesiastical rule, custom, or law have been decided by the highest of [the] church judicatories to which the matter has been carried, the legal tribunals must accept such decisions as final, and as binding on them.” *Hosanna-Tabor Evangelical Lutheran Church and School v. E.E.O.C.*, 565 U.S. 171, 185 (2012) (quoting *Watson v. Jones*, 20 L.Ed. 666 (1982)). The history of Supreme Court jurisprudence acknowledges “a spirit of freedom for religious organizations, an independence from secular control or manipulation – in short, power to decide for themselves, free from state interference, matters of church government as well as those of faith and doctrine.” *Id.* at 186 (quoting *Kedroff v. Saint Nicholas Cathedral of Russian Orthodox Church in North America*, 344 U.S. 94 (1952)). See also *Serbian Eastern Orthodox Diocese for U.S. of America and Canada v. Milivojevich*, 426 U.S. 696, 724-25 (1976) (the First and Fourteenth Amendments permit religious organizations “to establish their own rules

and regulations for internal discipline and government, and to create tribunals for adjudicating disputes over these matters”).

The doctrine of church autonomy recognizes that carefully structuring the roles of both church and state is to the benefit of both. *McCullum v. Board of Education*, 333 U.S. 203, 212 (1948) (“[T]he First Amendment rests upon the premise that both religion and government can best work to achieve their lofty aims if each is left free from the other within its respective sphere.”).

The Neutral Principles of Law Approach

Morning Star suggests the Court should apply the “neutral principles of law” approach in exercising subject matter jurisdiction over its claims. It appears this approach has historically been applied to resolve disputes primarily in two situations: (1) following a congregation’s departure from a denomination; or (2) following a schism and resulting dispute about who controls a religious entity. Resort to the neutral principles of law approach has been permitted in cases where the parties have already separated (which is not the case here, although Morning Star has announced its intention to separate from the Conference) and the only question before the court is who gets legal title to the church property.

Morning Star’s argument for application of the neutral principles of law approach in this case is based on *Presbytery of Elijah Lovejoy v. Jaeggi*, 682 S.W.2d 465 (Mo. banc 1984). In *Jaeggi*, the Missouri Supreme Court acknowledged several truths about the complicated nature of resolving church property disputes: “The First Amendment severely circumscribes the role that civil courts may play in resolving church property disputes...Most importantly, the First Amendment prohibits civil courts from resolving church property disputes on the basis of religious doctrine and practice...As a corollary to this commandment, the Amendment requires that civil

courts defer to the resolution of issues of religious doctrine or polity by the highest court of a hierarchical church organization.” *Jaeggi*, 682 S.W.2d at 467 (quoting *Jones v. Wolf*, 443 U.S. 595, 602 (1979)).

The *Jaeggi* court approved of the neutral principles of law approach in that case because the court could apply it in a manner that was “completely secular in operation.” *Id.* at 468 (quoting *Jones*, 443 U.S. at 603). The *Jaeggi* court noted, however, that a court applying the neutral principles of law approach “must refrain from resolving the dispute on the basis of religious doctrine and practice.” *Id.* at 473. “If the deed, local church charter, or national church constitution incorporates religious concepts in the provisions relating to the ownership of property and if the interpretation of those instruments would require the resolution of a religious controversy, then this court must defer to the resolution of the doctrinal issues by the authoritative ecclesiastical body.” *Id.*

ANALYSIS

In this case, Morning Star’s petition, exclusive of exhibits, makes at least twenty-two (22) references to *The Book of Discipline of the United Methodist Church* (the “*Discipline*”). Additionally, Exhibit 1 to the petition, a general warranty deed dated February 13, 2002, includes as “Exhibit A” a “trust clause” which is at the center of the present dispute between the parties. That trust clause makes specific reference to the *Discipline* and states that the use, keeping and maintenance of the property is “subject to the *Discipline*, usage, and ministerial appointments of [The United Methodist Church] as from time to time authorized and declared by the General Conference and by the annual conference within whose bounds the said premises are situated.” It goes on to state unambiguously that “This provision is solely for the benefit of the grantee, and grantor reserves no right or interest in said premises.”

Exhibit 2 to the petition is a copy of Morning Star's Articles of Incorporation dated June 8, 1999. Article X of Exhibit 2 states "This corporation shall support the doctrine of and it and all its property both real and personal, shall be subject to the laws, usages and ministerial appointments of The United Methodist Church as are now or shall be from time to time established, made and declared by the lawful authority of said Church." Article XI states "This Corporation shall have the power to acquire and hold title in fee simple, in trust, or otherwise, to both real and personal property, and to improve, encumber, sell, convey and dispose of all such property in conformity with The *Discipline* of The United Methodist Church." Article XII states "Subject to the provisions of The *Discipline*, this corporation shall have the power to erect and maintain buildings for the worship of God...The corporation shall have all such other and further powers and authority as are provided by the laws of the State of Missouri and The *Discipline* of The United Methodist Church. Article XIII provides that "The By-Laws of this corporation shall include the *Discipline* of The United Methodist Church as from time to time enacted, authorized and declared by its General Conference, and no other By-Laws shall be adopted inconsistent with the provisions of The *Discipline*." Exhibit 4 to the petition consists of several excerpts from the *Discipline*.

In its amended answer, affirmative defenses and counterclaims, exclusive of exhibits, the Conference refers to the *Discipline* at least one hundred thirty-four (134) times. Exhibit 1 consists of several excerpts from the *Discipline*. Exhibit 9 is a copy of the February 13, 2002 general warranty deed containing the references to the *Discipline* described above. Exhibit 10 includes more excerpts from the *Discipline*. Exhibit 11 consists of Morning Star's Articles of Incorporation dated June 8, 1999 including the references to the *Discipline* described above. Exhibit 12 is an addendum to the *Discipline* including certain provisions germane to aspects of the dispute before this Court.

The *Discipline*, among other things, outlines the structure and connectional polity of The United Methodist Church. In the context of the dispute the parties have brought to this Court, Morning Star is of the view that the Court can decide the issues before it solely based on well-established secular trust and property law without having to adjudicate any religious or ecclesiastical issue. The Conference, of course, has a much different view.

The point is, based on the parties' well-pleaded factual allegations, it is evident that adjudication of the claims each party asserts in this lawsuit will ultimately rely heavily on interpretation and application of the *Discipline* such that, in order to decide the issues before it, the Court would necessarily be required to do a deep-dive into matters of church government, custom, practice, internal church law, doctrine and polity. Indeed, far from a simple secular property dispute, the crux of the controversy here is that Morning Star wishes to disaffiliate from the Conference and retain the real and personal property at issue, notwithstanding what the *Discipline* says or doesn't say about the matter. The parties' pleadings make clear that the *Discipline* includes a disaffiliation process as well as related property ownership, trust and property disposition provisions that are at the heart of this dispute – all of which, in light of the facts alleged in the pleadings, are predominantly matters of internal church government, internal church law, custom and polity.

Moreover, The United Methodist Church has an internal judicial body, The Judicial Council of The United Methodist Church (the "Judicial Council"), and a process for resolving church government, ecclesiastical and polity disputes like the one now before this Court. As the denomination's highest judicial body, the Judicial Council has, and rightly should have, the final say on questions of ecclesiastical rule, custom, internal church law, church government and organization – questions of the sort at issue in this case.

In order to grant Morning Star the relief it seeks, this Court would have to go beyond the application of neutral principles of law and venture into constitutionally dangerous territory - it would necessarily have to interpret, adjudicate, and declare as valid or invalid, portions of the *Discipline* which incorporate religious concepts in provisions relating to the deed and trust clause at issue, ownership of the property at issue, and The United Methodist Church's foundational governing document itself.

Again, as the Missouri Supreme Court instructed in *Jaeggi*, this Court "must defer to the resolution of the doctrinal issues by the authoritative ecclesiastical body." *Jaeggi* at 473. In other words, it is not this Court's role to substitute its judgment for that of a church's judicial body when it comes to such matters. The First Amendment prohibits judicial intervention in this case because the dispute between the parties is a matter of internal church polity.

CONCLUSION

This Court finds that, under the facts alleged by the parties in the challenged pleadings, the church autonomy doctrine bars it from exercising subject matter jurisdiction in this case.

The claims asserted by the parties cannot be resolved by this Court under a neutral principles of law approach in that resolution of the claims cannot be achieved without the Court considering and adjudicating ecclesiastical doctrinal issues and closely-related matters of internal church government and polity central to the mission and governance of The United Methodist Church.

To hold otherwise would be an improper jurisdictional overreach and an unconstitutional exercise of the state's judicial power.

ACCORDINGLY, IT IS ORDERED THAT:

1. Defendant / Counterclaim Plaintiff's Motion to Dismiss is GRANTED and its petition is DISMISSED without prejudice.

2. Plaintiff / Counterclaim Defendant's Motion to Dismiss is GRANTED and its counterclaims are DISMISSED without prejudice.

3. Each party shall bear its own costs.

SO ORDERED.



W. Christopher McDonough
Circuit Judge

Dated: June 22, 2022