



LITIGATION

A HISTORY OF LAWSUITS INITIATED BY THE EPISCOPAL CHURCH

AT LAMBETH 2008, BISHOPS OF TEC MISREPRESENTED THE FACTS TO OTHER BISHOPS OF THE ANGLICAN COMMUNION WHEN THEY CLAIMED THAT DEPARTING CHURCHES HAD INITIATED LAWSUITS AGAINST DIOCESES AND TEC

During the Lambeth Conference indaba group discussions, TEC bishops either deliberately, or with reckless indifference to the truth, misrepresented the truth about the lawsuits they are involved in with their own parishes. As the Rt. Rev. Jonathan Gledhill, Bishop of Litchfield, reported on his weblog:

In the discussion afterwards we are told that the US House of Bishops has regretted for the hurt it has caused and its lack of consultation and has issued a public apology - though no one has the exact wording. We are also told that the Canadians have voted against same-sex blessings - though two dioceses are pressing their bishops to change that. We are told that in the lawsuits in America between parishes and their dioceses it is the dioceses who are the defendants and the conservative parishes who are the accusers.

This is manifestly untrue. It is a well known fact to many individual Episcopalians—both those who have left TEC and those who have remained—that TEC and its dioceses have followed a pattern of suing any church that chooses to leave for another Anglican jurisdiction. The lawsuits initiated by TEC and its dioceses to date are listed below, and the listing makes no claim to be complete. It is a list of those legal actions that we are aware of, where The Episcopal Church and/or one of its dioceses played the role of plaintiff—the party who initiates a case in court by filing a complaint to seize the assets and real property of any church choosing to leave TEC. Please note that wherever possible the actual citation of the case has been listed. Also, please note the dates on said cases, which demonstrate the acceleration of litigation by TEC and its dioceses in *defiant rejection* of the Primates' call for a moratorium on litigation at the Dar es Salaam meeting:

1. Against Christ Anglican Church in Mobile, Alabama (plaintiff was the Diocese of the Central Gulf Coast---the suit settled in 2001 before trial);
- 2-4. Against St. John's Episcopal Church in Fallbrook, California (CA); St. Anne's, in Oceanside CA; and Holy Trinity, in Ocean Beach, CA (plaintiff in all three cases is the Diocese of San Diego). Trial court ruled against the three parishes following the decision by the California Supreme Court in the St. James Newport Beach case; parishes decided not to appeal.
5. New cause of action by TEC against St. John's Episcopal Church in Fallbrook, CA: Dale W. New, Richard L. Goodlake and the Episcopal Diocese of San Diego v. The Rev. Donald L. Kroeger, et al. (California Supreme Court affirmed the decision of the Fourth Appellate District, awarding the property to the plaintiff Diocese of San Diego; the defendants did not seek further review)
- 6-8. Against St. James Anglican Church, Newport Beach CA and two others; Episcopal Diocese of Los Angeles and TEC v. St. James (Newport Beach) et al. (lead case), Episcopal Diocese of Los Angeles and TEC v. All Saints (Long Beach) et al., Episcopal Diocese of Los Angeles and TEC v. St. David's (North Hollywood) et al.; Episcopal Church Cases, S155094 (Diocese of Los Angeles is plaintiff, joined by TEC; Supreme Court ruled 05/05/11 that suit may go ahead; litigation is now in the discovery phase)
9. Against St. Luke's of the Mountains Anglican Church, et al, La Crescenta CA; Patricia Huber, The Right Rev. Sergio Carranza, The Protestant Episcopal Church in the Diocese of Los Angeles, The Right Rev. J. Jon Bruno, Bishop Diocesan of the Episcopal Diocese of Los Angeles v. The Rev. Dr. Ronald W. Jackson, St. Luke's of the Mountains Anglican Church, et al. (Fourth Appellate District ruled in favor of Plaintiff Diocese of Los Angeles; parish decided not to appeal further)
10. Against St. John's Anglican Church in Petaluma, CA ; Episcopal Diocese of Northern California v. St. John's Anglican Church, Petaluma (Sonoma County Superior Court; parties agreed to settle following California Supreme Court decision, parish moved to another location and is now a member of ACNA); (Diocese of Northern California was plaintiff)



11. Against Bishop John David Schofield and the diocesan investment fund in the Anglican Diocese of San Joaquin, CA (Southern Cone); Episcopal Diocese of San Joaquin, The Rt. Rev. Jerry A. Lamb and The Episcopal Church v. Bishop John-David Schofield and The Episcopal Foundation of San Joaquin (Fresno Superior Court; case involves the Diocese of San Joaquin withdrawing from the Episcopal Church); (TEC established and funded Diocese of San Joaquin is the Plaintiff); (case is back in Superior Court after successful appeal by Bishop Schofield to the Fifth Appellate District, in discovery phase, with trial in late summer 2012)
12. Against Trinity Anglican Church in Bristol, Connecticut (CT) (Plaintiff is the Diocese of Connecticut; case settled in 2008; congregation left property to the Diocese)
13. Against The Rector and former vestry of Bishop Seabury Church in Groton, CT; (Plaintiff is the Diocese of Connecticut) (parish lost decision in trial court, and Connecticut Supreme Court recently affirmed that decision; parish may appeal to the U.S. Supreme Court, along with the cases from Georgia)
14. Against Redeemer Anglican Church in Jacksonville, Florida (FL): Episcopal Church in the Diocese of Florida v. Lebhar, Case No. 16-2006-CA-002361 (Duval Cnty. Fla. Cir Ct.) (plaintiff was the Diocese of Florida; parish left property to go to other premises)
15. Against Christ Church in Savannah, Georgia, GA; Bishop of the Episcopal Diocese of Georgia, Inc., The Episcopal Church, et al. v. The Rector, Wardens and Vestrymen of Christ Church in Savannah, et al., (Civil Action No. CV07-2039KA, Superior Ct., Chatham County). (Plaintiffs Diocese of Georgia and TEC, joined subsequently by shadow congregation formed by TEC and the Diocese, won in Court of Appeal and recently in Georgia Supreme Court; congregation handed over keys to property on 12/12/2011; may appeal decision to U.S. Supreme Court)
16. Against All Saints Church in Attleboro, Massachusetts (MA) (plaintiff was the Diocese of Massachusetts; the case settled in 2007)
17. Against St. Andrew's Anglican Church in Morehead City, North Carolina (NC) (plaintiff was the Diocese of East Carolina and those members of the parish who had not voted to join AMiA; following a jury mistrial, plaintiffs obtained summary judgment which was affirmed on appeal in 2003)
18. Against the Church of the Good Shepherd in Binghamton, New York (NY); The Diocese of Central New York v. The Rector, Church Wardens, and Vestrymen of the Church of the Good Shepherd, Index No. 2008-0980 (N.Y. Sup Ct. Broome Cnty) (Plaintiff was the Diocese of Central New York, joined by TEC; trial court ruled in favor of Diocese, parish chose to move to other premises, and Diocese eventually sold church buildings to Muslim group for a mosque)
19. Against St. Joseph's Anglican Church (formerly Trinity Church of East New York) in Brooklyn, NY, which originally separated from TEC in 1977, before the adoption of the Dennis Canon (plaintiff was the Diocese of Long Island, in a second action brought in 2005 after it lost its first suit, filed in the early 1980's---the case settled early in 2008, and St. Joseph's kept its property in exchange for a below-market value payment of \$275,000);
20. Against St. James Anglican Church in Elmhurst (Queens), NY (plaintiff was the Diocese of Long Island; summary judgment against the parish in 2008 was not appealed)
21. Against All Saints Protestant Episcopal Church in Rochester, NY; Episcopal Diocese of Rochester, et al. v. Harnish et al., Index No. 2006-2669 (N.Y. Sup Ct. Monroe Cnty.) (plaintiff was the Diocese of Rochester; N.Y. Court of Appeal ruled in favor of Diocese, based on NY statute giving effect to Dennis Canon)
22. Against St. Andrew's in Syracuse, NY; Diocese of Central New York, et al. v. St. Andrew's Episcopal Church, Index No. 2006-4606 (Sup. Ct. N.Y. Onondaga Cnty.) (plaintiff originally was the Diocese of Central New York, and TEC's Domestic and Foreign Missionary Society later intervened---Diocese refused to settle the lawsuit by leasing property to parish, so parish walked away in 2007)
23. Against the Church of St. James the Less, Philadelphia, Pennsylvania (PA); In re Church of St. James the Less, 585 Pa. 428; 888 A.2d 795; 2005 Pa. LEXIS 3116 (Pa. 2005); (Plaintiff was the Diocese of Pennsylvania, and ultimately prevailed in the Pennsylvania Supreme Court; historic church building remains empty as of 2011)



24. Against Church of the Epiphany Herndon, Virginia (VA); The Protestant Episcopal Church in the Diocese of Virginia v. Church of the Epiphany, Herndon, CL 2007-1235 (Circuit Court for Fairfax County, Va.); (Plaintiff is the Diocese of Virginia – see news for cases 35-45 below)
25. Against Truro Church Fairfax VA; The Protestant Episcopal Church in the Diocese of Virginia v. Truro Church, CL 2007-1236 (Circuit Court for Fairfax County, Va.); (Plaintiff is the Diocese of Virginia – see news for cases 35-45 below)
26. Against Christ the Redeemer Church, Chantilly VA; The Protestant Episcopal Church in the Diocese of Virginia v. Christ the Redeemer Church, CL 2007-1237 (Circuit Court for Fairfax County, Va.); (Plaintiff is the Diocese of Virginia – see news for cases 35-45 below)
27. Against Church of the Apostles, Fairfax VA; The Protestant Episcopal Church in the Diocese of Virginia v. Church of the Apostles, CL 2007-1238 (Circuit Court for Fairfax County, Va.); (Plaintiff is the Diocese of Virginia – see news for cases 35-45 below)
28. Against The Falls Church, Falls Church VA; The Protestant Episcopal Church in the Diocese of Virginia v. The Church at The Falls – The Falls Church, CL 2007-5250 (Circuit Court for Fairfax County, Va.)(formerly Case No. 07-125, Circuit Court for Arlington County, Va.); (Plaintiff is the Diocese of Virginia – see news for cases 35-45 below)
29. Against Potomac Falls Church, Potomac Falls VA; The Protestant Episcopal Church in the Dioceses of Virginia v. Potomac Falls Church, CL 2007-5362 (Circuit Court for Fairfax County, Va.)(formerly Case No. 44149, Circuit Court for Loudoun County, Va.); (Plaintiff is the Diocese of Virginia – see news for cases 35-45 below)
30. Against Church of Our Saviour, Oatlands VA; The Protestant Episcopal Church in the Diocese of Virginia v. Church of Our Saviour at Oatlands, CL 2007-5364 (Circuit Court for Fairfax County, Va.) (formerly Case No. 44148, Circuit Court for Loudoun County, Va.); (Plaintiff is the Diocese of Virginia; parish settled with Diocese in 2011 by agreeing to a five-year leaseback of the property, and to disaffiliate from ACNA)
31. Against St. Margaret's Church, Woodbridge VA; The Protestant Episcopal Church in the Diocese of Virginia v. St. Margaret's Church, CL 2007-5682 (Circuit Court for Fairfax County, Va.) (formerly Case No. CL 73465, Circuit Court for Prince William Cnty., Va.); (Plaintiff is the Diocese of Virginia – see news for cases 35-45 below)
32. Against St. Paul's Church, Haymarket VA; The Protestant Episcopal Church in the Diocese of Virginia v. St. Paul's Church, Haymarket, Case No. CL 73466 (Circuit Court for Fairfax County, Va.) (formerly CL 2007-5683, Prince William County, Va.); (Plaintiff is the Diocese of Virginia – see news for cases 35-45 below)
33. Against Church of the Word, Gainesville VA: The Protestant Episcopal Church in the Diocese of Virginia v. Church of the Word, CL 2007-5684 (Circuit Court for Fairfax County, Va.)(formerly Case No. CL 73464, Circuit Court for Prince William County, Va.); (Plaintiff is the Diocese of Virginia; parish agreed to settle with the Diocese in early 2011 on terms similar to those with the Church of Our Savior, Oatlands)
34. Against St. Stephen's Church, Heathsville VA; The Protestant Episcopal Church in the Diocese of Virginia v. St. Stephen's Church, CL 2007-5902 (Circuit Court for Fairfax County, Va.)(formerly Case No. CL 07-16, Circuit Court for Northumberland County, Va.); (Plaintiff is the Diocese of Virginia – see next entry for update)
- 35-45. Against Truro Church and all of the Virginia Anglican churches affiliating with CANA above, Plaintiff is the Episcopal Church (TEC); The Episcopal Church v. Truro Church, et al., CL 2007-1625 (Circuit Court for Fairfax County, Va; case was tried again in Circuit Court in 2011 following reversal by Virginia Supreme Court in 2010 of trial court's earlier decision in favor of parishes; final briefs are now filed, and the parties await the trial court's decision)
- 46-50. Against St. Luke's Church in Akron, Ohio (OH) and four other northeast Ohio parishes; The Episcopal Diocese of Ohio, et al.v. Anglican Church of the Transfiguration, et al., Civil Action No CV 08 654973 (Cuyahoga County, Ohio Court of Common Pleas); (plaintiff is the Diocese of Ohio; trial court granted summary judgment in its favor, and parishes are leaving their properties)
51. Against Church of the Good Shepherd, San Angelo, Texas (TX) (Plaintiff is the Diocese of NW Texas; parish lost below and in the Court of Appeal, and has appealed to the Texas Supreme Court)



52. Against St. Edmunds Anglican Church, Elm Grove, Wisconsin (WI) (Plaintiff is the Diocese of Milwaukee, as reported in *The Living Church* January 7, 2009)

53. Against the 50+ churches of the Episcopal Diocese of Pittsburgh (Anglican- Southern Cone). Plaintiff is the TEC replacement Diocese of Pittsburgh (as reported January 9 in *The Associated Press*), arising out of an earlier lawsuit initiated by Calvary Church, Pittsburgh *against* Bishop Duncan and the Diocese of Pittsburgh to prevent them from leaving TEC. The judgment by the trial court required the Anglican Diocese to turn over all of its property to the remnant Episcopal Diocese, was affirmed by the Commonwealth Court in early 2011, and review was later denied by the Pennsylvania Supreme Court. Two parishes have since settled with the remnant diocese, which demanded that they disaffiliate from the Anglican Diocese; one moved out of its property rather than agree to such terms. Negotiations are ongoing to settle the claims of the remnant diocese against the properties of the other parishes.

54. Against St. Barnabas Anglican Church, Omaha, Nebraska, pending (Plaintiff is the Diocese of Nebraska, as reported in *The Omaha World-Herald*, January 20, 2009; the parish has moved for summary judgment, but the court has not yet ruled)

55. Against the Rt. Rev. Jack Leo Iker and the other trustees of the Corporation of the Episcopal Diocese of Fort Worth, in the 141st District Court of Tarrant County, TX (Plaintiffs, the remnant diocese and its appointed bishop, were later joined by the Episcopal Church, and the lawsuit was subsequently broadened to include all individual parishes of the remnant diocese as cross-complainants, and all individual parishes of +Iker's Episcopal Diocese as cross-defendants; the trial court's grant of summary judgment in favor of the remnant diocese and its bishop in early 2011 is on appeal to the Texas Supreme Court)

56. Against St. Andrew's Episcopal Church of Ft. Worth, in Hood County District Court, TX (Plaintiff is the remnant diocese of Ft. Worth and Bishop Ohl, its provisional bishop; plaintiff seeks to have the proceeds of a trust fund left to St. Andrew's, which remains with Bishop Iker and his Diocese, turned over to the remnant group; the trial court stayed the proceedings pending the outcome in the case described in the previous paragraph)

57. Against the Rt. Rev. Jack Leo Iker individually, for alleged trademark infringement, in federal district court in Ft. Worth (plaintiffs are the remnant diocese and its bishop; court stayed proceedings pending the outcome of the main case [No. 55 above])

58. Against The Rt. Rev. Jack Iker, individually, and unnamed agents and representatives acting with him as part of the Episcopal Diocese of Ft. Worth, in federal district court in Ft. Worth (Plaintiffs are TEC funded and supported members of the vestry of All Saints Episcopal Church, Ft. Worth, as reported in a letter of January 21, 2009 released to Stand Firm; the grounds alleged are very similar to those alleged in the suit described in the previous paragraph; suit is on hold pending the outcome of the main case [No. 55 above])

59. Against St. Andrew's in the Pines Anglican Church, Fayette County, Georgia, Superior Court, Civil Action No. 2007-V0272C, October 2007 (Plaintiff was the Episcopal Diocese of Atlanta; parish left its property behind and formed a CANA congregation)

60-68. Against St. Columba's Fresno, and its rector and its vestry members, in Fresno County Superior Court (2010); St. Francis Anglican Parish of Turlock, and its rector and its vestry members, in Stanislaus County Superior Court (2010); St. Michael's Anglican Parish of Ridgecrest, and its rector and its vestry members, in Kern County Superior Court (2010); the Rector, Wardens and Vestrymen of St. John's Parish in Porterville, California, in Tulare County Superior Court (2010); St. James Church, Sonora, and its rector and its vestry members, in Tuolumne County Superior Court (2010); the Rector, Wardens and Vestrymen of Redeemer Parish in Delano, California, in Kern County Superior Court (2010); the Rector, Wardens and Vestrymen of St. Paul's Parish in Visalia, California, in Tulare County Superior Court (2010); St. Paul's Anglican parish in Bakersfield, California, and its rector and its vestry members, in Kern County Superior Court (2010); the Wardens and Vestry of St. John's, Stockton, and its rector and its vestry members, in San Joaquin County Superior Court (2010); (plaintiffs are the remnant diocese of San Joaquin and its bishop; suits seek an order turning over control of all parish property to the bishop of the remnant diocese; Superior Court of Fresno County denied a motion to consolidate all nine cases with the one already pending there [No. 11 above]; cases are in various stages of discovery)

69-77. Against the rectors and vestry members of the same nine parishes in Nos. 60-68 above, in the same Superior Courts, respectively (2011) (these are complaints in intervention in the process of being filed by the Episcopal Church)



As a matter of fairness, we also list the number of cases where TEC or one of its dioceses is the defendant and not the plaintiff. There are only five instances in which a diocese or TEC was a defendant, rather than a plaintiff. But in case numbers 2-5, as noted below, it was the diocese (or TEC) which triggered the filing of a lawsuit by moving to take control of the individual church's assets, and the legal actions that followed were essentially a defensive response against those moves.

1. The earliest instance of a parish starting a lawsuit was in 2000, after a dispute arose between All Saints Parish, Pawley's Island, South Carolina (SC), the Diocese of South Carolina, and TEC in connection with the formation of the Anglican Mission in America. The suit eventually found its way to the South Carolina Supreme Court, which in September 2010 issued a decision finding that the Dennis Canon did not create any kind of a trust interest in parish property under South Carolina law, and ruling that the property remained with the parish despite its disaffiliation from the Episcopal Church.
2. An action was brought in 2005 in federal district court by six parishes and their rectors (the "Connecticut Six") against the Diocese of Connecticut, whose bishop had suspended the priests in question and taken over some of the church properties. The court dismissed the lawsuit the next year, and the diocese has since brought the actions listed as Nos. 12 and 13 above.
3. Grace Church & St. Stephens, Colorado Springs, Colorado, sought declaratory judgment against the Bishop and the Diocese of Colorado. However, in that suit, the plaintiff church sought a simple declaration that the diocese had no right, title or interest in its property, in response to an attempt by the diocese to freeze the church's bank accounts. The response of the diocese was to file a counterclaim against the church, its rector and 17 of its vestry and leading parishioners seeking millions of dollars in damages. The trial court granted judgment for the Diocese following a trial in 2009, and the parish chose not to appeal, but to move from the property to a new location.
4. The Diocese of the Rio Grande is suing St. Francis on the Hill (El Paso, TX). St. Francis began the suit with a claim for declaratory relief in response to the threat of suit by the diocese to take their property. Eventually the trial court granted summary judgment to the Diocese, and the parish left its property.
5. The Diocese of Quincy sued the Episcopal Church for declaratory relief after it had asked the diocese's bank to freeze its accounts. The case is still in the trial court, where the Church, joined by the remnant diocese, has brought a motion for summary judgment, which the judge is currently considering.

In conclusion the data gathered above are more than sufficient to demonstrate that the official TEC "line at Lambeth," as heard and reported by Bishop Gledhill, is manifestly contrary to the facts.