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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Appellate Case No. 2025-000712

The Methodist Church of Simpsonville, Jackson Grove Methodist Church, Calhoun Falls Methodist Church, Good Shepherd Methodist Church, Trinity Methodist Church of Lancaster, Aldersgate Methodist Church, Boiling Springs Methodist Church, Fort Lawn Methodist Church, Panola Methodist Church, Dickson Methodist Church, Heidi Meek Medlin, and Michael Smith..... Petitioners,

v.

The South Carolina Conference of The United Methodist Church, Bishop Leonard E. Fairley, Rev. Cathy Mitchell, Rev. Fran Elrod, Rev. Steve Brown, Rev. Terry Fleming, Rev. Telley Gadson, Rev. Anthony Hodge, Rev. Chris Lollis, Rev. Ken Nelson, Rev. Steve Patterson, Jr., and Rev. Jeffrey Salley.....Respondents.

RETURN IN OPPOSITION TO PETITION FOR ORIGINAL JURISDICTION

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INTRODUCTION

This matter arises from various acts of alleged separation by the Petitioner churches from Respondent The South Carolina Conference of The United Methodist Church (the "Conference"). These acts of separation, each of which violate The United Methodist Church's *Book of Discipline* and South Carolina law, include sending unauthorized written notices of separation, amending without authorization corporate filings with the South Carolina Secretary of State, continuing occupation of and trespass as to local church property, and other rogue actions all designed to allow Petitioners to assert complete control and dominion over local church real property, personal property, and church identity in complete disregard of the Conference's (and others') legal rights. Petitioners' unauthorized and illegal actions left the Conference no choice but to proceed to litigation seeking to recover possession and control of the real and personal property, to recover control of the local non-profit corporate entity, and to restore that entity's connection with the Conference.

In the actions brought by the Conference, the circuit court is called to address the claims and defenses as to each church based on the facts applicable to it. There is no "one size fits all" approach in these cases, as this Court is well aware. Each church has different circumstances surrounding its formation, the acquisition of the real and personal property, its years of adherence to the *Book of Discipline* and participation in the life of the Conference, and the actions taken to effect the purported separation. It is these differences and the requirement that a factual record be developed in each case that weigh in favor of the Conference's proposed approach – assignment of all of these individual cases to a single trial judge – as opposed to the Petitioner's request that some portions of these many individual cases be decided in the Court's original jurisdiction.

FACTUAL BACKGROUND

I. The hierarchical and connectional history and structure of The United Methodist Church.

The United Methodist Church is an international Protestant Christian religious denomination founded in 1968 through the union of The Methodist Church and The Evangelical United Brethren Church. *Book of Discipline*, p. 23.[1] The Methodist Church was formed in 1939 by the union of The Methodist Episcopal Church, The Methodist Protestant Church, and The Methodist Episcopal Church, South. *Id.* p. 21. The 1939 establishment of The Methodist Church repaired a key breach in United States Methodism since the pre-Civil War separation of southern Methodist churches (what became The Methodist Episcopal Church, South) from The Methodist Episcopal Church in 1845. *Id.* p. 17. All iterations of The Methodist Episcopal Church, The Methodist Episcopal Church, South, The Methodist Church, and The United Methodist Church have adhered to the *Book of Discipline*, the earliest version of which dates to 1785, as the organization's principal governing document and bylaws. *Id.* pp. 13, 15, 17; *see also Smith v. Swormstedt*, 57 U.S. 288, 299 (1853) (describing "'The Doctrines, and Discipline of the Methodist Episcopal Church' as containing the constitution, organization, form of government, and rules of discipline, as well as the doctrines of faith" of the denomination).

The United Methodist Church is connectional and hierarchical in structure. In a hierarchical and connectional church, "[t]he powers and duties of each level of the hierarchy are set forth in the constitution" of the respective denomination. *Jones v. Wolf*, 443 U.S. 595, 597 (1979); *accord Seldon v. Singletary*, 284 S.C. 148, 150, 326 S.E.2d 147, 148-149 (1985) (in a hierarchical system, "a local church is but a member of a larger and more important religious

[1] A free copy of the entire *Book of Discipline* is available at https://www.cokesbury.com/book-of-discipline-book-of-resolutions-free-versions. A copy of the sections of the *Book of Discipline* referenced in this Return are attached collectively as **Exhibit A**.

organization, and is under its government and control, and the voluntary act of joining the general denominational organization subjects the local church to its rules and regulations") (citation omitted). The *Book of Discipline* contains the Constitution of The United Methodist Church and provides for the powers, duties, and privileges of entities in the following hierarchical order: the General Conference, the jurisdictional and/or central conferences, the annual conferences, and the charge conferences at the local church level. *Book of Discipline*, ¶¶ 9-13. Annual conferences, such as the Conference, are "the fundamental bodies of the [United Methodist] Church" and "the basic body in the [United Methodist] Church." *Id.* ¶¶ 12, 34.

A key component of the long-standing connectional and hierarchical nature of The United Methodist Church and the *Book of Discipline* is the "Trust Clause." *See Jones*, 443 U.S. at 600-601, n.2. Since the earliest days of Methodism in the 1700s and continuing to and through The United Methodist Church, the *Book of Discipline* has required all local churches to hold their property in trust for the use and benefit of the mission and ministry of The United Methodist Church. The *Book of Discipline* provides in Paragraph 2501.1 as follows regarding local church property:

> Requirement of the Trust Clause for All Property—
>
> 1. ***All properties of 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. This trust requirement is an essential element of the historic polity of The United Methodist Church or its predecessor denominations or communions and has been a part of the Discipline since 1797.*** It reflects the connectional structure of the Church by ensuring that the property will be used solely for purposes consonant with the mission of the entire denomination as set forth in the *Discipline*. The trust requirement is thus a fundamental expression of United Methodism whereby local churches and other agencies and institutions within the denomination are both held accountable to and benefit from their connection with the entire worldwide Church.

(Emphasis added.) The trust is irrevocable. Paragraph 2501.2 of the *Book of Discipline* states in its entirety:

> The trust is and always has been irrevocable, except as provided in the *Discipline.* Property can be released from the trust, transferred free of trust or subordinated to the interests of creditors and other third parties only to the extent authorized by the *Discipline.*

The failure to incorporate the Trust Clause or use the specified trust language in property conveyances does not absolve any local United Methodist church from its obligations under the *Book of Discipline.* Paragraph 2503.6 of the *Book of Discipline* states:

> [T]he absence of a trust clause . . . in deeds and conveyances executed previously or in the future shall in no way exclude a [local church or its trustees], from or relieve it of its connectional responsibilities to The United Methodist Church . . . including the responsibility to hold all of its property in trust for The United Methodist Church; provided that the intent of the founders and/or a later local church or church agency, or the board of trustees of either, is shown by any or all of the following:
>
> > a) the conveyance of the property to a local church or church agency (or the board of trustees of either) of The United Methodist Church or any predecessor to The United Methodist Church;
> >
> > b) the use of the name, customs, and polity of The United Methodist Church or any predecessor to The United Methodist Church in such a way as to be thus known to the community as a part of such denomination; or
> >
> > c) the acceptance of the pastorate of ordained ministers appointed by a bishop or employed by the superintendent of the district or annual conference of The United Methodist Church or any predecessor to The United Methodist Church.

Local churches are also controlled and governed by the *Book of Discipline*. Paragraph 2529.1(b) of the *Book of Discipline* provides that local churches, whether incorporated or not, "(1) must be organized and operated in compliance with the *Discipline*; (2) cannot act in a manner contrary to the purpose of The United Methodist Church, the annual conference, or the *Discipline*; and (3) cannot sever its connectional relationship to The United Methodist Church without the consent of the annual conference." A local church's organizing documents are to reflect these

mandates, and the adoption or modification of the organizing documents "must be approved, in writing, by its pastor and district superintendent." *Book of Discipline* ¶ 2529.1(c). As the Supreme Court, Appellate Division of New York recently observed: "The Discipline contains and serves as the bylaws for all United Methodist entities" including the local church. *Chestnut v. United Methodist Church*, 230 A.D.3d 182, 194 (N.Y. App. Div. 2024).

Petitioners urge a reading of paragraph 261 of the *Book of Discipline* that would nullify the Trust Clause. Petition p. 7. This paragraph simply provides that upon the formation of The United Methodist Church in 1968, churches in the predecessor denomination of The Methodist Church did not have to incur the time and expense to revise or update existing deeds to reflect becoming a United Methodist Church. This paragraph does not negate the Trust Clause at all. Indeed, the Constitution of The United Methodist Church plainly refutes Petitioners' proposed interpretation:

> *Title to Properties*—Titles to properties formerly held by The Evangelical United Brethren Church and The Methodist Church shall be held and administered in accordance with the *Book of Discipline*. Nothing in the Plan of Union at any time after the union is to be construed so as to require any local church or any other property owner of the former The Evangelical United Brethren Church or the former The Methodist Church to alienate or in any way change the title to property contained in its deed or deeds at the time of union and lapse of time.

Book of Discipline ¶ 8.

Each local church named in the Petition has a unique history within the larger story of The United Methodist Church and its predecessor denominations. Some, such as Simpsonville United Methodist Church, originated more than 100 years ago as a church in The Methodist Episcopal Church, South. Others, such as Aldersgate United Methodist Church, were established as United Methodist Churches from the outset. The Conference appreciates that each church has its own facts, its own records filed with the South Carolina Secretary of State and the relevant county register of deeds, and its own body of extensive records reflecting decades of adherence to The United Methodist Church's *Book of Discipline*, acceptance of United Methodist pastors, and

compliance with Conference requirements. The parties' claims and defenses cannot be resolved without consideration of those facts on a church by church basis.

II. The purported separations of Petitioners are unauthorized and invalid.

Each Petitioner church has attempted to separate from the United Methodist Church via methods that are not authorized by or available under the bylaws or governing rules of each local church as found in the *Book of Discipline*. Petitioner churches have also taken, or attempted to take, property validly held in trust for The United Methodist denomination for themselves in violation of the *Book of Discipline* and South Carolina law. For a period of several years, ending on December 31, 2023, the *Book of Discipline* contained paragraph 2553, which authorized a process for an orderly and methodical disaffiliation of a local church through a prescribed discernment process. At the end of that process, the local church was allowed to purchase the local church property upon payment to the local annual conference of a set portion of the property's value and a set portion of that church's annual apportionments. Apportionments contain the key missional and benevolent funding of The United Methodist Church and, for churches in the Conference, are used for the benefit of missions such as Epworth Children's Home, Spartanburg Methodist College, and Columbia College. *See Book of Discipline*, ¶ 247.14.

Until October 26, 2024, the Conference also permitted a disaffiliation process using paragraph 2549 of the *Book of Discipline*. That process was substantially similar to the paragraph 2553 process, which sunset on December 31, 2023. Dozens of churches within the Conference entered into those processes and disaffiliated from The United Methodist Church and the Conference. The Conference did not contest those disaffiliations—and indeed fully participated in them—because they were conducted consistently with the *Book of Discipline*.

In June of 2024, the Alabama-West Florida Conference of The United Methodist Church requested a declaratory judgment ruling from the Judicial Council of The United Methodist Church

regarding a disaffiliation process it was using that was similar to the process under paragraph 2549 employed by the Conference. The Judicial Council is the Supreme Court of The United Methodist Church, and its decisions are binding and final for the denomination. *Book of Discipline*, ¶¶ 56-58, 2609; *Chestnut*, 230 A.D.3d at 190. Upon learning of this request, the Conference promptly advised the local churches in the Conference that a disaffiliation process under paragraph 2549 was before the Judicial Council and that any Judicial Council decision may impact the Conference's process going forward. On October 26, 2024, in Decision 1512, the Judicial Council rejected the ability of annual conferences to use paragraph 2549 for disaffiliation purposes. Following this ruling, there is no provision for disaffiliation or separation under the *Book of Discipline*, and Petitioners cannot create one by their own actions. Nor may the Conference condone or accept any such disaffiliation or separation.

By their own admission, Petitioners The Methodist Church of Simpsonville, Heidi Meek Medlin, and Michael Smith never attempted to separate using any process approved by the Conference or provided in the *Book of Discipline*. Petition p. 9. The other Petitioners issued their purported notices of separation after Judicial Council Decision 1512 was issued. Petition Ex. B (March 5, 2025 Motion for Assignment to a Single Trial Judge at Ex. A thereto). It was only after these unauthorized actions that the Conference brought suit.

LEGAL STANDARD

Rule 245(a) of the South Carolina Appellate Court Rules provides:

> The Supreme Court *will not entertain* matters in its original jurisdiction when the matter can be determined in a lower court in the first instance, without material prejudice to the rights of the parties. If the public interest is involved, or if special grounds of emergency or other good reasons exist why the original jurisdiction of the Supreme Court should be exercised, the facts showing the reasons must be stated in the petition.

(Emphasis added).

Because the Supreme Court's "primary function is to act as an appellate court to review appeals from the trial courts," "[o]nly when there is an *extraordinary reason* such as a question of significant public interest or an emergency will th[e Supreme] Court exercise its original jurisdiction." *Key v. Currie*, 305 S.C. 115, 116, 406 S.E.2d 356, 357 (1991) (emphasis added); *see also Modern Fin. Co. v. Hicks*, 235 S.C. 212, 215, 110 S.E.2d 859, 860-861 (1959) ("This court is and should be primarily concerned with appellate matters; it should not exercise original jurisdiction in matters cognizable in the circuit courts except when *necessary* in the public interest, or because of emergency, or for some other compelling reason.") (emphasis added). "Whether or not this court should exercise original jurisdiction is a matter not for agreement between litigants, but for determination by this court in the light of its rules and of the facts upon which such jurisdiction is invoked." *Modern Fin.*, 235 S.C. at 216, 110 S.E.2d at 861.

ARGUMENT

I. This case does not meet the extraordinarily high standard for the exercise of original jurisdiction.

Rule 245(a) and clear precedent make it plain that the primary role of the Supreme Court is to decide appeals. *E.g.*, *Key*, 305 S.C. at 116, 406 S.E.2d at 357; *Modern Fin.*, 235 S.C. at 215, 110 S.E.2d at 860-861. Putting the proverbial cart well in front of the horse, Petitioners omit the key opening sentence of Rule 245(a) (that "the Supreme Court *will* ***not*** *entertain* matters in its original jurisdiction when the matter can be determined in a lower court in the first instance, without material prejudice to the rights of the parties" (emphasis added)), moving straight to assertions that this case involves significant public interest concerns. While these are significant and important matters, they do not rise to the level of the "necessity" or "extraordinary reason" that must exist for this Court to exercise its original jurisdiction. And aside from reciting vague platitudes regarding economy and efficiency, Petitioners have not demonstrated in a concrete

fashion any "material prejudice to the *rights*" of any of the parties that would result from proceeding initially in the trial court.

In the rare occasions when this Court has granted petitions in its original jurisdiction, it has not been to decide cases like this one. Instead, the granted petitions for matters in the "public interest" cited by Petitioners (Petition pp. 25-26) fall into three general categories:

(1) disputes regarding the power of public officials to take certain actions, particularly in emergency situations (*e.g. Planned Parenthood S. Atl. v. South Carolina*, 440 S.C. 465, 892 S.E.2d 121 (2023); *Creswick v. The Univ. of S.C.*, 434 S.C. 77, 862 S.E.2d 706 (2021); *Mercury Funding, LLC v. Chesney*, 433 S.C. 591, 861 S.E.2d 35 (2021); *Pascoe v. Wilson*, 416 S.C. 628, 788 S.E.2d 686 (2016); *McConnell v. Haley*, 393 S.C. 136, 711 S.E.2d 886 (2011); *Segars-Andrews v. Judicial Merit Selection Commission*, 387 S.C. 109, 691 S.E.2d 453 (2010); *Mitchell v. Spartanburg County Legislative Delegation*, 385 S.C. 621, 685 S.E.2d 812 (2009); *Sloan v. Hardee*, 371 S.C. 495, 640 S.E.2d 457 (2007); *S.C. State Ports Auth. v. Jasper County*, 368 S.C. 388, 629 S.E.2d 624 (2006); *McCormick County Council v. Butler*, 361 S.C. 92, 603 S.E.2d 586 (2004); *Hodges v. Rainey*, 341 S.C. 79, 533 S.E.2d 578 (2000); *Westside Quik Shop, Inc. v. Stewart*, 341 S.C. 297, 534 S.E.2d 270 (2000));

(2) disputes involving public monies and taxation (*e.g.*, *Charleston County Parents for Pub. Schools, Inc. v. Moseley*, 343 S.C. 509, 541 S.E.2d 533 (2001); *City of Hardeeville v. Jasper County*, 340 S.C. 39, 530 S.E.2d 374 (2000)); and

(3) questions regarding the regulation of the legal profession (*e.g.*, *Boone v. Quicken Loans, Inc.*, 420 S.C. 452, 803 S.E.2d 707 (2017); *Doe v. Condon*, 341 S.C. 22, 532 S.E.2d 879 (2000)).

The lawsuits filed against Petitioners do not fit in any of these categories. At their core, they are instead lawsuits about ownership of local church property and the local church connection to the Conference and The United Methodist Church.

II. This case does not implicate the constitutional rights of the Petitioners and would not support granting the Petition even if it did.

No lawsuit filed against Petitioners (or against any other church group or individual parishioner) seeks to abridge the rights guaranteed by the federal and state Constitutions with regard to religious beliefs or the ability to assemble, associate, or worship as one chooses. Petitioners misleadingly claim that they do, ostensibly to provide a constitutional "hook" to entice this Court to assume original jurisdiction.[2] The individual Petitioners and the groups they represent are free to worship, assemble, and associate as they choose. However, in so exercising those rights, Petitioners cannot misappropriate real or personal property that rightfully belongs to the Conference through longstanding trust clauses and provisions that Petitioners repeatedly affirmed through real estate records, incorporation documents, or extensive affirming records of the local church over decades, nor may they misappropriate the corporate identity of a United Methodist church for themselves as they have purported to do. That is what these cases are about. Petitioners have misrepresented the nature and intent of these matters.

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[2] Petitioners cite to the Conference's original Complaint in the Methodist Church of Simpsonville matter (Greenville County Case No. 2024-CP-23-06475; Petition, Ex. D) in supposed support for their claims. *See* Petition pp. 20-24. Although that original Complaint is clearly framed as a "neutral principles of law" matter that does not implicate Constitutional concerns or would require ecclesiastical abstention (*see, e.g.*, *Jones*, 443 U.S. at 603-604), Petitioners fail to disclose that the Conference has moved to amend the Complaint in that matter such that it omits those specific allegations. *See* February 24, 2025 Motion to Amend Summons and Complaint and for Joinder and Realignment of Parties, attached hereto as **Exhibit B**. Petitioners the Methodist Church of Simpsonville and Michael Smith refused to consent to the Conference's request to amend. *Id.* p. 4. It is both disingenuous and misleading for these Petitioners to refuse to consent to a requested amendment and then advance in this Court an argument against the very allegations that they refused to allow to be amended.

However, even assuming that Petitioners are correct that First Amendment constitutional issues are implicated in this case, Petitioners' request for the exercise of original jurisdiction to address constitutional concerns would require this Court to upend its own longstanding rules. It is this Court's "firm policy to decline to rule on constitutional issues unless such a ruling is required." *In re McCracken*, 346 S.C. 87, 92, 551 S.E.2d 235, 238 (2001). Petitioners are asking the Court to ignore this "firm policy." Real estate law, trust law, nonprofit corporate law, and other bodies of non-First Amendment law are at the heart of these cases. Properly framed and read, the Complaints seek determinations rooted in civil law through the examination of deeds, nonprofit corporate records, governance rules and bylaws applicable to those particular nonprofit corporations (*e.g. Book of Discipline*), and extensive records of adherence by the local churches and their leaders to *Book of Discipline* and thereafter applying those facts to civil law—in other words, a "neutral principles of law" case. *See, e.g. Jones*, 443 U.S. at 603-604; *Jenkins v. Refuge Temple Church of God in Christ, Inc.*, 424 S.C. 320, 331-32, 818 S.E.2d 13, 19 (Ct. App. 2018).

Given the above, these cases should be resolved outside the consideration of any First Amendment issues and, to the extent those issues must be decided, they can only be resolved on the facts applicable to each church. By asking the Court to rule on Constitutional issues prior to the disposition of issues resting on neutral principles, the Petitioners have asked this Court to reverse its own "firm policy" and consider Constitutional questions first.

III. Assigning a single trial judge better accomplishes the shared goals of efficiency, uniformity, and judicial economy.

A. The fact-intensive nature of these matters is not suitable for the exercise of original jurisdiction.

It is clear from the Complaints filed by the Conference, the Complaint attached to the Petition, the Petition, and the arguments raised in connection with the Conference's Motion to Appoint a Single Trial Judge that there are factual issues that must be considered for each

individual church. Petitioners' proposed Complaint demonstrates this clearly, asking the Court to engage in a wide-ranging hypothetical exercise of giving advisory opinions on a large array of possible factual scenarios including variables of deed language, incorporation paperwork language, bank account language, and even allegations of unauthorized deeds that, purportedly, apply to one or more, but certainly not all, of the Petitioners. Petition, Ex. A, pp. 15-17.

Without a factual predicate for the declarations sought, Petitioners have not articulated a case or controversy for resolution by this Court. "South Carolina courts, like the federal courts, require a justiciable case or controversy before any decision on the merits can be reached." *Lennon v. S.C. Coastal Council*, 330 S.C. 414, 417–18, 498 S.E.2d 906, 908 (Ct. App. 1998). "A justiciable controversy is a real and substantial controversy which is ripe and appropriate for judicial determination, as distinguished from a contingent, hypothetical or abstract dispute." *Peoples Fed. Sav. & Loan Ass'n of S.C. v. Res. Plan. Corp.*, 358 S.C. 460, 477, 596 S.E.2d 51, 60 (2004) (internal citations omitted).

Furthermore, South Carolina appellate courts will not issue advisory opinions of the type Petitioners seek. *See In Int. of Kaundra C.*, 318 S.C. 484, 486, 458 S.E.2d 443, 444 (Ct. App. 1995); *Booth v. Grissom*, 265 S.C. 190, 192, 217 S.E.2d 223, 224 (1975). Nor will they decide purely academic questions. *Seabrook v. Knox*, 369 S.C. 191, 197, 631 S.E.2d 907, 910 (2006) ("If there is no actual controversy, this Court will not decide moot or academic questions."); *Wallace v. City of York,* 276 S.C. 693, 694, 281 S.E.2d 487, 488 (1981) ("The function of appellate courts is not to give opinions on merely abstract or theoretical matters, but only to decide actual controversies injuriously affecting the rights of some party to the litigation. Accordingly, cases or issues which have become moot or academic in nature are not a proper subject of review.").

In paragraph 27 of their proposed Complaint, Petitioners allege "[a]lthough these lawsuits involve individual facts and circumstances, two general issues dominate: (a) whether these local congregations properly and lawfully disaffiliated from the UMC, and (b) whether the Book of Discipline's trust clause applies to the disaffiliating local churches' property." Petition, Ex. A. As is evident from the detailed factual allegations presented with respect to the Methodist Church of Simpsonville, the answers to these questions are driven by the facts applicable to the individual churches and not a hypothetical scenario as envisioned by the Petitioners' request for declaratory relief.

Petitioners further allude to claims of detrimental reliance on alleged representations of the Conference that would necessarily be fact-intensive and unique to each church. *See* Petition, pp. 11-12; Ex. A, pp. 5-6, 71. However, Petitioners are parties in only 10 of the 19 cases filed by the Conference to date and constitute fewer than 20% of the more than 50 notices of separation the Conference has received. Given the wide variety of factual variables that Petitioners concede exist among the actions previously filed, how many more factual scenarios are possible within the universe of purportedly separating United Methodist churches? What scenarios are *not* covered in what Petitioners have asked of this Court? It is impossible to know, and that is the entire point of a judicial process that begins with findings of fact and conclusions of law in the trial court regarding individual cases and controversies and thereafter proceeds through the appellate courts in the normal course. This Court is ill-equipped to render a template for any scenario that might arise based on the facts of each case. This is precisely the reason the Court refrains from ruling in the abstract as to hypothetical situations.

These factual issues are practically unwieldy in a matter brought in the original jurisdiction of the Supreme Court. To be sure, the Supreme Court can engage in factual discovery in the

exercise of its original jurisdiction. S.C. Code Ann. § 14-3-340. However, that factual discovery may be accomplished by either framing and certifying an issue of fact "to the circuit court of the county in which the cause of action shall have arisen" or by "appointment of referees to take testimony and report thereon." *Id.* In the first instance, the factual issues would be determined by different circuit court judges all around the state (which would not be efficient, uniform, or economical) or, in the second instance, would be assigned to a single referee who would need to be specially compensated. *See* S.C. Code Ann. § 14-11-60. And given the wide-ranging, variable, and obscure allegations Petitioners have made, what guarantee would there be that this Court would actually be addressing the pertinent legal issues that actually arise? Indeed, in their proposed Complaint to this Court in its original jurisdiction, Petitions oddly allege very specific facts about the Simpsonville United Methodist Church matter throughout the bulk of the alleged "Facts" section of the proposed Complaint (Petition, Ex. A, ¶¶ 58-69; *see also* Petition, pp. 6-11), but do not attempt to do so for any other Petitioner. The omission of any individual facts for any Petitioner other than Simpsonville leaves Respondents guessing as to what might be alleged as to other churches. The facts upon which Petitioners seek this extraordinary relief are bare indeed. *See Modern Fin.*, 235 S.C. at 216, 110 S.E.2d at 861 (noting the decision to exercise original jurisdiction is determined largely by facts alleged in support thereof).

B. The legal issues involved are best suited for decision in the trial court and then, if necessary, appeal through the normal process.

Petitioners claim that original jurisdiction is appropriate to consider legal issues like standing, ecclesiastical abstention, judicial estoppel, and First Amendment considerations. *See* Petition pp. 16-24. Notwithstanding Petitioners' apparently dim view of the capabilities of the circuit court in applying precedent and legal authority to facts developed in discovery, these are tasks that circuit courts fully and capably undertake every day. Should any party be displeased

with the resulting decision, that party may take an appeal in the normal course with the benefit of a full and appropriate record for appellate consideration.

Trial courts in South Carolina have ably and regularly tackled church property and identity cases for decades. *See, e.g.*, *New Life Apostolic Church, Inc. v. Progressive Church of Our Lord Jesus Christ, Inc.*, Case No. 2020-CP-43-01863, 2021 WL 10863441 (S.C. Comm. Pleas Nov. 17, 2021); *S.C. Dist. Council of Assemblies of God v. River of Life International Worship Center*, Case No. 03-CP-40-4979, 2005 WL 6214514 (S.C. Comm. Pleas Aug. 8, 2005)). They also have an abundant body of authority on which to rely in deciding the issues to arise in these matters, including the nuances of ecclesiastical abstention, "neutral principals of law," and other relevant frameworks. *See, e.g.*, *Jones v. Wolf*, 443 U.S. 595 (1979); *Protestant Episcopal Church in the Diocese of S.C. v. The Episcopal Church*, 421 S.C. 211, 806 S.E.2d 82 (2017); *Banks v. St. Matthew Baptist Church*, 406 S.C. 156, 750 S.E.2d 605 (2013); *Williams v. Wilson*, 349 S.C. 336, 563 S.E.2d 320 (2002); *Pearson v. Church of God*, 325 S.C. 45, 478 S.E.2d 849 (1996); *Seldon v. Singletary*, 284 S.C. 148, 326 S.E.2d 147 (1985); *Adickes v. Adkins*, 264 S.C. 394, 215 S.E.2d 442 (1975); *Bramlett v. Young*, 229 S.C. 519, 93 S.E.2d 873 (1956); *Jenkins v. Refuge Temple Church of God in Christ, Inc.*, 424 S.C. 320, 818 S.E.2d 13 (Ct. App. 2018); *Fire Baptized Holiness Church of God of Americas v. Greater Fuller Tabernacle Fire Baptized Holiness Church*, 323 S.C. 418, 475 S.E.2d 767 (Ct. App. 1996). The trial courts are also similarly capable of handling real estate law, trust law, and nonprofit corporation law—items sure to come up in most, if not all, of these matters—in the normal course of discharging their judicial duties.

Although not necessary for the resolution of the questions posed by the Petitioners' Petition (whether or not this Court should accept it), Petitioners are incorrect on the legal positions advanced on their supposed "novel" issues of standing, ecclesiastical abstention, judicial estoppel,

and the First Amendment. As to standing, the *Book of Discipline*—as the Constitution and governing document/bylaws of the Conference and every United Methodist Church—clearly establishes the Conference as the appropriate party-in-interest and actor for the benefit of The United Methodist denomination. *Book of Discipline*, ¶¶ 12, 34. The South Carolina Nonprofit Corporation Act (the Act under which Petitioners purport to act) also establishes the Conference's standing, providing: "An amendment to the articles of incorporation *does not affect* ... any requirement or limitation imposed upon the corporation, or any property held by it by virtue of any trust upon which such property is held by the corporation or the existing rights of persons other than members of the corporation." S.C. Code Ann. § 33-31-1008 (emphasis added). In other words, the purported actions of Petitioners cannot legally impact any trust or beneficial interest the Conference has in the subject property. The Conference has standing to pursue these matters. As to ecclesiastical abstention and judicial estoppel, the cases cited by Petitioners involving the Conference have implicated doctrinal issues, internal church processes, or pastoral discipline matters – not the church property and identity intersections with civil law alleged in the subject Complaints against Petitioners and others. *See, e.g.*, Petition, Exhibit C at Exhibits S, T, U, V, and W attached thereto. And, as addressed earlier, properly framed, Petitioners' First Amendment rights are not implicated.

Petitioners are also confused and incorrect about the structure of The United Methodist Church, claiming that The United Methodist Church is connectional but not hierarchical. Petition pp. 2-3. Connectional and hierarchical are not mutually exclusive terms and, indeed, refer to the same concept. As the United States Supreme Court has noted in a seminal case: "[t]he PCUS [Presbyterian Church in the United States] has a generally hierarchical or connectional form of government, as contrasted with a congregational form." *Jones*, 443 U.S. at 597. The antonym of

hierarchical is "congregational" – not "connectional." *Id.*; *see also Seldon*, 284 S.C. at 150, 326 S.E.2d at 148-149. Both the Presbyterian and Methodist churches have long been recognized as hierarchical churches. *See Watson v. Jones*, 80 U.S. 679, 729 (1871) (noting the "Presbyterian churches" and the "Methodist Episcopal" churches have similar and large "systems" of "written organic laws, their books of discipline, in their collections of precedents, in their usage and customs…").

C. Petitioners' Petition reinforces the need for the appointment of a single trial judge.

Yes, the Conference has filed multiple lawsuits in multiple counties. Yes, these cases are likely to involve similar legal issues. Yes, the doctrines and bodies of law the court will be called on to apply will be consistent. However, there will be factual variables and nuances for each local church. The concerns for judicial economy, uniformity, and efficiency that Petitioners articulate and Respondents share do have a solution: the appointment of a single trial judge, as requested by the Conference. *See* Appellate Case 2025-000432. That single trial judge can efficiently manage these cases, perhaps creatively if there are (for example) declaratory judgment issues that, as the matters develop, need appellate resolution before proceeding to other matters within the cases. *See, e.g.* Rule 57, SCRCP; Consent Order Governing Further Proceedings, *In re: Hospital Pricing Litigation*, June 29, 2012, attached hereto as **Exhibit C**. Moreover, all parties' appellate rights will be preserved in the usual course.

CONCLUSION

For the above reasons along with the reasons stated in the Conference's Motion for Appointment of a Single Trial Judge and its briefing in Appellate Case 2025-000432, the Conference respectfully requests that the Court deny Petitioners' Petition for Original Jurisdiction

and instead grant the Motion to Appoint a Single Trial Judge, fashioning such relief in the Court's discretion.

Respectfully submitted,

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