

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Eric William Ruschky,

Plaintiff,

vs.

The First Presbyterian Church of
Columbia and Catawba Presbytery of the
General Synod of the Associate
Presbyterian Church,

Defendants.

IN THE COURT OF COMMON PLEAS

FOR THE FIFTH JUDICIAL CIRCUIT

C/A No. 2025-CP-40-07916

**ORDER GRANTING DEFENDANTS'
MOTIONS TO DISMISS**

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SC Court of Appeals

Plaintiff Eric William Ruschky (“Plaintiff” or “Ruschky”) initiated this lawsuit on November 25, 2025, complaining of The First Presbyterian Church of Columbia (“First Presbyterian”) and Catawba Presbytery of the General Synod of the Associate Reformed Presbyterian Church (“Catawba”) regarding discipline he received as an Elder at First Presbyterian. Plaintiff alleged various violations of the Book of Discipline of the Associated Reformed Presbyterian Church and its form of government. Plaintiff’s Complaint alleged five (5) causes of action; including two (2) against First Presbyterian, two (2) against Catawba, and one (1) against both. The causes of action against the Defendants 1) all arise from matters and tenets of church discipline and governance of the Associate Reformed Presbyterian Church as set forth in its Constitution and 2) seek to have the Court issue declaratory judgments as to the actions of First Presbyterian and Catawba.

On February 9, 2026, First Presbyterian filed its motion to dismiss for lack of subject matter jurisdiction and failure to state a claim. On March 11, 2026, Catawba filed a similar motion.

The motions to dismiss came before this Court on May 5, 2026, at which time the Court heard arguments from counsel for all parties. Prior to the hearing, both First Presbyterian and Catawba submitted memoranda in support of their respective motions. Plaintiff submitted a reply memorandum on May 4, 2026. After considering the Defendants' motions to dismiss, the pleadings, memoranda and material submitted by the parties as well as oral arguments and facts presented during the hearing, this Court grants both Defendants' motions to dismiss based on lack of subject matter jurisdiction and failure to state a claim, and dismisses Plaintiff's case in total with prejudice for the reasons set forth below.

BACKGROUND SUMMARY

First Presbyterian is a non-profit religious corporation, and pursuant to the hierarchical structure of the Associate Reformed Presbyterian Church ("ARP") is a member church of the co-defendant Catawba Presbytery, of the Associate Reformed Presbyterian Church ("ARP"). Likewise, Catawba Presbytery is also a non-profit religious entity. As recognized by South Carolina law, religious organizations are divided into two groups: Congregational Churches and Hierarchical Churches. The distinction between those two is set forth by the South Carolina Supreme Court in *Seldon v. Singletary*, 284 S.C. 148, 149-50, 326 S.E. 2d 147, 148 (1985) as follows:

A Hierarchical Church may be defined as one organized as a body with other churches having similar faith and doctrine with a common ruling convocation or ecclesiastical head. Under the [Hierarchical] system a local church is but a member of a larger and more important religious organization, and is under its govern and control and the voluntary act of joining the general denominational organization subjects the local church to its rules and regulations.

As held in the *Seldon* case above, "a typical example of a Hierarchical Church is the Presbyterian." *Id.* at 150, 326 S.E.2d at 149. The Book of Discipline is part of the Constitution of

the ARP denomination, and is the accepted and universal standard by which controversies and matters of discipline in the ARP church are to be judged.

Plaintiff was an Elder of First Presbyterian. In the Associate Reformed Presbyterian Church, Elders make up the Session of the local church. “The lowest court of the Church, called the Session, is charged with spiritual oversight and governance of an individual congregation with(in?) this jurisdiction of a Presbytery.” *Form of Government of the Associated Reformed Presbyterian Church*, ¶ 6.5. (Sept. 2023). It is the actions of the Session of First Presbyterian pursuant to the ARP Book of Discipline which Plaintiff alleges are the subject of this lawsuit.

The Plaintiff’s lawsuit, filed on November 25, 2025, arises from the disciplinary process of ARP exercised by First Presbyterian pursuant to the ARP Book of Discipline. Paragraph 5 of the Plaintiff’s Complaint acknowledges this by alleging that the lawsuit arises out of “the adjudication process of the denomination as set forth in the Book of Discipline.”¹

The Complaint asserts that the Defendants violated the Book of Discipline, and asks this Court to substitute itself for the ecclesiastical process. Plaintiff further disputes that he was a member of First Presbyterian at the time of discipline.

Specifically, Plaintiff alleges in his Complaint that the Session of First Presbyterian violated the Book of Discipline which resulted in finding him guilty of the offense of contumacy.²

This resulted in his removal as an Elder of First Presbyterian. In this lawsuit, Plaintiff asks the

¹ Because the Book of Discipline is incorporated by reference in Plaintiff’s Complaint, it is part of the pleading to be considered under Rule 12. *Brazell v. Windsor*, 384 S.C. 512, 516, 682 S.E.2d 824, 826 (2009).

² “Contumacy” is defined by the Book of Discipline at 2.1.2 as “an unwillingness to cooperate with the lawful command of any church court, and any conduct which demonstrates contempt, dishonor and disrespect for proper and legitimate authority. When alleged as an offense, disciplinary procedures shall be followed. When committed in the presence of a court of the church, censures may be applied without any need for further investigation.”

Court to a) make a determination that the Session of First Presbyterian in some way violated this Book of Discipline, b) interrupt the ongoing internal discipline protocol by pre-empting Plaintiff's pending appeal to Catawba which is still in process, and c) essentially void or overturn the disciplinary process of First Presbyterian.³

The Plaintiff's Complaint alleges five (5) causes of action against the Defendants. With the exception of Plaintiff's Second cause of action for defamation, the remaining four (4) causes of action seek either 1) a declaration or interpretation of the ecclesiastical disciplinary process of First Presbyterian and Catawba pursuant to South Carolina Code Section 15-53-10 or 2) an order of the Court which would direct either First Presbyterian or Catawba to administer or review its disciplinary process pursuant to the direction of the Court.

Plaintiff's Complaint clearly asks this Court to adjudicate ecclesiastical matters of church discipline and governance. Such oversight by the State is barred by the Church Autonomy and Ecclesiastical Abstention Doctrines. Accordingly, Plaintiff's Complaint is dismissed with prejudice for the reasons set forth herein.

STANDARD OF REVIEW

A. Lack of Subject Matter Jurisdiction under 12(b)(1), SCRCF

Subject matter jurisdiction is "the power to hear and determine cases of the general class to which the proceedings in question belong." *Dove v. Gold Kist, Inc.*, 314 S.C. 235, 237-38, 442 S.E.2d 598, 600 (1994) (internal citations omitted). The issue of jurisdiction is a question of law to be decided by the judge and not a jury. *Bargesser v. Coleman Co.*, 230 S.C. 562, 96 S.E.2d 825, 827 (1957). Where a party asserts there is no jurisdiction, the Court may consider matters outside

³ Based on the allegations in the Plaintiff's Complaint, as well as the affidavit of Rev. Benjamin Glaser, it appears that the appellate process provided for via the Co-Defendant Presbytery has not been concluded.

the allegations of the complaint such as affidavits, depositions, or other evidence. *Graham v. Lloyds of London*, 296 S.C. 249, 251, 371 S.E.2d 801, 802, n.1 (Ct. App. 1988). The Plaintiff bears the burden of demonstrating this Court has subject matter jurisdiction. *See e.g., Shekoyan v. Sibley Int'l Corp.*, 217 F.Supp.2d 59, 63 (D.D.C. Aug. 16, 2002). Plaintiff did not meet that burden in order to avoid dismissal.

B. Failure to State a Cause of Action under 12(b)(6), SCRCP

A 12(b)(6) motion tests the legal sufficiency of the allegations in the pleading. “In considering a motion to dismiss pursuant to 12(b)(6), SCRCP, the circuit court must base its ruling solely upon the allegations set forth on the face of the complaint.” *Charleston Cnty. Sch. Dist. v. Harrell*, 393 S.C. 552, 557, 713 S.E.2d 604, 607 (2011). The motion to dismiss must be granted if the “facts alleged in the complaint and inferences reasonably deducible therefrom do not entitle the plaintiff to relief on any theory of the case” or fail to state a viable cause of action. *Chewning v. Ford Motor Co.*, 346 S.C. 28, 33, 550 S.E.2d 584, 586 (Ct. App. 2001). Here because the Plaintiff seeks to have this Court regulate the Defendants’ disciplinary process, subject matter jurisdiction does not exist, and as such the Plaintiff’s Complaint fails to state a claim.

THE CONSTITUTIONAL PROTECTIONS AFFORDED TO CHURCHES

Churches are constitutionally entitled to “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.” *Banks v. St. Matthew Baptist Church*, 406 S.C. 156, 160, 750 S.E.2d 605, 607 (2013) (quoting *Kedroff v. St. Nicholas Cathedral*, 344 U.S. 94, 116 (1952)). The religion clauses of the First Amendment ensure churches can decide for themselves, free from state interference, matters of church governance. The First Amendment of the United States Constitution provides, in relevant part: “Congress shall make no law respecting

an establishment of religion or prohibiting the free exercise thereof.” The South Carolina Constitution contains virtually the same language. See S.C. Const. Art. I, § 2. Constitutional protections are designed to protect churches against the very state interference that Plaintiff seeks this Court to exercise. As noted most recently in *McRaney v. N. Am. Mission Board of the S. Baptist Convention*, 157 F.4th 627, 633-34 (5th Cir. 2025):

Civil courts cannot adjudicate ecclesiastical matters. That august principle has a “rich historical pedigree” stretching well past the Founding. *McRaney*, 980 F.3d at 1076 (Oldham, J., dissenting from the denial of a hearing in En Banc). The First Amendment’s Religion Clause enshrines that principle within the church autonomy doctrine which shields religious institutions from interference by state and federal courts.

From constitutional protection enshrined in our history’s founding came two doctrines recognized in South Carolina, which bar this lawsuit and require dismissal: The Church Autonomy Doctrine and the Ecclesiastical Abstention Doctrine.

A. The Church Autonomy Doctrine

Church Autonomy is a structural constitutional immunity from suit that must be resolved at the threshold of the litigation to protect against judicial intrusion into ecclesiastical affairs. *McRaney*, 157 F.4th at 641. In practice, “the civil courts will not enter into the consideration of church doctrine or church discipline, nor will they inquire into the regularity of the proceedings of the church judicatories having cognizance of such matters.” *Morris Street Baptist Church v. Dart*, 67 S.C. 338, 45 S.E. 753, 754 (1903). The “general principal of church autonomy” guarantees to religious institutions “independence in matters of faith and doctrine and in closely linked matters of internal govern[ance].” *Our Lady of Guadalupe SCH v. Morrissey-Berru*, 591 U.S. 732, 747 (2020). The First Amendment does not allow civil litigation “to turn on the resolution by civil courts of controversies over religious doctrine and practice.” *Presbyterian Church in U.S. v. Mary Elizabeth Blue Hull Memorial Presbyterian Church*, 393 U.S. 440, 449 (1969). The doctrine

prohibits judicial interference in matters such as the determination of religious polity, or membership matters of discipline and good standing, all of which Plaintiff seeks this Court to regulate. However, the Church Autonomy Doctrine forbids courts from adjudicating matters of church governance, including church discipline. *See Bouldin v. Alexander*, 82 U.S. 131, 139-40 (1872). “Where the church autonomy doctrine applies, its protection is total.” *McRaney*, 157 F.4th at 641. Churches have a fundamental right under the First Amendment to decide for themselves, free from state interference, matters of church governance as well as those of faith and doctrine. As a result, Plaintiff’s Complaint is barred by the Church Autonomy Doctrine.

B. The Ecclesiastical Abstention Doctrine

The Ecclesiastical Abstention Doctrine is a court-created doctrine meant to prevent the judiciary from inserting itself into religious affairs. *Watson v. Jones*, 80 U.S. 679, 727 (1872). Under this doctrine, civil courts cannot delve into matters that focus on “theological controversy, church discipline, ecclesiastical government, or the conformity of the members of the church to the standard of morals required of them.” *Serbian Orthodox Dioceses for US & Can. v. Milivojevich*, 426 U.S. 696, 714 (1976). Ecclesiastical Abstention rightly counsels courts to avoid entanglements in matters of church doctrine, governance and polity. *See, e.g., First Baptized Holiness Church v. Greater Fuller Tabernacle*, 323 S.C. 418, 475 S.E.2d 767 (Ct. App. 1996); *Morris Street Baptist Church v. Dart*, 67 S.C. 338, 45 S.E. 753 (1903). As a result, this doctrine is also a basis for dismissal of this Complaint.

ANALYSIS

The Plaintiff’s suit against First Presbyterian and Catawba is clearly barred by both the U.S. Constitution as well as legal precedents developed for the purpose of securing the protections

of religious congregations from governmental interference. As such, dismissal is required per Rules 12(b)(1) and 12(b)(6), SCRCPP, for the reasons set forth below.

A. Plaintiff's Causes of Action Seeking Declaratory Judgments Against the Defendants Are Barred by the Church Autonomy and Ecclesiastical Abstention Doctrines.

The Plaintiff's First and Third causes of action against First Presbyterian and Catawba, respectively, ask this Court to issue a declaratory judgment regarding the alleged failure of the Defendants to follow the procedures set forth in the ARP Book of Discipline. In each, Plaintiff cites to the ARP Book of Discipline and asks this Court to interpret its provisions and enforce them, overruling the ecclesiastical decision-making of the Defendants. In essence, the Complaint asks this Court to interpret, decide and enforce denominational doctrines, discipline and polity. "A court cannot possibly exercise jurisdiction over this matter without becoming ensnared in the internal working of the church's system of self-governance." *Banks*, at 166, 750 S.E.2d at 610 (C.J. Toal & J. Kittredge dissenting). In order for this Court to issue a declaration sought by Plaintiff, this Court would be required to perform secular review of the ecclesiastical decisions of First Presbyterian and Catawba, which would violate the Church Autonomy Doctrine. In *Kedroff*, the United States Supreme Court recognized that non-reviewability of questions of faith, religious doctrine and its ecclesiastical government by civil courts is an essential part of the religious body's independence from secular control or manipulation. That review is what Plaintiff's Complaint seeks. Accordingly, the first and third causes of action are barred by the Church Autonomy Doctrine and the Ecclesiastical Abstention Doctrine.

B. Plaintiff's Fourth and Fifth Causes of Action Are Likewise Barred.

While neither is styled as a declaratory judgment claim, each of these causes of action requests that the Court issue an order directing Catawba and First Presbyterian to engage in

activities under the Book of Discipline. Plaintiff's Fourth cause of action against Catawba requests "[a]n order requiring the Presbytery to comply with the requirements of the Book of Discipline." Plaintiff's Fifth cause of action requests an order directing First Presbyterian and Catawba to publicize vacation of the censure of contumacy. Without question, both of these causes of action ask the Court to engage in a review of church doctrine and discipline and substitute its judgment for that of the Defendants. Doing so would require this Court to impose unconstitutional regulation on the Defendants' ecclesiastical protocols. The Plaintiff wants the Court to dictate Catawba's compliance with the Book of Discipline and then undertake the governance of First Presbyterian to reverse the finding of contumacy. For the reasons set forth previously, this Court is not constitutionally authorized to make those decisions.

Both of these causes of action also ask this Court to delve into matters of church discipline in violation of the First Amendment of the Constitution. Plaintiff would have this Court ignore the holdings of the United States Supreme Court that "[w]henver the questions of discipline, or of faith, or ecclesiastical rule, custom, or law have been decided by the highest of these church judicatories to which the matter has been carried, the legal tribunals must accept such decisions as final and binding on them." *Watson v. Jones*, 80 U.S. 679, 727 (1872).

Because the Associate Reformed Presbyterian Church is hierarchical, it is permitted to establish its own internal rules for discipline and governance. In *Serbian Eastern Orthodox Diocese v. Milivojevich*, 426 U.S. 696 (1976), the Supreme Court held that the First Amendment:

Permit[s] hierarchical religious organizations to establish their own rules and regulations for internal discipline and government, and to create tribunals for adjudicating disputes over [those] matters.

Id. at 724. That holding went on to make clear that "The constitution requires the civil courts accept their decisions as binding upon them." *Id.* at 725. As a result, this Court is not empowered to make

the decisions of First Presbyterian or Catawba and accordingly, these causes of action are dismissed.

C. Plaintiff's Defamation Claim

Finally, Plaintiff's Second cause of action alleges a defamation claim against First Presbyterian. While Plaintiff attempts to avoid the consequences of the Church Autonomy and Ecclesiastical Abstention Doctrines by alleging civil defamation against First Presbyterian, this claim fails because the alleged defamation of which he complains arises from the church discipline rendered pursuant to the Book of Discipline. Plaintiff's Complaint first alleges that "The Session then publicized the censure to the Church as a whole." (Compl. ¶12). Plaintiff then claims that the very act of the finding of contumacy by the Session of First Presbyterian constituted defamation. (Compl. ¶18). As to the alleged publication necessary to sustain any defamation claim, the Book of Discipline requires, pursuant to Chapter 4.9(C), that "[r]emoval from office shall be announced to the congregation for cases at the level of the local church." Hence the announcement which Plaintiff alleges was defamation was, in fact, a required act under the Book of Discipline and to which Plaintiff inherently consented as a member of First Presbyterian.

Plaintiff's case is clearly distinguishable from *Banks*, a 3-2 decision of the Supreme Court in which then - Chief Justice Toal and now Chief Justice Kittredge dissented. See 406 S.C. 156, 750 S.E.2d 605 (2013). Unlike *Banks*, in which the Pastor unilaterally accused church officers of wrongdoing including theft, the alleged defamation here arises from an established and mandatory church disciplinary proceeding. Further, *Banks*, was decided using "neutral principles," which the United States Supreme Court has held can only be used in cases involving property rights. Here, there are no property rights that are implicated by the decision of the Session of First Presbyterian. This case is further distinguished from *Banks* because there is no question that the actions were

directed and governed by the Book of Discipline. Indeed, all of the alleged acts or omissions of First Presbyterian arise out of or are derived from the Book of Discipline. Accordingly, the Second Cause of Action for defamation is dismissed.

RULING

The allegations of Plaintiff's Complaint are not within the subject matter jurisdiction of this Court. Throughout the 29 paragraphs of the Plaintiff's Complaint and the 7 paragraphs of the Plaintiff's prayer, he repeatedly refers to the Book of Discipline of the Associate Reformed Presbyterian Church and asks this Court to review actions of both Defendants taken under ecclesiastical church governance provisions relating to both membership status and discipline. This review is prohibited by the United States Constitution as well as the Church Autonomy and Ecclesiastical Abstention Doctrines. Because of this long-standing precedent, this Court lacks subject matter jurisdiction to review the actions of the Defendants relating to both membership and discipline. Further, the Plaintiff's Complaint fails to state a claim which is free from entanglement of church governance. Moreover, Plaintiff has the burden of proof to establish that this Court does have subject matter jurisdiction. All parties were afforded the opportunity to argue their positions at length in the May 5th hearing. Nonetheless, Plaintiff did not meet his burden of proof to establish that this Court has subject matter jurisdiction over the matters alleged in the Complaint.

Accordingly, this Court dismisses the Plaintiff's Complaint with prejudice.

IT IS SO ORDERED.

Judge Daniel Coble
Judge, Fifth Judicial Circuit

Richland County, South Carolina
This ____ day of _____, 20____.



Richland Common Pleas

Case Caption: Eric William Ruschky vs First Presbyterian Church Of Columbia ,
defendant, et al
Case Number: 2025CP4007916
Type: Order/Other

So Ordered

s/ Daniel Coble, 2774