

In The

Appellate Court of Maryland

No. 1812, September Term, 2024
ACM-REG-1812-2024

**THE METHODIST CHURCH OF
CAPE ST. CLAIRE, ET AL.**

Appellant

v.

**THE BALTIMORE WASHINGTON
CONFERENCE OF THE UNITED
METHODIST CHURCH, INC., ET AL.**

Appellees

*Appeal from the Circuit Court for Anne Arundel County, Maryland
Case No. C-02-CV-23-000500
(Hon. Michael E. Malone, Judge)*

APPELLANTS' BRIEF

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STATEMENT OF THE CASE

This appeal stems from litigation that commenced in the Circuit Court for Anne Arundel County, Maryland, in December 2023¹, after the Baltimore Washington Conference of the United Methodist Church, Inc. and Bishop LaTrelle Easterling imposed onerous and burdensome financial obligations on churches that sought to disaffiliate from the United Methodist Church. Prior to this, the United Methodist Church (UMC) recognized various pathways for churches to disaffiliate without surrendering their properties.

Plaintiff-Appellants—representing 37 local United Methodist churches seeking to disaffiliate from the denomination—initiated the action by filing their original Complaint on March 13, 2023, which Complaint was thereafter amended by their First Amended Complaint on May 19, 2023.

Defendants-Appellees filed a Motion to Dismiss on June 20, 2023, asserting that the claims should be dismissed on various jurisdictional and substantive grounds, and in particular that the Court lacked jurisdiction under the Ecclesiastical Abstention Doctrine derived from the First Amendment of the United States Constitution. The parties engaged in briefing and oral argument on this motion, with a hearing held on September 18, 2023.

¹ The Methodist Church of Cape St. Claire, et al. v. The Baltimore Washington Conference of the United Methodist Church, et al., Case No. C-02-CV-23-000500.

Judge Vitale issued an order on January 2, 2024, dismissing Claims II, VI, VII, and VIII of the First Amended Complaint. The court denied Appellees' motion as to Claims I (but only as to those churches located in Anne Arundel County), III, IV, V, and IX. The Court held that these remaining claims could be decided on neutral principles without relying on theological principles.

In late February 2024, Appellees filed a motion for summary judgment contending that no genuine issue of material fact remained on the claims that survived dismissal. This motion prompted further briefing and scheduling matters.

The summary judgment phase was heard by a new judge, Judge Malone. The summary judgment phase culminated with a hearing on July 1, 2024, during which both sides presented oral arguments on the remaining claims. On June 28, 2024, Appellees supplemented their motion by filing a Notice of Supplemental Authority.

Following additional briefing and argument – including Appellees' reply to Appellants' opposition – the court ultimately issued its Memorandum Opinion and Order on Summary Judgment on October 11, 2024. Disagreeing with the court's prior holding that several of the remaining claims could be subject to judicial review under a neutral principles approach, Judge Malone found that summary judgment was appropriate on all remaining claims and refused to otherwise find that the trust provisions of the Book of Discipline of the United Methodist Church (BoD) were revocable or unenforceable.

This appeal followed.

QUESTIONS PRESENTED

1. Did the trial court err by applying the Ecclesiastical Abstention Doctrine to preclude judicial review of secular and property-related provisions of the Book of Discipline, thereby denying Appellants their right to a jury trial on disputed factual issues?
2. Did the trial court improperly dismiss Appellants' claims for declaratory judgment and quiet title under the Ecclesiastical Abstention Doctrine?
3. Did the trial court err by failing to adhere to the law of the case doctrine in reconsidering prior rulings that the Book of Discipline could be interpreted using neutral principles of law?
4. Did the trial court's denial of judicial review violate Appellants' constitutional rights?
5. Did Judge Malone's refusal to recuse himself constitute an abuse of discretion?

STATEMENT OF FACTS

For decades, longstanding church law—embodied in provisions such as ¶2548.2 and ¶2549 of the BoD—recognized that congregations may leave the denomination without losing their property. (E.83 ¶84) Accordingly, Appellants entered into trust agreements with the understanding that disaffiliation would not require the surrender of their real property. (E.83 ¶84)

Furthering their understanding that such departure was possible, in February 2019, the General Conference of the UMC adopted Paragraph 2553 of the BoD, which clearly established that a local church may disaffiliate without forfeiting its property, provided that it meets certain financial obligations and obtains the requisite approval from its Annual

Conference. (E.78 ¶¶69) Notwithstanding the unambiguous language of ¶2553, the Baltimore-Washington Conference (the “Conference”), under the leadership of Bishop LaTrelle Easterling, imposed an additional requirement, mandating that any church seeking to disaffiliate must pay 50% of its real property’s assessed value to retain ownership post-disaffiliation. (E.78 ¶¶69) Appellants contend that this extra financial and procedural hurdle is unauthorized by the BoD and directly contradicts the longstanding principles of property retention upon disaffiliation. (E.87 ¶¶104-105)

At its core, the dispute is whether a local church possesses the fundamental right to separate from the UMC while retaining property it purchased and has long stewarded. (E.69-70 ¶¶1-2) The plain language of the BoD and time-honored practice unequivocally support that right. (E.78 ¶¶69) Appellees’ imposition of an additional payment requirement not only departs from the text of the BoD but also undermines the autonomy of local churches and the trust placed in their leaders. (E.78 ¶¶69)

This appeal arises from the trial court’s grant of summary judgment in favor of Appellees, dismissing Appellants’ claims regarding disaffiliation and property rights. (E.171). The trial court, relying on the Ecclesiastical Abstention Doctrine, held that judicial review of several claims was barred because they were intertwined with theological principles, and otherwise disregarded established law and precedent for the remaining claims. *Id.* Appellants, contend that Judge Malone’s decision departed from the law of the case established by Judge Vitale, who confirmed jurisdiction over certain counts under Maryland’s neutral principles doctrine. (E.114-119, 126) Appellants further assert that the trial court’s reliance on deference to the denomination’s internal authority—without

addressing allegations of fraud and without affording a jury trial on disputed factual issues—violated their property, contract, and constitutional rights. **(E.177, 179-185)** Additionally, they contend that Judge Malone's refusal to recuse himself, given his connections with Appellees, further compromised a fair adjudication. **(E.167-170)**

For these reasons, Appellants seek reversal of the summary judgment, a declaration of their valuable property rights, and restoration of their ability to manage their church properties free from undue interference by Appellees.

STANDARD OF REVIEW

A. De Novo Review for Summary Judgment.

This Court reviews the trial court's grant of summary judgment de novo. *Sadler v. Dimensions Healthcare Corp.*, 378 Md. 509, 534 (2003). Under this standard, the appellate court independently considers the legal issues without deference to the lower court's conclusions. The focus is on whether the evidence, viewed in the light most favorable to the non-moving party, presents genuine disputes of material fact. If no such disputes exist, the court then assesses whether the moving party is entitled to judgment as a matter of law. Md. Rule 2-501. **(App.001)**

The de novo standard ensures that errors in the trial court's application of the law are corrected. In *Heat & Power Corp. v. Air Prods. & Chems., Inc.*, 320 Md. 584, 591 (1990), the court of appeals reiterated that summary judgment must only be granted when the evidence shows no room for differing inferences.

B. Abuse of Discretion for Procedural Rulings.

For procedural issues, such as a judge's refusal to recuse, appellate courts review for abuse of discretion. *Khan v. State*, 415 Md. 89, 100 (2010). A trial court abuses its discretion when its decision is "manifestly unreasonable, or exercised on untenable grounds, or for untenable reasons." *Touzeau v. Deffinbaugh*, 394 Md. 654, 669 (2006).

This standard reflects deference to the trial court's firsthand observation of the parties and proceedings but ensures that discretion is not exercised arbitrarily. In recusal cases, the question is whether a reasonable person, knowing all the circumstances, would question the judge's impartiality. *Jefferson-El v. State*, 330 Md. 99, 107 (1993).

C. Mixed Standard for Constitutional Issues

Where constitutional questions are implicated, such as denial of the right to a jury trial, the appellate court applies a mixed standard of review. The trial court's factual findings are reviewed for clear error, while legal conclusions are reviewed de novo. *State v. Andrews*, 227 Md. App. 350, 371 (2016). This standard balances respect for the trial court's role as factfinder with the appellate court's duty to ensure the proper application of constitutional protections.

ARGUMENT

I. THE COURT DISREGARDED RECOGNIZED EXCEPTIONS TO THE ECCLESIASTICAL ABSTENTION DOCTRINE.

The trial court erroneously granted summary judgment by concluding that neutral principles of law could not be applied to resolve Appellants' claims for constructive fraud (Claim III), breach of fiduciary duty (Claim IV), and breach of contract (Claim IX). The court dismissed key claims on the grounds that they required excessive entanglement with

ecclesiastical matters. However, the court’s conclusions overlooked established precedent and improperly insulated Appellees from judicial scrutiny.

In a case just decided by the North Carolina Court of Appeals, the North Carolina Annual Conference took similar steps that the Defendants in this case made when they intentionally foreclosed the opportunity for the Fifth Avenue United Methodist Church of Wilmington (“Fifth Avenue”) to disaffiliate from the North Carolina Annual Conference by forcibly taking the property from the local church. *See Fifth Ave. United Methodist Church of Wilmington v. N. Carolina Conf., Se. Jurisdiction, of United Methodist Church, Inc.*, 911 S.E.2d 106, 121 (N.C. Ct. App. 2024). Fifth Avenue attempted to engage in the disaffiliation process, but they were denied that opportunity in a similar fashion as Appellants in this case. Fifth Avenue then filed suit against the North Carolina Annual Conference. The trial court in the *Fifth Avenue* case dismissed the claims of breach of contract, quiet title, judicial modification of trust, fraud, constructive fraud, declaratory judgment, and quiet title for lack of subject matter jurisdiction. On appeal, the North Carolina Court of Appeals ruled that the trial court did have subject matter jurisdiction and that these claims were not barred by the Ecclesiastical Abstention Doctrine, ruling that these issues can be determined by neutral principles of law. *Id.*

A. The Neutral Principles Doctrine.

The neutral principles of law doctrine authorizes the admission of evidence that relates to changes in circumstances provided the evidence remains factual and descriptive rather than interpretative of religious doctrine. The United States Supreme Court’s decision in *Jones v. Wolf*, 443 U.S. 595 (1979), confirms that courts may consider evidence

regarding church governance and doctrinal changes under a neutral principles approach. *Id.* at 608. Similarly, decisions in cases such as *Episcopal Diocese of Fort Worth v. Episcopal Church* have underscored that factual evidence relating to doctrinal modifications may be admitted for the purpose of resolving property or trust disputes without engaging in ecclesiastical questions. *Episcopal Diocese of Fort Worth v. Episcopal Church*, 602 S.W.3d 417 (Tex. 2020). To remain within constitutional limits, a court is expressly precluded from deciding which version of a doctrine is “correct” or superior in theological terms. *Presbyterian Church in the United States v. Mary Elizabeth Blue Hull Memorial Presbyterian Church*, 393 U.S. 440, 451 (1969) (“civil courts could adjudicate the rights under the will without interpreting or weighing church doctrine but simply by engaging in the narrowest kind of review of a specific church decision—i.e., whether that decision resulted from fraud, collusion, or arbitrariness. Such review does not inject the civil courts into substantive ecclesiastical matters.”) Although courts are precluded from judging the doctrinal correctness of a belief, they may assess whether a religious belief is sincerely held. In *United States v. Ballard*, 322 U.S. 78 (1944), the Supreme Court underscored that assessing the sincerity of a religious claim does not necessitate an evaluation of its theological validity. Similarly, in *United States v. Seeger*, 380 U.S. 163 (1965), the focus was on the personal significance and sincerity of the belief rather than its doctrinal soundness.

B. Fraud And Breach Of Fiduciary Duty.

The Ecclesiastical Abstention Doctrine does not preclude a court from reviewing “a facially ecclesiastical dispute when religious figures “act in bad faith for

secular purposes.”” *Moon v. Family Fed 'n for World Peace and Unification Int 'l*, 281 A.3d 46, 70 (D.C. 2022) (citing *Serbian E. Orthodox Diocese for U. S. of Am. & Canada v. Milivojevich*, 426 U.S. 696, 713 (1976); *Heard v. Johnson*, 810 A.2d 871, 881 (2002)). Claims for fraud are not barred by the Ecclesiastical Abstention Doctrine. *United States v. Ballard*, 322 U.S. 78, 88 (1944). As noted in the court’s memorandum summarily dismissing the Appellants’ complaint, “This exception applies when a religious entity or figurehead “engaged in a bad faith attempt to conceal a secular act behind a religious smokescreen.” *Id.*; see *Schmidt v. Catholic Diocese of Biloxi*, 18 So.3d 814, 831 (2009) (holding that a claim for intentional or fraudulent misrepresentation for the purpose of soliciting gifts can be decided on neutral principles of law without excessive entanglement in ecclesiastical affairs).” (E.182)

Appellants alleged that the Conference acted in bad faith by imposing additional financial requirements not contemplated by ¶2553. (E.93 ¶140) Appellants also argued that the Conference withheld material facts and made false statements “related to the use and purpose of the discretionary funds” they controlled, including management of the conference pension funds. (E.93 ¶¶141-142) These factual allegations warrant judicial review under Maryland’s neutral principles doctrine. Instead, the trial court summarily dismissed Appellants’ claim for constructive fraud by improperly deciding an issue of fact that should have been reserved for the jury²:

² In fact, there is no evidence in the record explaining why the Conference imposed the 50% payment.

Plaintiffs ultimately argue that this led to the “ransom,” or, in other words, the payment of 50% of the assessed value of the church's real property. However, the accuracy of the allegations turns on how the Defendants calculate the conference pension liabilities, which is a question of church management and governance. Further, Defendant churches have not imposed the 50% payment for a secular purpose. The Disciple authorized them to add terms of disaffiliation, and Defendants determined those terms based on what they believed was consistent with the Discipline.

(E.182)

Fraud claims represent a critical exception to the Ecclesiastical Abstention Doctrine. By alleging that the Conference imposed arbitrary financial obligations, Appellants highlighted a violation of procedural fairness. Courts in jurisdictions like North Carolina and Texas have consistently ruled that such claims are justiciable under secular law. See *Episcopal Diocese of Fort Worth v. Episcopal Church*, 602 S.W.3d 417, 420 (Tex. 2020), *Fifth Ave. United Methodist Church of Wilmington v. N. Carolina Conf., Se. Jurisdiction, of United Methodist Church, Inc.*, 911 S.E.2d 106, 121 (N.C. Ct. App. 2024). This Court should follow suit to prevent religious organizations from using ecclesiastical deference as a shield against legitimate legal challenges.

Additionally, the trial court indicated that evaluating whether Appellees breached their fiduciary duty would require analyzing church governance decisions, for which no neutral principles are applicable. The Court stated:

Analysis of a breach of fiduciary duty would require this court's analysis of how Bishop Easterling and the Baltimore-Washington Conference came up with the 50% payment requirement. The UMC has a judicial council that is capable of answering such a question, to which this court should defer.

(E.183)

Yet here the court arrives at the same improper conclusion that the Appellees

imposed the 50% payment requirement for a religious purpose. Appellants averred in their complaint that the Conference imposed this ransom to make up for years of financial mismanagement and to unjustly enrich the bank accounts under their control. (E.95 ¶¶157-158) The Conference, however, offers no evidence in the record to disprove this claim. Rather than allowing these factual disputes to proceed to a jury, the court improperly dismissed them. (E.182-183)

C. Breach of Contract.

The trial court summarily dismissed the Appellants' claim for breach of contract, concluding that the court is precluded from interpreting the BoD. Judge Malone opined:

Again, this Court finds that this Claim should be dismissed under the Ecclesiastical Abstention doctrine. Most relevant here are the words of the addendum to the Discipline itself. Specifically, 112553.4 provides, in relevant part, that "[a]nnual conferences may develop additional standard terms that are not inconsistent with the standard for of this paragraph." Thus, a determination of whether the Defendants breached the terms of the Discipline require an interpretation of the Discipline.

(E.184)

The Delaware Court of Chancery explicitly recognized that property disputes between religious organizations and their subordinate entities could be resolved through neutral, secular legal principles without implicating ecclesiastical matters. *Trustees of Peninsula-Delaware Annual Conference of United Methodist Church Inc. v. East Lake Methodist Episcopal Church*, 1998 WL 83033 (Del. Ch. 1998)³. The court examined deeds,

³ See Md. Rule 1-104(b): "An unreported or unpublished opinion, order, or other decision issued by a federal court or by a court in a jurisdiction other than Maryland may be cited as persuasive authority if the jurisdiction in which the opinion was issued would permit it

corporate charters, and the applicable provisions of the BoD solely as legal documents without delving into doctrinal interpretation, stating:

Included within the set of neutral principles considered by various state courts are real property deeds, church constitutions, church disciplines, church certificates of incorporation, and state laws or statutes.

Id. at *2 (See, e.g., *The Conference of African Union First Colored Methodist Protestant Church v. Shell*, *Pa.Comm.w.Ct.*, 659 A.2d 77 (1995) (consideration of articles of incorporation, state statute, and general church's Book of Discipline); *Bishop and Diocese of Colorado v. Mote*, *Colo.*, 716 P.2d 85, 104 (1986) (considered deeds, articles of incorporation and bylaws of local church, constitutions and canons of general church, and state statutes)).

In the trial court's memorandum opinion on Appellees' motion to dismiss, Judge Vitale indicated that the "the issues of implied duties and financial liabilities are clearly secular. . ." **(E.119)** Despite the court's prior statements and other cases holding that the BoD may be examined by a court, Judge Malone summarily dismissed Appellants' claim for breach of contract by improperly concluding that a jury is precluded from examining the BoD to determine whether the Conference's terms are consistent with it. **(E.184-185)**

to be cited as persuasive authority or as precedent. The citation shall indicate whether the opinion is precedent in the issuing jurisdiction." *See also* Appellate Court of Maryland "Summary of changes to the Rule" and appendix attached thereto regarding citations to unreported cases after July 1, 2023.

II. THE CLAIMS FOR DECLARATORY JUDGMENT AND QUIET TITLE WERE IMPROPERLY DISMISSED WITHOUT REGARD FOR MD. CODE ANN., ESTATES & TRUSTS, §§ 14.5-409, 14.5-411, 14.5-413.

Appellants challenge the continued enforcement of the trust clause, arguing that it should be modified or revoked because the UMC's religious beliefs have fundamentally changed and now conflict with the beliefs held by Appellants. Under Maryland law, a trust may be modified or terminated when there is a fundamental change in circumstances, including when the purpose of the trust becomes inconsistent with the settlors' original intent. Appellants assert that the UMC has altered its core religious doctrines and, therefore, necessarily also altered the fundamental purpose and nature of the trust. Enforcing a trust clause against properties acquired, maintained, and improved by Appellants when Appellees have unilaterally changed the nature and purpose of the trust, is a violation of the neutral principles of equitable estoppel and fairness.

Under Maryland law and national precedent, courts can adjudicate disputes involving church property and other secular claims using neutral principles of law. *Jones v. Wolf*, 443 U.S. 595 (1979). That doctrine allows courts to address property disputes without encroaching on religious doctrine.

The Delaware Court of Chancery explicitly recognized that property disputes between religious organizations and their subordinate entities could be resolved through neutral, secular legal principles without implicating ecclesiastical matters. *Trustees of Peninsula-Delaware Annual Conference of United Methodist Church Inc. v. East Lake*

Methodist Episcopal Church, 1998 WL 83033 (Del. Ch. 1998)⁴. The court examined deeds, corporate charters, and the applicable provisions of the BoD solely as legal documents without delving into doctrinal interpretation. *Id.* at *2 (See, e.g., *The Conference of African Union First Colored Methodist Protestant Church v. Shell, Pa. Commw. Ct.*, 659 A.2d 77 (1995) (consideration of articles of incorporation, state statute, and general church's Book of Discipline); *Bishop and Diocese of Colorado v. Mote, Colo.*, 716 P.2d 85, 104 (1986) (considered deeds, articles of incorporation and bylaws of local church, constitutions and canons of general church, and state statutes).

In *Episcopal Diocese of Fort Worth v. Episcopal Church*, 602 S.W.3d 417 (Tex. 2020), the Texas Supreme Court reinforced this approach, ruling that trust clauses in church governing documents are subject to state law. The Maryland judiciary has adopted a similar stance but otherwise precludes a court from reviewing the validity of such trust clauses, as discussed, *supra*.

Under Maryland law, a trust may be modified or terminated if circumstances change in a manner unanticipated by the settlor—rendering the trust’s purposes impracticable or inconsistent with its original objectives. Appellants argue that the doctrinal changes within the UMC constitute such an unanticipated change, thereby frustrating the trust’s purpose. For example:

- Under Md. Code Ann., Estates & Trusts, § 14.5-409, a trust terminates when the purposes of the trust have become unlawful, contrary to public policy, or impossible to achieve. **(App.010)**

⁴See fn. 3.

- Under Md. Code Ann., Estates & Trusts, § 14.5-411, a court may modify or terminate a trust when, because of circumstances not anticipated by the settlor, modification or termination will further the purpose of the trust. **(App.011)**
- Under Md. Code Ann., Estates & Trusts, § 14.5-413 a court may “reform the terms of a trust, even if unambiguous, to conform the terms to the intention of the settlor if it is proved by clear and convincing evidence that both the intent of the settlor and the terms of the trust were affected by a mistake of fact or law, whether in expression or inducement. **(App.012)**

Additionally, the Maryland General Assembly explicitly recognized the BoD as the governing document for Methodist church corporations in §§ 5-325 and 5-326 of the Corporations and Associations Article. **(App.008-009)** By codifying these provisions, the legislature intended for the BoD to serve as binding corporate bylaws. This statutory framework demonstrates the legislature’s intent to incorporate the BoD into Maryland’s corporate law, thereby requiring secular enforceability. Accordingly, the BoD must be considered in any neutral principles analysis.

To remain within constitutional limits, the court may focus solely on whether the factual changes in circumstances justify modifying or revoking the trust under Maryland law. This approach is consistent with precedents such as *Presbyterian Church in the United States v. Mary Elizabeth Blue Hull Memorial Presbyterian Church*, 393 U.S. 440 (1969), which caution against the adjudication of doctrinal correctness.

In the context of the present trust dispute, the objective determination of whether the religious belief underlying the trust was sincerely held may therefore be made without venturing into theological analysis.

In their complaint, the Appellants contend that amendments to the doctrines of the UMC have altered the circumstances under which a trust was originally established. (E.84 ¶¶89-90, E.89 ¶115) The trust was formed with a particular religious purpose in mind, and subsequent doctrinal changes are alleged to have frustrated that purpose. (E.89 ¶115) Moreover, for decades, Paragraphs 2548.2 and 2549 of the BoD were utilized as legitimate avenues for local churches to disaffiliate without surrendering their property. (E.84 ¶89) This historical precedent is crucial, as it demonstrates a longstanding understanding and practice within the UMC that disaffiliation did not necessitate forfeiture of church-owned assets. *Id.* Appellants placed their property in the purported UMC trust with the expectation that these provisions would allow them to disaffiliate while retaining property ownership, consistent with the historical applications of these paragraphs. *Id.* Any attempt to retroactively reinterpret those provisions contradicts both the historical record and Appellants' expectations and is fundamentally unjust, yet Appellees did just that in 2023 by refusing to recognize those long-established pathways for disaffiliation. (E. 91 ¶128)

Pursuant to the trial court's memorandum opinion dated December 29, 2023, Judge Vitale properly disregarded the issue of irrevocability of the trust clause and allowed the claims for declaratory judgment and quiet title action to proceed, finding that "property disputes like these have specifically been found to be judiciable subject matter." (E.114) However, in his memorandum opinion dated October 11, 2024, Judge Malone summarily dismissed the declaratory judgment claim by ignoring long-standing precedent and Maryland law concerning judicial termination of trusts. Judge Malone held that the trust clause was irrevocable, and the analysis ended there. Oddly, he further added that

Appellants “consented to the terms of the Discipline by encouraging and furthering the mission of the UMC.” (E.180-181)

In a similar vein, Judge Malone dismissed Claim X to quiet title on behalf of The Methodist Church of Cape St. Claire “for the reasons stated in support of summary judgment on the declaratory judgment claim.” (E.185)

III. THE COURT ERRED BY DISREGARDING THE “LAW OF THE CASE” DOCTRINE IN CONTRAVENTION OF BINDING MARYLAND PRECEDENT.

The “law of the case” doctrine mandates that decisions on legal issues resolved in earlier stages of the same litigation are binding in subsequent stages unless specific, narrowly defined exceptions apply. This doctrine serves to maintain judicial consistency, promote efficiency, and prevent unfairness. The court summarily dismissed Counts 1 (as to those churches whose property was not located in Anne Arundel County), 3, 4, 9, and 10, despite prior rulings affirming jurisdiction and the applicability of neutral legal principles, in violation of these established principles and Maryland precedent.

A. The Court’s Actions Contradicted Established Maryland Precedent on the Law of the Case.

The “law of the case” doctrine requires that legal determinations resolved at one stage of litigation remain binding in subsequent stages unless exceptional circumstances arise. This principle ensures consistency, judicial efficiency, and fairness in litigation and is rooted in the notion that revisiting settled issues not only wastes judicial resources but also erodes confidence in judicial determinations.

In *Turner v. Housing Authority of Baltimore City*, 364 Md. 24, 34 (2001), the Maryland Court of Appeals emphasized that courts should adhere to earlier rulings unless new evidence, changes in controlling law, or clear errors resulting in manifest injustice justify reconsideration. The court applied the doctrine to preclude the trial court from reconsidering a claim of statutory immunity that had already been rejected in earlier proceedings. *Id.* at 36-37.

In *Scott v. State*, 379 Md. 170, 183–84 (2004), the Court of Appeals reaffirmed that while the law of the case doctrine primarily arises in appellate contexts, it also applies at the trial level under appropriate circumstances. The court held that trial judges must follow prior rulings in the same case unless one of the recognized exceptions applies. *Id.*

The decision in *Monarch Academy Baltimore Campus Inc. v. Baltimore City Board of School Commissioners*, 457 Md. 1 (2017), provides critical guidance on the doctrine’s application at the trial level. In *Monarch Academy*, the court addressed whether a trial court could revisit its earlier rulings concerning funding obligations owed to a charter school. *Id.* The court held that the law of the case doctrine applied to the earlier ruling, as it had resolved a dispositive legal issue. *Id.* at 57. The court explained that “it is concerning for a trial judge to effectively reverse a prior ruling made by another judge of the same court in the same case without even acknowledging that he is doing so, and without any indication in the record that he had reviewed and considered the earlier decision of his colleague.” *Id.* See also *Goldstein & Baron Chartered v. Chesley*, 375 Md. 244, 251, 260-261 (2003) (while the law of the case does not apply to purely interlocutory orders that remain subject

to revision once a legal issue is definitively resolved, subsequent reconsideration is unwarranted absent new evidence, a change in law, or clear error).

Here, the December 2023 Memorandum Opinion permitted several claims to proceed after concluding they were justiciable under neutral principles of law. **(E.107)** For instance, the court ruled that, under Appellants’ Claim I for declaratory judgment and Claim X to Quiet Title, the trust clauses in ¶ 2501 of the BoD could be resolved under neutral principles of Maryland trust law. **(E.114-115, 119)** This finding relied on well-established precedent, such as *From the Heart Church Ministries, Inc. v. Philadelphia-Baltimore Annual Conference*, 184 Md. App. 11, 24 (2009), which held that property disputes involving church trusts can be adjudicated using secular legal standards. **(E.113-115)** Similarly, the court found that claims for constructive fraud and breach of fiduciary duty relating to financial mismanagement and false statements regarding unfunded pension liabilities could be resolved under neutral legal principles without entangling the court in church governance or doctrinal issues. **(E.116-117)**

Despite this, the October 2024 Memorandum Opinion dismissed these and other claims, including those for declaratory judgment, constructive fraud, breach of fiduciary duty, quiet title, and breach of contract, by revisiting and reversing the earlier determinations. **(E.185-186)** For example, the October 2024 opinion dismissed the declaratory judgment claim under a neutral principles analysis, asserting that the trust provision in ¶ 2501 was irrevocable. **(E.180-181)** Likewise, the court dismissed the quiet title action (Count X) for the “reasons stated” in the declaratory judgment claim (Count I). **(E.185)** This directly contradicted the December 2023 finding that the matter could be

resolved under neutral trust law principles. **(E.114-115)** Similarly, the October 2024 opinion dismissed the breach of fiduciary duty and constructive fraud claims by improperly invoking the Ecclesiastical Abstention Doctrine, despite the December 2023 ruling that these claims could proceed under secular legal standards. **(E.117-118)**

The December 2023 Memorandum Opinion resolved dispositive legal questions concerning the justiciability of Appellants' claims and the court's jurisdiction under neutral principles of law. It resolved key jurisdictional and substantive issues, making its findings binding on subsequent proceedings. In the October 2024 ruling summarily dismissing Appellants' claims, the court stated it applied neutral principles in dismissing Counts I and IX but dismissed the remaining claims under the Ecclesiastical Abstention Doctrine, ignoring the December 2023 ruling and established precedent. *Id.* By forcing Appellants to relitigate jurisdictional matters already decided in their favor and then reversing those decisions, the October 2024 opinion undermined the fairness and stability that the law of the case doctrine is designed to protect. The December 2023 opinion was binding on the October 2024 proceedings and should not have been revisited.

B. No Recognized Exception Justified the Court's Departure from Judge Vitale's Rulings.

Importantly, the October 2024 opinion failed to identify any of the recognized exceptions to the law of the case doctrine that would justify revisiting the earlier rulings. Maryland courts recognize only three exceptions: the discovery of new evidence, a material change in the controlling law, or clear error resulting in manifest injustice. *Turner*, 364 Md. at 34; see also *Scott*, 379 Md. at 183–84. None of these exceptions are present here. The

controlling law has not changed, the December 2023 opinion was not clearly erroneous, and at the time Defendants filed their motion for summary judgment, the record contained no evidence that justified departure from the December 2023 ruling. On the contrary, that opinion correctly applied Maryland law governing neutral principles in disputes involving church property and governance.

1. No Material Change in Controlling Law or New Evidence.

The record is devoid of any material change in law or newly discovered evidence justifying departure from the trial court's holdings in its December 2023 Memorandum Opinion. The disaffiliation issues addressed by Judge Vitale were based on well-established Maryland precedent applying neutral principles of law, as illustrated by cases such as *Downs v. Roman Catholic Archbishop of Baltimore*, 111 Md. App. 616, 620-621 (1996) and *Episcopal Diocese of Fort Worth v. Episcopal Church*, 422 S.W.3d 646, 650 (2013).

2. No Manifest Injustice or Clear Error.

There was no manifest injustice or clear error in Judge Vitale's prior ruling which was, in fact, consistent with neutral principles of law, as required under *Jones v. Wolf*, 443 U.S. 595 (1979), and Maryland Code, Corp & Ass'ns § 5-326. That decision was clear and unambiguous in affirming jurisdiction under neutral principles of law, particularly regarding claims arising under ¶ 2553 of the BoD. Specifically, the court ruled that Maryland courts could adjudicate property and procedural disputes without delving into theological questions, consistent with Maryland law and the First Amendment's Establishment Clause. This determination was based on longstanding precedent, including

Downs v. Roman Catholic Archbishop of Baltimore, 111 Md. App. 616 (1996), *Jones v. Wolf*, 443 U.S. 593, 603 (1979, which similarly applied neutral legal principles to church property disputes. **(E.112-126)**

The error and injustice occurred when, in October 2024, Judge Malone departed from the December 2023 findings and summarily dismissed the remaining claims. **(E.171)** This not only contravened the law of the case doctrine but also prejudiced Appellants by forcing them to relitigate issues already resolved in their favor. Allowing the October 2024 opinion to stand would create procedural uncertainty and undermine confidence in the integrity of judicial proceedings.

IV. DENYING JUDICIAL REVIEW RAISES CONSTITUTIONAL CONCERNS.

A. Due Process Implications.

The Due Process Clause of the Fourteenth Amendment guarantees that individuals and entities have access to judicial review to challenge actions that affect their legal rights. Under *Jones v. Wolf*, courts must be able to apply neutral principles of law to resolve church disputes. A statute that denies judicial review effectively prevents courts from fulfilling this role and thereby violates Appellants' due process rights. A statutory framework that codifies the BoD trust language but fails to provide for judicial review of abuses thereof would violate this guarantee. Allowing the UMC to rewrite and renege on its contractual obligations while holding Appellants to theirs would also violate this guarantee.

B. Free Exercise Implications.

Denying judicial review of disputes arising under the BoD burdens the religious liberty of local congregations. If a congregation's deeply held beliefs lead it to disaffiliate

from the denomination, enforcing the trust provisions without judicial oversight could compel the congregation to act against its conscience by forfeiting property it financed and maintained.

For example, in *Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC*, 565 U.S. 171 (2012), the Supreme Court emphasized the importance of protecting religious organizations from state interference. However, the Court has also made clear that neutral principles must be applied to protect individual religious freedom. A statute that denies judicial review risks privileging the hierarchical denomination at the expense of local congregations' religious liberty.

C. Establishment Clause Implications.

A statute that codifies the trust provisions of the BoD but denies judicial review could be seen as excessively entangling the state with the church. By granting hierarchical authorities unchecked power to enforce trust provisions, the state risks endorsing the denominational structure, violating the principle of government neutrality toward religion. *Lemon v. Kurtzman*, 403 U.S. 602 (1971).

D. Fifth Amendment Judicial Takings Implications.

The Fifth Amendment's Takings Clause plainly provides that "private property... shall not be taken for public use, without just compensation." This rule applies not only to legislative and executive actions but, as the Supreme Court suggested in *Stop the Beach Renourishment, Inc. v. Florida Dep't of Environmental Protection*, 560 U.S. 702 (2010), may also constrain judicial actions. In *Stop the Beach Renourishment*, the Court considered whether a state court's decision redefining waterfront property rights constituted a taking.

The Court found no taking but emphasized that judicial actions eliminating property rights could qualify under the Fifth Amendment as, what one might call, a “judicial taking.”

1. The Takings Clause and Judicial Takings Framework.

A judicial taking occurs when a court decision eliminates an established property right without providing just compensation. Justice Scalia’s plurality opinion in *Stop the Beach Renourishment* explained that judicial takings may arise if a court “declares that what was once an established right of private property no longer exists.” *Stop the Beach Renourishment, Inc. v. Fla. Dep’t of Env’t Prot.*, 560 U.S. 702, 130 S. Ct. 2592, 2596, 177 L. Ed. 2d 184 (2010).

For a judicial taking to occur: 1. The party alleging a taking must have a recognized property interest protected by the Takings Clause; 2. the court must effectively destroy or transfer that interest without compensation; and 3. the judiciary’s refusal to apply neutral principles or its intervention must be the direct cause of the deprivation. *Id.* At 702.

2. Church Property Under Maryland Law.

In the instant case, Appellants hold title to their property under the terms set forth in Md. Code Ann., Corps. & Ass’ns §§ 5-325 and 5-326. **(App. 008-009)** Under these provisions, the property is held in trust for the benefit of the UMC. The legislature has codified the BoD as binding corporate bylaws for Methodist churches—a statutory framework grounded in neutral principles of trust and corporate law, consistent with *Jones v. Wolf*, 443 U.S. 595 (1979).

3. The Consequences of Judicial Deference.

When a court defers entirely to ecclesiastical authority without independently applying neutral legal principles, two dangers emerge.

First, such deference may allow the hierarchical denomination to confiscate property from local churches without any judicial oversight. A local church, having financed and maintained its property, could thus lose its established interest without compensation.

Second, this abdication of judicial review effectively nullifies a protected property right. When the judiciary refuses to determine whether denominational actions—be they arbitrary or overreaching—fall within the scope of the trust, it risks rendering the local church's property interest non-existent. In short, the court's inaction itself amounts to a taking.

a) Destruction of an Established Property Right.

Under Maryland law and the trust provisions of the BoD, the local church holds its property in trust for the benefit of the UMC. However, the trust relationship is subject to neutral principles of trust law, allowing courts to determine whether the trust was properly created or enforced, whether denominational authorities acted within their authority, and whether the property is being diverted contrary to the purpose of the trust.

If the judiciary defers entirely to ecclesiastical authorities, the denomination can enforce trust provisions without legal oversight. This effectively nullifies the local church's property interest, constituting a "taking" only made possible by judicial inaction.

b) Judicial Deference Without Compensation.

When courts refuse to apply neutral principles and instead allow the hierarchical church to enforce trust provisions without oversight, the local church may lose its property without just compensation. For example, a local church wishing to disaffiliate for reasons beyond its control may be forced to relinquish property it financed and maintained. Without judicial review, the church has no remedy to challenge whether the denominational authorities acted arbitrarily or in bad faith. This scenario is analogous to the judicial redefinition of property rights discussed in *Stop the Beach Renourishment*, where the judiciary's actions effectively destroyed previously established property rights.

c) Practical Implications.

Maryland's codification of the BoD ensures that property disputes are subject to state trust and corporate laws, allowing judicial review under neutral principles.

If the legislature treats the BoD in a religiously neutral manner but the judiciary refuses to do so, it risks creating a judicial taking. By abdicating its responsibility to apply neutral principles, the judiciary eliminates local churches' established property rights without providing a fair remedy or compensation. This constitutes a potential violation of the Takings Clause of the Fifth Amendment, as applied to the states through the Fourteenth Amendment, and raises significant concerns under both due process and the separation of powers. Judicial adherence to neutral principles is essential to prevent judicial takings and to protect the constitutional rights of all parties involved.

E. The Statutory Framework is Not Equally Applied to Similarly Situated Churches Within the UMC.

The Equal Protection Clause of the United States Constitution—as reinforced by Article 24 of the Maryland Delegation of Rights—prohibits the disparate treatment of similarly situated individuals. Despite this, Maryland’s codification of the BoD does not apply equally to all churches within the UMC.

In 1976, the Maryland General Assembly enacted several statutes regulating religious corporations generally and specific denominations in particular. Notably, no religious corporation other than the UMC is subject to a trust provision that permits a denomination to assume control of properties that local churches have financed.

Specifically, Md. Code Ann., Corps. & Ass’ns §§ 5-321, *et seq.* apply exclusively to the UMC. **(App.007)** Unlike other denominations, the statutory language here enforces a “Trust Clause” within the BoD. By imposing a unique trust provision solely on UMC churches, Maryland’s statutory framework treats similarly situated churches differently, a practice that is arguably inconsistent with the Equal Protection Clause of the United States Constitution.

V. JUDGE MALONE'S REFUSAL TO RECUSE HIMSELF CONSTITUTED AN ABUSE OF DISCRETION.

A. Legal Standard for Judicial Recusal.

The standard for judicial disqualification under Maryland Rule 18-202.11(a) is whether a judge’s impartiality might reasonably be questioned. **(App.004)** While judges are presumed to be impartial, this presumption can be overcome where a reasonable person,

fully informed of the relevant facts, would harbor doubts about the judge's ability to be impartial.

B. Judge Malone's Disclosures Reveal Extensive Ties to the UMC.

Judge Malone's disclosures during two separate proceedings raise significant concerns about his impartiality. During the February 14, 2024, proceeding on Appellants' Motion to Compel, Judge Malone made an initial, minimal disclosure:

And I will go ahead and disclose on the record, I am a Methodist. I am not an active Methodist. I mean, I try to go once a month. None of the churches affiliated -- that I believe are in the lawsuit, I don't believe I have ever been there. I may know where they are. I guess if anybody has any concern with the fact that -- and I guess in full disclosure, my uncle was a pastor. My uncle has passed. He was in western Maryland. He was at the Barton United Methodist Church.

(E.83,17:15-23)

This statement framed his affiliation as casual and limited, suggesting that his ties to the UMC were too attenuated to raise concerns. However, during an April 23, 2024, status conference, Judge Malone significantly expanded on his affiliations:

First, the church I attend is the Trinity United Methodist Church in Odenton who is, I believe, a member of the Baltimore Washington Conference. And as I understand, voted to stay within the Conference.

(E.90,4:12-16)

He continued:

Prior to that, I was a member of the Community United Methodist in Crofton. To the best of my knowledge, they also voted to stay in.

(E.90,4:17-19)

He also acknowledged connections to other churches:

Also, in western Maryland, numerous times I attended church at the Emmanuel United Methodist Church on Humbird Street in Cumberland, Maryland. Also, I have family members who are tied to the LaVale United Methodist Church in Lavale or Cumberland Maryland. And my mother has been a member of churches I listed before, but my mother was also a very active member in the Union United Methodist Church in Bridgeville, Delaware. Also, once again, that church would not be part of the Baltimore-Washington Conference. I do believe they voted under whatever Conference they are under to break away from the United Methodist Church.

(E.91,5:17-6:2)

Judge Malone then candidly admitted:

I deem myself a lifelong Methodist. And I wanted to make sure that any, you know, implicit biases that could possibly exist, you know, are disclosed.

(E.102,16:4-7)

This pattern of layered and belated disclosures creates the appearance of a bait and switch. Initially, Judge Malone provided a vague disclosure that downplayed his affiliations. Only after the case had advanced significantly did he reveal extensive personal, familial, and current ties to the UMC, specifically to churches within the Baltimore-Washington Conference—the very entity at the heart of this litigation.

On May 1, 2024, following the status conference, Appellants filed a Motion for Disqualification. **(E.105)** Appellees filed an opposition thereto on May 16, 2024, and Judge Malone denied the motion for disqualification on June 6, 2024. **(E.108)**

C. Judge Malone Is Subject to the Authority of the UMC.

Judge Malone's affiliations are not merely social or historical. His active membership in Trinity United Methodist Church subjects him to the authority of the Baltimore-Washington Conference. Judge Malone's strong affiliations with the UMC,

coupled with his judicial pronouncements effectively insulating the BoD from civil scrutiny, suggest a potential bias rooted in personal and institutional loyalty.

In sum, Judge Malone's refusal to recuse himself, despite clear grounds for reasonable doubt regarding his impartiality, constitutes an abuse of discretion. The combination of incomplete initial disclosures, deeper subsequent revelations, his subjection to the authority of Appellee Conference, and his questionable legal reasoning in the summary judgment opinion mandates reversal to preserve the integrity of the judicial process.

CONCLUSION

The trial court's decision to dismiss Appellants' claims disregarded the law of the case, misapplied the Ecclesiastical Abstention Doctrine, and denied Appellants their rights under Maryland law. Appellants respectfully request that this Court reverse the trial court's ruling, order Judge Malone's recusal, and remand the case for further proceedings consistent with these principles.

REQUEST FOR ORAL ARGUMENT

Appellants respectfully requests that this appeal be scheduled for oral argument before this Court.

Respectfully Submitted:

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**CERTIFICATION OF WORD COUNT
AND COMPLIANCE WITH RULE 8-112**

1. This brief contains 8726 words, excluding the parts of the brief exempted from the word count by Maryland Rule 8-503.
2. This brief complies with the font, spacing, and type size requirements stated in Maryland Rule 8-112. This brief is double-spaced, with one (1) inch margins, and was printed using Times New Roman 13 pt. font.

CERTIFICATION OF VERBATIM TEXT OF RULES AND STATUTES

Appellant hereby certifies that the pages attached hereto contain the verbatim text of the following Rules and Statutes:

Maryland Rule 2-501
Maryland Rule 18-202.11(a)
Md. Code Ann., Corp. & Assn. §5-321
Md. Code Ann., Corp. & Assn. §5-325
Md. Code Ann., Corp. & Assn. §5-326
Md. Code Ann., Est. & Trusts §14.5-409
Md. Code Ann., Est. & Trusts §14.5-411
Md. Code Ann., Est. & Trusts §14.5-413

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on or before March 27, 2025, I electronically filed and served Appellant's Brief via MDEC and also:

A. sent two (2) copies of the Brief, via first class mail, postage prepaid to counsel for Appellee, Anthony Janoski and Brian Coleman *Counsel for Defendants Baltimore Washington Conference of the United Methodist Church and Bishop LaTrelle Easterling*, and by First Class Mail, postage prepaid, to Defendant Board of Trustees of the United Methodist Church, Attn. Sheridan Allmond, 11711 E. Market Pl., Fulton, MD 20759; and

B. simultaneously filed eight (8) copies of Appellant's Brief with the Appellate Court of Maryland.

/s/ Derek A. Hills

West's Annotated Code of Maryland
 Maryland Rules
 Title 2. Civil Procedure--Circuit Court
 Chapter 500. Trial

MD Rules, Rule 2-501

RULE 2-501. MOTION FOR SUMMARY JUDGMENT

Currentness

(a) Motion. Any party may file a written motion for summary judgment on all or part of an action on the ground that there is no genuine dispute as to any material fact and that the party is entitled to judgment as a matter of law. The motion shall be supported by affidavit if it is (1) filed before the day on which the adverse party's initial pleading or motion is filed or (2) based on facts not contained in the record. A motion for summary judgment may not be filed: (A) after any evidence is received at trial on the merits or (B) unless permission of the court is granted, after the deadline for dispositive motions specified in the scheduling order entered pursuant to Rule 2-504(b)(1)(F).

Committee note: This Rule does not prevent the trial court from exercising its discretion during trial to entertain any motions *in limine* or other preclusive motions that may have the same effect as summary judgment and lead to a motion for judgment under Md. Rule 2-519. *See, e.g., Univ. of Md. Medical System Corporation, et al. v. Rebecca Marie Waldt, et al.*, 411 Md. 207 (2009). Such a procedure avoids confusion and potential due process deprivations associated with summary judgment motions raised orally or at trial. *See Beyer v. Morgan State Univ.*, 369 Md. 335, 359, fn. 16 (2002); *see also Hanson v. Polk County Land, Inc.*, 608 F.2d 129, 131 (5th Cir. 1979) (allowing oral motions for summary judgment leads to confusion with each side having a different recollection of what was contended.) Requiring a written motion also insures adequate notice to all sides.

(b) Response. A response to a motion for summary judgment shall be in writing and shall (1) identify with particularity each material fact as to which it is contended that there is a genuine dispute and (2) as to each such fact, identify and attach the relevant portion of the specific document, discovery response, transcript of testimony (by page and line), or other statement under oath that demonstrates the dispute. A response asserting the existence of a material fact or controverting any fact contained in the record shall be supported by an affidavit or other written statement under oath.

(c) Form of Affidavit. An affidavit supporting or opposing a motion for summary judgment shall be made upon personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated in the affidavit.

(d) Affidavit of Defense Not Available. If the court is satisfied from the affidavit of a party opposing a motion for summary judgment that the facts essential to justify the opposition cannot be set forth for reasons stated in the affidavit, the court may deny the motion or may order a continuance to permit affidavits to be obtained or discovery to be conducted or may enter any other order that justice requires.

(e) Contradictory Affidavit or Statement.

(1) A party may file a motion to strike an affidavit or other statement under oath to the extent that it contradicts any prior sworn statement of the person making the affidavit or statement. Prior sworn statements include (A) testimony at a prior hearing, (B) an answer to an interrogatory, and (C) deposition testimony that has not been corrected by changes made within the time allowed by Rule 2-415.

(2) If the court finds that the affidavit or other statement under oath materially contradicts the prior sworn statement, the court shall strike the contradictory part unless the court determines that (A) the person reasonably believed the prior statement to be true based on facts known to the person at the time the prior statement was made, and (B) the statement in the affidavit or other statement under oath is based on facts that were not known to the person and could not reasonably have been known to the person at the time the prior statement was made or, if the prior statement was made in a deposition, within the time allowed by Rule 2-415(d) for correcting the deposition.

(f) Entry of Judgment. The court shall enter judgment in favor of or against the moving party if the motion and response show that there is no genuine dispute as to any material fact and that the party in whose favor judgment is entered is entitled to judgment as a matter of law. By order pursuant to Rule 2-602 (b), the court may direct entry of judgment (1) for or against one or more but less than all of the parties to the action, (2) upon one or more but less than all of the claims presented by a party to the action, or (3) for some but less than all of the amount requested when the claim for relief is for money only and the court reserves disposition of the balance of the amount requested. If the judgment is entered against a party in default for failure to appear in the action, the clerk promptly shall send a copy of the judgment to that party at the party's last known address appearing in the court file.

Cross reference: Section 3931 of the Servicemembers Civil Relief Act, 50 U.S.C. §§ 3901 *et seq.*, imposes specific requirements that must be fulfilled before a default judgment may be entered.

(g) Order Specifying Issues or Facts Not in Dispute. When a ruling on a motion for summary judgment does not dispose of the entire action and a trial is necessary, the court may enter an order specifying the issues or facts that are not in genuine dispute. The order controls the subsequent course of the action but may be modified by the court to prevent manifest injustice.

Source: This Rule is derived as follows:

Section (a) is derived from former Rule 610 a 1 and 3.

Section (b) is new.

Section (c) is derived from former Rule 610 b.

Section (d) is derived from former Rule 610 d 2.

Section (e) is new.

Section (f) is derived in part from former Rules 610 d 1 and 611 and is in part new.

Section (g) is derived from former Rule 610 d 4.

Credits

[Adopted April 6, 1984, eff. July 1, 1984. Amended eff. April 8, 1985; April 7, 1986, eff. July 1, 1986; March 22, 1991, eff. July 1, 1991; Dec. 8, 2003, eff. July 1, 2004; June 16, 2009, eff. June 17, 2009; March 2, 2015, eff. July 1, 2015; April 21, 2023, eff. July 1, 2023; Nov. 28, 2023, eff. Jan. 1, 2024.]

Notes of Decisions (395)

MD Rules, Rule 2-501, MD R RCP CIR CT Rule 2-501

Current with amendments received through February 1, 2025. Some sections may be more current, see credits for details.

End of Document

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West's Annotated Code of Maryland

Maryland Rules

Title 18. Judges and Judicial Appointees

Chapter 200. Maryland Code of Conduct for Judicial Appointees

Rules Governing the Performance of a Judicial Appointee's Duties [Rules 18-202.1 to 18-202.16]

MD Rules Judges, Rule 18-202.11

RULE 18-202.11. DISQUALIFICATION

Currentness

(a) A judicial appointee shall recuse in any proceeding in which the judicial appointee's impartiality might reasonably be questioned, including the following circumstances:

(1) The judicial appointee has a personal bias or prejudice concerning a party or a party's attorney, or personal knowledge of facts that are in dispute in the proceeding.

(2) The judicial appointee knows that the judicial appointee, the judicial appointee's spouse or domestic partner, or an individual within the third degree of relationship to either of them, or the spouse or domestic partner of such an individual:

(A) is a party to the proceeding, or an officer, director, general partner, managing member, or trustee of a party;

(B) is acting as an attorney in the proceeding;

(C) is an individual who has more than a de minimis interest that could be substantially affected by the proceeding; or

(D) is likely to be a material witness in the proceeding.

(3) The judicial appointee knows that the judicial appointee, individually or as a fiduciary, or any of the following individuals has a significant financial interest in the subject matter in controversy or in a party to the proceeding:

(A) the judicial appointee's spouse or domestic partner;

(B) an individual within the third degree of relationship to the judicial appointee; or

(C) any other member of the judicial appointee's family residing in the judicial appointee's household.

(4) The judicial appointee, while a judicial appointee or as an applicant for the position, has made a public statement, other than in a court proceeding, decision, or opinion, that commits or appears to commit the judicial appointee to reach a particular result or rule in a particular way in the proceeding or controversy.

(5) The judicial appointee:

(A) served as an attorney in the matter in controversy, or was associated with an attorney who participated substantially as an attorney in the matter during such association; or

(B) served in governmental employment, and in such capacity participated personally and substantially as an attorney or public official concerning the proceeding, or has publicly expressed in such capacity an opinion concerning the merits of the particular matter in controversy.

(6) If the judicial appointee is part-time, the judicial appointee or any attorney with whom the judicial appointee is associated represents a party or otherwise has an interest in the proceeding.

(b) A judicial appointee shall keep informed about the judicial appointee's personal and fiduciary economic interests and make a reasonable effort to keep informed about the personal economic interests of the judicial appointee's spouse and minor children residing in the judicial appointee's household.

(c) A judicial appointee subject to disqualification under this Rule, other than for bias or prejudice under subsection (a)(1) of this Rule, may disclose on the record the basis of the judicial appointee's disqualification and may ask the parties and their attorneys to consider, outside the presence of the judicial appointee and court personnel, whether to waive disqualification. If, following the disclosure, the parties and attorneys agree, without participation by the judicial appointee or court personnel, that the judicial appointee should not be disqualified, the judicial appointee may participate in the proceeding. The agreement shall be incorporated into the record of the proceeding.

COMMENT

[1] Under this Rule, a judicial appointee is disqualified whenever the judicial appointee's impartiality might reasonably be questioned, regardless of whether any of the specific provisions of subsections (a)(1) through (5) apply. In this Rule, "disqualification" has the same meaning as "recusal."

[2] A judicial appointee's obligation not to hear or decide matters in which disqualification is required applies regardless of whether a motion to disqualify is filed.

[3] A judicial appointee should disclose on the record information that the judicial appointee believes the parties or their attorneys might reasonably consider relevant to a possible motion for disqualification, even if the judicial appointee believes there is no basis for disqualification.

[4] This procedure gives the parties an opportunity to waive the recusal if the judicial appointee agrees. The judicial appointee may comment on possible waiver but must ensure that consideration of the question of waiver is made independently of the judicial appointee. A party may act through an attorney if the attorney represents on the record that the party has been consulted and consents. As a practical matter, a judicial appointee may request that all parties and their attorneys sign a waiver agreement.

Source: This Rule is derived from former Rule 2.11 of Rule 16-814 (2016).

Credits

[Adopted June 6, 2016, eff. July 1, 2016. Amended March 1, 2024, eff. July 1, 2024.]

MD Judges, Rule 18-202.11, MD R JUDGES Rule 18-202.11

Current with amendments received through February 1, 2025. Some sections may be more current, see credits for details.

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West's Annotated Code of Maryland
Corporations and Associations
Title 5. Special Types of Corporations (Refs & Annos)
Subtitle 3. Religious Corporations
Part III. United Methodist Church

MD Code, Corporations and Associations, § 5-321

§ 5-321. Applicability of part

Currentness

This part applies to every religious corporation formed in this State by a Methodist Church that is subject to the jurisdiction of the United Methodist Church.

Credits

Added by Acts 1976, c. 487, § 5.

Notes of Decisions (3)

MD Code, Corporations and Associations, § 5-321, MD CORP & ASSNS § 5-321

Current through all legislation from the 2024 Regular Session of the General Assembly. Some statute sections may be more current, see credits for details.

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West's Annotated Code of Maryland
Corporations and Associations
Title 5. Special Types of Corporations (Refs & Annos)
Subtitle 3. Religious Corporations
Part III. United Methodist Church

MD Code, Corporations and Associations, § 5-325

§ 5-325. Contents of bylaws

Currentness

The bylaws of a religious corporation subject to this part:

- (1) Shall include, by reference or otherwise, the discipline of the United Methodist Church as from time to time authorized and declared by the general conference of that church; and
- (2) May not be inconsistent with that discipline.

Credits

Added by Acts 1976, c. 487, § 5.

MD Code, Corporations and Associations, § 5-325, MD CORP & ASSNS § 5-325

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Proposed Legislation

West's Annotated Code of Maryland
Corporations and Associations
Title 5. Special Types of Corporations (Refs & Annos)
Subtitle 3. Religious Corporations
Part III. United Methodist Church

MD Code, Corporations and Associations, § 5-326

§ 5-326. Trustees' holding of property

[Currentness](#)

All assets owned by any Methodist Church, including any former Methodist Episcopal Church, Methodist Protestant Church, Methodist Episcopal Church, South, the Washington Methodist Conference, or Evangelical United Brethren Church, whether incorporated, unincorporated, or abandoned:

- (1) Shall be held by the trustees of the church in trust for the United Methodist Church; and
- (2) Are 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 of that church.

Credits

Added by Acts 1976, c. 487, § 5.

MD Code, Corporations and Associations, § 5-326, MD CORP & ASSNS § 5-326

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West's Annotated Code of Maryland
Estates and Trusts (Refs & Annos)
Title 14.5. Maryland Trust Act (Refs & Annos)
Subtitle 4. Creation, Validity, Modification, and Termination of Trust (Refs & Annos)

MD Code, Estates and Trusts, § 14.5-409

§ 14.5-409. Termination of trust

Currentness

In general

(a) In addition to the methods of termination prescribed by §§ 14.5-410 through 14.5-412 of this subtitle, a trust terminates to the extent:

- (1) The trust is revoked or expires in accordance with the terms of the trust; or
- (2) The purposes of the trust have become unlawful, contrary to public policy, or impossible to achieve.

Proceedings to approve or disapprove proposed modification or termination of trust

(b) A proceeding to approve or disapprove a proposed modification or termination under §§ 14.5-410 through 14.5-414 of this subtitle, or combination or division of a trust under § 14.5-415 of this subtitle, may be commenced by a trustee or beneficiary.

Credits

Added by Acts 2014, c. 585, § 1, eff. Jan. 1, 2015.

MD Code, Estates and Trusts, § 14.5-409, MD EST & TRST § 14.5-409

Current through all legislation from the 2024 Regular Session of the General Assembly. Some statute sections may be more current, see credits for details.

West's Annotated Code of Maryland
Estates and Trusts (Refs & Annos)
Title 14.5. Maryland Trust Act (Refs & Annos)
Subtitle 4. Creation, Validity, Modification, and Termination of Trust (Refs & Annos)

MD Code, Estates and Trusts, § 14.5-411

§ 14.5-411. Modification or termination of trust in furtherance of purposes of trust

Currentness

In general

(a)(1) The court may modify the administrative or dispositive terms of a trust or terminate the trust if, because of circumstances not anticipated by the settlor, modification or termination will further the purposes of the trust.

(2) To the extent practicable, the modification described in paragraph (1) of this subsection shall be made in accordance with the probable intention of the settlor.

Terms impracticable, wasteful, or impairment of administration

(b) The court may modify the administrative terms of a trust if continuation of the trust on its existing terms would be impracticable or wasteful or impair the administration of the trust.

Distribution of trust property

(c) On termination of a trust under subsection (a) of this section, the trustee shall distribute the trust property in a manner consistent with the purposes of the trust as ordered by the court.

Credits

Added by Acts 2014, c. 585, § 1, eff. Jan. 1, 2015.

MD Code, Estates and Trusts, § 14.5-411, MD EST & TRST § 14.5-411

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Estates and Trusts (Refs & Annos)
Title 14.5. Maryland Trust Act (Refs & Annos)
Subtitle 4. Creation, Validity, Modification, and Termination of Trust (Refs & Annos)

MD Code, Estates and Trusts, § 14.5-413

§ 14.5-413. Reformation of terms by court

Currentness

The court may reform the terms of a trust, even if unambiguous, to conform the terms to the intention of the settlor if it is proved by clear and convincing evidence that both the intent of the settlor and the terms of the trust were affected by a mistake of fact or law, whether in expression or inducement.

Credits

Added by Acts 2014, c. 585, § 1, eff. Jan. 1, 2015.

MD Code, Estates and Trusts, § 14.5-413, MD EST & TRST § 14.5-413

Current through all legislation from the 2024 Regular Session of the General Assembly. Some statute sections may be more current, see credits for details.

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