
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 Malone, Judge)*

APPELLANTS' REPLY BRIEF

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INTRODUCTION

Appellees' Brief reveals a fundamental contradiction that undermines their entire ecclesiastical abstention defense. While arguing throughout their brief that the Book of Discipline is purely ecclesiastical and beyond judicial review, Appellees simultaneously submit the entire Book of Discipline in their record appendix for this Court's consideration. (Appellees' Br. at Apx.0687 et seq.) This inconsistency exposes their selective invocation of the abstention doctrine as a litigation tactic rather than a principled jurisdictional objection. Their arguments fail on multiple fronts and would create a dangerous precedent allowing religious organizations to act with complete impunity in secular matters involving property rights and contractual obligations.

Appellees argue the trial court correctly applied ecclesiastical abstention to all claims, but dismissal on this basis was error. The Supreme Court in *Jones v. Wolf*, 443 U.S. 595 (1979), expressly endorsed the neutral principles approach, which Maryland courts have long applied and which the trial court should have applied here. The issue here is not doctrinal validity—it is whether Appellees violated secular civil law. Beneath the surface of Appellees' abstention arguments is a more troubling reality: these are veiled attempts to evict longstanding congregations from the worship spaces they built, maintained, and prayed in for generations so the Conference may liquidate the property for its own institutional benefit. Appellees' insistence on judicial deference masks a strategy of dispossession, not ecclesiastical order.

Moreover, Appellees' reliance on deferential doctrines applicable to "hierarchical denominations" is misplaced. The United Methodist Church does not operate under a

centralized ecclesiastical hierarchy in the legal sense. It is a connectional system, where authority is shared among General Conference, Annual Conferences, and local congregations, each of which is separately incorporated and legally autonomous under Maryland nonprofit law. The local churches are congregationally run, and their local directors and council make the decisions for them. Courts have long distinguished between hierarchical and congregational structures for purposes of legal deference, and the UMC's "connectional" model does not warrant the kind of absolute immunity Appellees claim. Many of Appellees' arguments depend on treating the denomination as though it possesses direct, hierarchical control over independently governed church corporations—an assumption not grounded in the denomination's own structure or Maryland law.

Further, Appellees' conduct, including material misrepresentations about pension liabilities and the sudden imposition of the 50% payment requirement without denominational or legal authority, constitutes constructive fraud. Fraud, by its nature, pierces ecclesiastical protections and invites judicial scrutiny. As numerous courts have held, religious actors may not cloak fraudulent or bad-faith conduct in ecclesiastical garb to avoid accountability. Appellees' exploitation of church trust has caused irreparable harm, and only civil courts can restore the fairness and transparency that Maryland law guarantees. If this Court declines to intervene now, it will not prevent judicial entanglement—it will merely defer it. The Conference will return to court seeking to evict these congregations and compel forfeiture of property through civil process. In that scenario, judicial intervention will become inevitable, but without the benefit of addressing the threshold legal questions at issue here. Appellees seek a one-way street: court

abstention when they are challenged, court authority when enforcement suits their interests.

The Constitution and Maryland law do not permit such selective application of justice.

I. APPELLEES' SUBMISSION OF THE BOOK OF DISCIPLINE CONTRADICTS THEIR JURISDICTIONAL CLAIMS

A. Waiver of Ecclesiastical Abstention Defense

By submitting the entire Discipline to the Court, Appellees have implicitly conceded three key facts: (1) the Discipline can be interpreted through neutral legal principles; (2) the Discipline functions as a corporate governance document; and (3) the Discipline is properly subject to secular interpretation. These concessions directly contradict their assertion of the ecclesiastical abstention defense.

If the Discipline were truly beyond judicial review, Appellees would not have submitted it. The act of submission demonstrates that Appellees themselves recognize the document is reviewable. This constitutes a waiver of the ecclesiastical abstention defense.

B. Appellees' Position Lacks Principled Foundation

Appellees' attempt to simultaneously invoke and circumvent the ecclesiastical abstention doctrine reveals that their position lacks a principled foundation. This selective application suggests the doctrine is being used as a litigation tactic rather than a principled jurisdictional objection.

At its core, Appellees seek to use the Discipline both as a sword (to justify their conduct) and as a shield (to prevent judicial review of that conduct). This contradictory approach undermines their entire position.

II. NEUTRAL PRINCIPLES OF LAW APPLY TO PROPERTY AND CONTRACT DISPUTES

A. Supreme Court Precedent Authorizes Judicial Review

Appellees' assertion that courts may not interpret the Discipline (Appellees' Br. at 15-16) directly contradicts the Supreme Court's holding in *Jones v. Wolf*, 443 U.S. 595, 603-604 (1979), which explicitly authorizes courts to apply "neutral principles of law" to church property disputes. This includes examining relevant church documents, such as the Discipline. The trial court's failure to apply *Jones v. Wolf*'s neutral principles approach constitutes reversible error, especially given that Maryland courts have expressly adopted this approach.

B. Courts Have Successfully Applied Neutral Principles to Methodist Disputes

Numerous courts have successfully applied neutral principles of law to interpret Methodist Discipline provisions without becoming entangled in theological matters. One example is *Fifth Avenue UMC v. North Carolina Conference*, 911 S.E.2d 106 (N.C. App. 2024) (App. Br. at 7), which reversed dismissal and held that rights under ¶ 2553 involve factual and procedural matters, not religious. *See also Trustees of Peninsula-Delaware Annual Conference v. East Lake Methodist*, 1998 WL 83033 (Del. Ch. 1998) (App. Br. at 11-12); and *Episcopal Diocese of Fort Worth v. Episcopal Church*, 602 S.W.3d 417 (Tex. 2020) (App. Br. at 8).

These cases demonstrate that courts can apply neutral principles to Methodist disputes without impermissibly entangling themselves in religious doctrine. Appellees' claims to the contrary ignore established jurisprudence.

C. The Fraud Exception Applies

The Supreme Court recognized in *Serbian E. Orthodox Diocese for U. S. of Am. & Canada v. Milivojevich*, 426 U.S. 696, 713 (1976) that ecclesiastical abstention does not apply in cases of fraud. Appellants have alleged that Appellees imposed unauthorized payment requirements under ¶ 2553 for their own gain (App. Br. at 9-10; E.78 ¶69), made false statements about pension fund obligations (App. Br. at 9; E.93 ¶¶141-142), and used ecclesiastical authority as a “smokescreen” for financial misconduct (App. Br. at 9). The record reveals shifting justifications for Appellees’ conduct and disparate treatment. Thus, even if ecclesiastical questions were involved here—and they are not—judicial scrutiny is still appropriate because Plaintiffs’ allegations fit within the fraud exception to the ecclesiastical abstention doctrine.

III. THE LAW OF THE CASE DOCTRINE REQUIRED ADHERENCE TO JUDGE VITALE’S RULINGS

Judge Vitale issued a detailed opinion in December 2023, concluding that several of Appellants’ claims (constructive fraud, breach of fiduciary duty, quiet title) could proceed under neutral principles. That opinion made binding legal determinations regarding the justiciability of Appellants’ claims under the neutral principles approach.

Maryland law firmly establishes that a judge’s rulings are binding on subsequent proceedings in the same case. The Court of Appeals has emphasized this principle in *Turner v. Housing Authority of Baltimore City*, 364 Md. 24 (2001) and *Monarch Academy Baltimore Campus Inc. v. Baltimore City Board of School Commissioners*, 457 Md. 1, 57 (2017). This is particularly true where successive judges preside over the same matter.

Maryland recognizes only three exceptions to the law of the case doctrine: new evidence, a change in the law, or clear error. None of these exceptions applied here. Judge Malone, without new evidence or legal development, summarily reversed Judge Vitale. In doing so, he failed to acknowledge that he was departing from Judge Vitale’s specific findings (E.114-119), failed to identify any exception to the law of the case doctrine that would justify such a departure, and failed to explain any legal error in Judge Vitale’s rulings (App. Br. at 17-22).

Judge Vitale’s initial ruling was legally sound, consistent with precedent, and binding on Judge Malone in subsequent proceedings (E.114-119; App. Br. at 17-22). Judge Malone’s unexplained departure disregarded prior legal conclusions, ignored party expectations, and denied Appellants the opportunity for fact development. His failure to respect Judge Vitale’s prior rulings constituted an unjustified and reversible departure from the law of the case.

IV. MARYLAND TRUST LAW SUPPORTS APPELLANTS’ CLAIMS

A. Statutory Framework for Trust Modification and Termination

Appellees ignore Maryland’s comprehensive statutory framework for trust modification and termination, codified at Md. Code Ann., Est. & Trusts §§ 14.5-409, 14.5-411, 14.5-413. These provisions establish secular standards for judicial review of trust provisions, including religious trusts.

The UMC’s trust clause in ¶ 2501 (“held in trust for the benefit of the United Methodist Church”) does not override these state trust statutes. Maryland law permits

courts to terminate or modify trusts if their purposes become unlawful, impossible, or contrary to public policy, or where settlor intent is frustrated.

Appellants alleged that the UMC has unexpectedly and fundamentally altered its doctrinal positions while at the same time eliminating traditional disaffiliation pathways (§§ 2548.2, 2549). These actions have frustrated Appellants' intent for the trust and undermined the original purpose for it. Determining whether these changes have occurred requires only factual, not theological, analysis. Appellants stated a valid claim under Maryland trust law and the trial court's dismissal of these claims without factual development was erroneous. (App. Br. at 13, 16; E.84 §§89-90).

B. Maryland's Codification Creates Secular Enforceability

Maryland's codification of Methodist trust provisions in Md. Code Ann., Corp. & Ass'ns §§ 5-325, 5-326 (App. Br. at 15, 24) demonstrates the legislature's intent to subject these provisions to neutral principles analysis, consistent with *Jones v. Wolf*. This codification transforms what Appellees argue are purely ecclesiastical provisions into provisions with secular legal effect, making them properly subject to judicial review. The trial court's refusal to apply these statutory provisions constitutes reversible error.

V. CONSTITUTIONAL VIOLATIONS REQUIRE JUDICIAL REVIEW

A. Due Process Demands Access to Courts

The blanket denial of judicial review for Appellants' property and contract disputes violates fundamental due process principles (Appellees' Br. at 31-32; App. Br. at 22). Due process requires that parties have access to judicial remedies for the vindication of property and contract rights.

Appellants seek legal determinations on matters of fraud, contract, fiduciary duty, trust, and corporate governance, not religious belief. Reflexive deference to religious institutions in such matters erodes the rule of law and effectively immunizes unlawful actions. This contradicts due process guarantees. Applying neutral legal principles safeguards the separation of church and state, as affirmed by *Jones v. Wolf*, while at the same time allowing courts to rule on matters of secular importance.

B. Judicial Takings Doctrine Applies

The refusal to apply neutral principles to religious property disputes effectively eliminates property rights without compensation, constituting a “judicial taking” under the framework established in *Stop the Beach Renourishment, Inc. v. Florida Dep’t of Environmental Protection*, 560 U.S. 702 (2010). If courts decline to evaluate religious trust clauses, religious actors such as Appellees could confiscate property without judicial review, violating the Fifth Amendment’s prohibition against uncompensated takings.

C. Equal Protection Violations

Maryland’s unique trust provisions for Methodist churches (Md. Code Ann., Corp. & Ass’ns §§ 5-321 et seq.) create disparate treatment for similarly situated religious organizations, raising equal protection concerns (App. Br. at 27; Appellees’ Br. at 33 n.23). The refusal to apply neutral principles to Methodist disputes, while applying them to other religious organizations, constitutes an arbitrary distinction without a rational basis, in violation of constitutional equal protection guarantees.

VI. JUDGE MALONE’S RECUSAL WAS REQUIRED

A. Extensive UMC Connections Created Disqualifying Conflicts

Judge Malone’s active membership in Trinity United Methodist Church, previous memberships in other UMC churches, family ties within the UMC denomination, and self-identification as a “lifelong Methodist” (E.90, 4:12-19; E.91, 5:17-6:2; E.102, 16:4-7; App. Br. at 28-29) created an inherent structural conflict of interest. As a member of a UMC congregation, Judge Malone remains subject to the Conference’s authority—the very party whose conduct is at issue in this case.

Judge Malone’s “sustained and significant connections” to the UMC raised reasonable concerns about impartiality. Judge Malone is a member of Trinity UMC, which remained aligned with Appellees and shared institutional interests in maintaining Conference authority. This connection at best created the appearance of a conflict, and at worst colored Judge Malone’s view of this case. Either way, his refusal to recuse himself was reversible error.

B. Pattern of Inadequate Disclosure Undermines Confidence

Judge Malone’s evolving disclosures—from minimal in February 2024 to extensive in April 2024 (E.83, 17:15-23; E.90-102; App. Br. at 28-29)—suggest an initial reluctance to fully disclose his connections to the UMC. This pattern of disclosure undermines confidence in the impartiality of the proceedings.

Most troubling is that Judge Malone’s most complete disclosures came only after he had already ruled on the merits of the case. This timing deprived Appellants of meaningful opportunity to assess potential conflicts before substantive rulings were made.

C. Recusal Would Not Implicate the Constitutional Prohibition Against Religious Tests

Appellees' argument that recusal would constitute a prohibited "religious test" for judicial office (Appellees' Br. at 29-30) fundamentally misunderstands Appellants' position. The issue is not Judge Malone's religious beliefs, but his structural relationship (financial, familial, institutional) with a party to the litigation—a relationship that routinely requires recusal in non-religious contexts (App. Br. at 27-30).

Maryland Rule 18-202.11(a) requires judicial disqualification if impartiality "might reasonably be questioned." The standard is the appearance of bias to a reasonable person, especially sensitive in religious disputes. The refusal to grant recusal violated the rule's letter and spirit and undermined public confidence in the judiciary, particularly in cases involving constitutional rights, property, and religious freedom.

VII. APPELLEES' ADDITIONAL ARGUMENTS LACK MERIT

A. Constitutional Challenges Are Properly Preserved

Contrary to Appellees' assertions (Appellees' Br. at 31-33), Appellants' constitutional challenges were properly preserved and are appropriately raised on appeal. These issues arise directly from the trial court's jurisdictional rulings and denial of judicial review (App. Br. at 22-27).

The constitutional questions presented—due process, judicial takings, and equal protection—are inextricably intertwined with the trial court's application of the ecclesiastical abstention doctrine. They represent pure questions of law that are properly considered on appeal.

B. Summary Judgment Was Inappropriate

Appellees' own brief acknowledges the existence of "genuine disputes of material fact" (Appellees' Br. at 22-23), including disputes regarding allegations of fraud, financial mismanagement (Appellees' Br. at 23), pension fund calculations (Appellees' Br. at 22-23), and the Conference's authority under ¶ 2553 (Appellees' Br. at 18-19).

These acknowledgments confirm that summary judgment was procedurally improper. The existence of factual disputes required full discovery and trial, not summary dismissal.

C. Financial Mismanagement Claims Were Improperly Dismissed

Appellees devote substantial portions of their brief to detailed explanations of pension fund calculations and financial requirements (Appellees' Br. at 22-23). These explanations directly contradict their claim that courts lack jurisdiction over these "secular financial matters."

The very fact that Appellees feel compelled to defend their financial decisions on the merits proves Appellants' point: these claims are justiciable under neutral principles and should not have been dismissed on jurisdictional grounds.

VIII. APPELLEES SEEK UNPRECEDENTED IMMUNITY FROM SECULAR LAW

A. Overbroad Interpretation of Ecclesiastical Abstention

At its core, Appellees' position would create an unprecedented zone of immunity for religious organizations in matters of property, contract, and trust law. This interpretation extends far beyond the Supreme Court's intent for the ecclesiastical abstention doctrine.

The doctrine was never intended to provide religious organizations with immunity from secular law in matters that can be resolved through neutral principles. Appellees' position would effectively place religious organizations above the law in a wide range of contexts.

B. Inconsistent Application Reveals Tactical Nature

The fundamental contradiction in Appellees' position—arguing against judicial review while simultaneously seeking judicial confirmation of their interpretation—reveals the tactical nature of their invocation of ecclesiastical abstention. Appellees use the doctrine as both a “sword” (when it supports their position) and a “shield” (when it undermines their position). This inconsistency further demonstrates the impropriety of the trial court's ruling.

CONCLUSION

Appellees' contradictory stance—arguing courts cannot interpret the Discipline while simultaneously asking courts to interpret it in their favor—reveals the tactical nature of their defense. The ecclesiastical abstention doctrine was never intended to provide religious organizations with complete immunity from secular law in matters of property, contract, and fiduciary duty.

The trial court erred in multiple ways: allowing Appellees to take contradictory positions, misapplying the ecclesiastical abstention doctrine contrary to *Jones v. Wolf*, 443 U.S. 593 (1979), violating the law of the case doctrine by disregarding Judge Vitale's prior ruling (E.171, 175-85), substantively erring on Maryland trust law (E.179-81), failing to

recuse despite clear conflicts of interest (E.167-170), and denying Appellants' right to a jury trial by dismissing factual disputes that require evidentiary development.

This Court should apply the neutral principles approach mandated by the Supreme Court and apply Maryland's statutory framework for trust disputes. The trial court's judgment should be reversed and the case remanded with instructions for Judge Malone to recuse himself and for the case to proceed consistent with the neutral principles approach.

Respectfully Submitted:

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

1. This brief contains 2818 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 July 2, 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) 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.

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

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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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

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
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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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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