

MATTHEW OSTER (State Bar No. 190541)
moster@wrslawyers.com

ERIC A. WESTLUND (State Bar No. 293403)
ewestlund@wrslawyers.com

WOLF, RIFKIN, SHAPIRO, SCHULMAN & RABKIN,LLP
11400 West Olympic Boulevard, 9th Floor
Los Angeles, California 90064-1582
Telephone: (310) 478-4100
Facsimile: (310) 479-1422

Attorneys for Defendant HOLY TRINITY
ROMANIAN AMERICAN ORTHODOX
CHURCH

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

THE ROMANIAN ORTHODOX
EPISCOPATE OF AMERICA, a Michigan
nonprofit religious corporation,,

Plaintiff,

vs.

HOLY TRINITY ROMANIAN
AMERICAN ORTHODOX CHURCH
formerly known as HOLY TRINITY
ROMANIAN ORTHODOX CHURCH, a
California nonprofit corporation; ALL
PERSONS UNKNOWN, CLAIMING
ANY LEGAL OR EQUITABLE RIGHT,
TITLE, ESTATE, LIEN, OR INTEREST
IN THE PROPERTY DESCRIBED IN
THE COMPLAINT ADVERSE TO
PLAINTIFF'S TITLE, OR ANY CLOUD
ON PLAINTIFF'S THERETO; and DOES
1 through 10, inclusive,,

Defendants.

Case No. 24STCV1454

**OPPOSITION TO PLAINTIFF'S
MOTION FOR SUMMARY
ADJUDICATION**

Assigned to
Hon. Maurice A. Leiter,

Department 54

Date: October 17, 2025
Time: 9:00 a.m.

Reservation No.: 863702618915

Trial Date: None

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1 **I. INTRODUCTION**

2 A Michigan Archbishop is not above California property law.

3 This case is about land, not ecclesiastical doctrine. The local parish, defendant Holy
4 Trinity Romanian American Orthodox Church (“Holy Trinity”), holds undisputed record
5 title to the land on which it sits: 3301 and 3313 Verdugo Road in Eagle Rock (“Verdugo
6 Road Properties”). The Romanian Orthodox Episcopate of America (“Plaintiff” or
7 “ROEA” or “Episcopate”) is an out-of-state Episcopate within the Eastern Orthodox
8 religion whose Archbishop has ruled for four decades and now seeks to accomplish a
9 judicial land grab in violation of California law.

10 The Episcopate’s approach is to deploy an improper declaratory relief claim as a
11 straw man to obfuscate the neutral principles of law that this Court must apply in settling
12 the parties’ true dispute over who owns the Holy Trinity’s real and personal property.

13 First, Plaintiff asks this Court to declare that Holy Trinity’s Parish Council vote to
14 disassociate from the Episcopate was “invalid” under church rules—a declaratory relief
15 claim that is irrelevant to the property ownership issue and likely foreclosed by the
16 decision in *Schofield v. Superior Court* (2010) 190 Cal.App.4th 154.

17 Next, the Episcopate tries to leverage what would be an improper judicial
18 declaration into a property judgment. California courts, however, apply neutral, secular
19 principles when deciding property disputes between church entities, and neutral principles
20 permit only one outcome here: Plaintiff has no right to Holy Trinity’s real and personal
21 property. Holy Trinity is the record title holder, and therefore Evidence Code § 662
22 presumes its beneficial ownership. Corporations Code § 9142 and binding case law
23 prohibit courts from implying a trust on church property. Plaintiff cannot prove an express
24 trust in its favor because the applicable governing documents contain no such language.

25 At bottom, Plaintiff invites this Court to disregard constitutional limits, ignore
26 neutral principles, and hand Los Angeles property to a foreign Episcopate without any
27 express trust in the record. That is not the law, and this Court must not succumb to a ruling
28 hierarch’s litigious greed. The motion should be denied in its entirety.

1 **II. RELEVANT BACKGROUND**

2 **A. Holy Trinity holds undisputed record title in the Verdugo Road**
3 **Properties through its California parish corporation.**

4 Holy Trinity has held undisputed record title in the church campus at 3301 and 3313
5 Verdugo Road for generations, first acquiring the land in the 1950s and 1960s. (Mot. at p.
6 6:23-24.) A Grant Deed recorded on February 16, 2007, conveyed the properties to Holy
7 Trinity Romanian Orthodox Church, a California nonprofit religious corporation. (UMF
8 21.) On February 26, 2024, a Corporation Grant Deed was recorded to reflect the parish's
9 corporate name change to Holy Trinity Romanian American Orthodox Church, again in
10 favor of the same California corporation. (UMF 24.) There is no evidence of any deed to
11 Plaintiff nor any cloud or encumbrance on Holy Trinity's title.

12 **B. Plaintiff's lawsuit seeks to circumvent California law and contradicts**
13 **Plaintiff's own governing documents.**

14 On August 14, 2022, Holy Trinity's Board of Directors/Parish Council convened a
15 special meeting and voted in favor of disassociating from the Romanian Orthodox
16 Episcopate of America. (Popp Dec., Ex. 9.) The parish's general counsel memorialized this
17 action in an October 25, 2022 letter to the Episcopate, giving formal notice that the parish
18 had "formally and irrevocably disassociate[d] in all respects" from the Episcopate,
19 effective immediately. (*Ibid.*) The letter further explained that the local parish had
20 amended and/or restated its incorporation and governing documents to remove all
21 references to the Episcopate and Holy Trinity's affiliation with the Episcopate. (*Ibid.*)

22 In response, the Episcopate Council issued a November 17, 2022 written decision
23 decreeing the disassociation invalid under ROEA rules. (UMF 12.) Then, on April 1, 2024,
24 the Episcopate's litigation counsel sent a letter "restating and implementing" the
25 November 2022 decision and demanding that Holy Trinity's real property be "distributed"
26 to the Episcopate. (UMF 13, 19.)

27 Plaintiff's own governing documents fail to justify its demand. While Plaintiff
28 invokes the trust provision contained in Article XII, section 9(b) of the OCA Statute,

1 section 9(d) explicitly limits diocesan disposition of local parish property under section
2 9(b) to circumstances when a parish is “canonically suppressed or otherwise ceases to
3 exist.” (Popp Dec., Ex. 8 at p. 40.) It is undisputed that Holy Trinity still exists, and there
4 is no evidence of canonical suppression.

5 Moreover, ROEA’s own Constitution and By-Laws, Article IX, section 11,
6 mandates: “In the event of heresy, schism, or defection from the Episcopate, that segment
7 of the Parish, even if it be a single member, which remains loyal to, and determines to
8 remain with the Episcopate, shall retain title to the Parish property of every kind, nature
9 and description.” (Popp Dec., Ex. 7 at p. 31.) There is presently no evidence bearing on
10 whether any member of Holy Trinity remains loyal to the Episcopate. Other relevant
11 provisions of the ROEA By-Laws include:

- 12 • Article IX, section 4(a): “Each Parish shall be legally organized and
13 incorporated or chartered to the extent allowed by law as a religious,
14 nonprofit organization, **and shall own and control its personal and real
property.**” (*Id.* at p. 28) (emphasis added).
- 15 • Article IX, section 6: “The assets of the Parish shall be administered by the
16 Parish Council ... in accordance with the Episcopate By-Laws and the laws
of the State, Province, or Territory in which the Parish is located.” (*Id.* at p.
29.)
- 17 • Article IX, section 12: “The acquisition, sale, leasing, mortgaging or
18 otherwise encumbering of church properties shall be decided by the Parish
Assembly.” (*Id.* at p. 31.)

19 Furthermore, Article III(c) of the ROEA Constitution provides that
20 “Administratively, the Episcopate is and shall remain self-governing....” The 1970
21 agreement by which the ROEA submitted itself to the OCA similarly provides: (1) the
22 ROEA submits to the “canonical jurisdiction” of the OCA; but (2) the ROEA “shall be
23 governed as a distinct administrative unit in accordance with its own Constitution and By-
24 Laws, customs and traditions”; and (2) the OCA will not “at any time in any way assert
25 any claim to any right, title or interest in any of the properties of the [ROEA], its parishes
26 and its affiliated institutions.” (Alecse Dec., Ex. 1, Art. III, subd. (a), (f).) This
27 administrative independence was reaffirmed in a 2008 Agreed Statement of the ROEA.
28 (Alecse Dec., Ex. 2, Para. 4.) (“Within the OCA, the Romanian Orthodox Episcopate of

1 America always maintained the status of an administratively autonomous diocese.”)
2 Meanwhile, as Plaintiff notes, Holy Trinity’s Articles of Incorporation contain no
3 submission to the OCA or its Statute. (UMF 22.) In other words, according to the
4 applicable church documents, Holy Trinity is under the canonical *and* administrative
5 jurisdiction of the ROEA but *not* the OCA, and the ROEA is under the canonical
6 jurisdiction – ***but not the administrative jurisdiction*** – of the OCA.

7 The Episcopate’s demand letter was followed by this lawsuit, filed June 14, 2024.

8 **III. LEGAL DISCUSSION**

9 **A. Legal Standard on Summary Adjudication**

10 Summary adjudication is a drastic remedy, appropriate only where the moving party
11 establishes that there is no triable issue as to any material fact. (Code Civ. Proc.,
12 § 437c(c).) The court’s sole function on such a motion is issue-finding, not issue-
13 determination. (*Aguilar v. Atlantic Richfield Co.* (2001) 25 Cal.4th 826, 850.)

14 The moving party bears the initial burden of production to make a *prima facie*
15 showing that no triable issue exists. (*Aguilar, supra*, 25 Cal.4th at p. 850.) If—and only
16 if—that burden is met does the burden shift to the opposing party to produce admissible
17 evidence showing a triable issue. (*Id.*; Code Civ. Proc., § 437c(p)(1), (2).) Where the
18 moving party fails to meet its initial burden, the motion must be denied without regard to
19 the opposition. (*Hawkins v. Wilton* (2006) 144 Cal.App.4th 936, 939-940.) The moving
20 party’s burden is shaped by the applicable burdens of proof at trial; thus, where a party has
21 the burden of proving a fact at trial by “clear and convincing” evidence (rather than by a
22 mere preponderance), its burden on a summary adjudication motion is to produce evidence
23 that is “clear and convincing.”

24 In ruling, the Court must view the evidence and all reasonable inferences “in the
25 light most favorable to the opposing party.” (*Aguilar, supra*, 25 Cal.4th at p. 843; *Ragland*
26 *v. U.S. Bank Nat’l Ass’n* (2012) 209 Cal.App.4th 182, 199). Any doubt as to the propriety
27 of granting the motion must be resolved in favor of the party opposing adjudication to
28 allow the matter to proceed to trial. (*Binder v. Aetna Life Ins. Co.* (1999) 75 Cal.App.4th

1 832, 839.) Critically, courts may not weigh evidence or resolve credibility on summary
2 adjudication. Even one witness’ declaration can controvert multiple opposing affidavits.
3 (*Mann v. Cracchiolo* (1985) 38 Cal.3d 18, 39.) Likewise, if competing inferences can
4 reasonably be drawn from the evidence, the dispute must go to the trier of fact. (*Aguilar*,
5 *supra*, 25 Cal.4th at p. 856; *Sosa v. CashCall, Inc.* (2020) 49 Cal.App.5th 42, 50.) Equally
6 conflicting evidence requires a trial to resolve the dispute. (*Kids’ Universe v. In2Labs*
7 (2002) 95 Cal.App.4th 870, 881.)

8 In short, summary adjudication may be granted only when the moving party has
9 carried its heavy burden to demonstrate the complete absence of any triable issue. Because
10 all evidence and inferences must be liberally construed in favor of the nonmoving party,
11 and the moving party’s evidence strictly construed, Plaintiff cannot prevail unless the
12 record affirmatively forecloses every material factual dispute. (*Johnson v. American*
13 *Standard, Inc.* (2008) 43 Cal.4th 56, 64.)

14 **B. California courts must apply neutral principles of law in adjudicating**
15 **property disputes between church organizations.**

16 California courts must follow the “neutral principles of law” approach to
17 adjudication of church property disputes. (*Episcopal Church Cases* (2009) 45 Cal.4th 467,
18 480; *Schofield v. Superior Court* (2010) 190 Cal.App.4th 154, 163.) This is the only way
19 for secular courts to avoid entangling themselves in disputes over church doctrine or
20 infringing on the First Amendment right of free exercise of religion. (*Diocese of San*
21 *Joaquin v. Gunner* (2016) 246 Cal.App.4th 254, 267, citing *Episcopal Church Cases*,
22 *supra*, 45 Cal.4th at p. 478.) “When a property dispute between two religious groups is
23 susceptible to the application of neutral principles of law, it is proper for the civil courts to
24 apply those principles to the dispute, rather than deferring to the adjudicatory bodies of the
25 relevant ecclesiastical organizations.” (*Kim v. The True Church Members of Holy Hill*
26 *Community Church* (2015) 236 Cal.App.4th 1435, 1446, citing *Jones v. Wolf* (1979) 443
27 U.S. 595, 604.)

1 Plaintiff misstates the law in arguing that this Court “cannot apply the neutral
2 principles of law approach.” (Mot. at p. 18:15.) In *Episcopal Church Cases*, *supra*, the
3 California Supreme Court examined state and federal authority on ecclesiastical disputes
4 and explained that the “principle of government method” and “neutral principles method”
5 could be reconciled. (*Id.* at pp. 484-485.) The Court then announced the reconciled
6 standard. There are no longer—as Plaintiff wrongly asserts—two different standards for
7 this Court to choose from. Courts only defer to ecclesiastical authority on *points of*
8 *ecclesiastical doctrine within property disputes*: “[I]f resolution of a property dispute
9 involves a *point of doctrine*, the court must defer to the position of the highest
10 ecclesiastical authority that has decided *the point*. But to the extent the court can resolve a
11 property dispute *without reference to church doctrine*, it should apply neutral principles of
12 law.” (*Id.* at p. 485, emphasis added.) Courts do not defer to ecclesiastical authority *on the*
13 *property dispute itself*.

14 This Court can resolve *this* property dispute without reference to church doctrine—
15 and it must. Plaintiff’s first cause of action is a ploy; an irrelevant declaratory relief claim
16 inviting the Court to find that the Orthodox Church is hierarchical in hopes the Court will
17 then decide the property dispute by hierarchical principles. But, again, there is no general
18 rule of ecclesiastical deference nor any rule that civil courts “must accept” hierarchical
19 church “decisions”—as Plaintiff wrongly argues. Following *Episcopal Church Cases*,
20 California courts *may not* employ the so-called “principle of government approach” (Mot.
21 at p. 18:18-19) in adjudicating church property disputes. As the Court of Appeal later
22 explained, “recognizing the Episcopal Church as hierarchical does not resolve a property
23 dispute,” and “deciding whether a diocese can leave the Episcopal Church does not resolve
24 the property dispute.” (*Gunner, supra*, 246 Cal.App.4th at p. 269.) The same applies to the
25 Eastern Orthodox Church here.

26 In *Schofield, supra*, the Court of Appeal reversed judgment on a declaratory relief
27 claim while property disputes were still pending in the trial court. (190 Cal.App.4th at p.
28

1 161.) The court concluded its opinion by addressing the pending property issues and
2 providing a clear roadmap the Court can follow here:

3 In further proceedings, the trial court should apply neutral principles of law
4 to resolve property disputes presented by the remaining causes of action.
5 These neutral principles include First Amendment rights of individuals and
6 corporations, general California statutory and common law principles
7 governing transfer of title by the legal title holder, the law of trusts, including
8 establishment of trusts and transfers by a trustee in contravention of a trust
9 upon the property (if a trust is established by the evidence), and corporations
10 law, including the law of corporations sole and general principles of
11 corporate governance. Other neutral principles of civil law may be relevant;
12 and the governing documents of the diocese and the national church, to the
extent those documents may establish trust relationships and limit or expand
corporate powers. Thus, the trial court may be required to determine whether
properties claimed by both plaintiffs and defendants were actually
transferred by their legal owners under California law, and whether
otherwise-valid transfers violated the provisions of a valid express or implied
trust imposed on the property. But we emphasize that in resolution of, for
example, trust issues, the court is required to determine the terms of the trust
based on the applicable documents and the civil law, not on the basis of
religious doctrine.

13 (*Id.* at p. 163, citations omitted.) *Schofield* holds that courts must consider property issues
14 and doctrinal issues *separately*. If Plaintiff were correct that courts could not apply neutral
15 principles whenever a property dispute tangentially “involves matters of religious law”
16 (Mot. at p. 18:14), then courts could never apply neutral principles to church property
17 disputes. Obviously, that is not the law.

18 Plaintiff tries to make an issue out of a question of settled law under binding
19 Supreme Court precedent. Because this property dispute is resolvable without reference to
20 doctrinal interpretation, Holy Trinity respectfully asks the Court to affirm that neutral
21 principles of California law must be applied to resolve the present property dispute.

22 C. **Because Plaintiff cannot invalidate Holy Trinity’s record title in the**
23 **Verdugo Road Properties under neutral principles of California law,**
24 **Plaintiff cannot make a *prima facie* showing that no triable issues exist**
25 **on its quiet title claim.**

26 We address the second cause of action first. Despite Plaintiff’s attempt to confuse
27 the issues with its likely improper declaratory relief claim, this property dispute turns on
28 neutral principles, not doctrinal points. It does not matter whether the Eastern Orthodox

1 Church is “hierarchical” or whether Holy Trinity’s disassociation was doctrinally valid.
2 (Cf. *Gunner, supra*, 246 Cal.App.4th at p. 269.) The “central issue” is “who owns the
3 disputed property,” and determining whether a disassociation is “valid” is “unnecessary for
4 purposes of answering that question.” (*Ibid.*)

5 Under neutral principles, the evidence shows that Holy Trinity is the record title
6 holder of the Verdugo Road Properties (UMF 21, 24), and Plaintiff has provided **no**
7 evidence to suggest this title may be overridden by an Archbishop’s decree. Under
8 Evidence Code § 662, the owner of the legal title to property is presumed to be the owner
9 of the full beneficial title. “This presumption may be rebutted only by clear and convincing
10 proof.” (*Coyne v. De Leo* (2018) 26 Cal.App.5th 801, 819, court’s emphasis.) This statute
11 is fatal to Plaintiff’s motion because, here, “there is no dispute as to where legal title
12 resides but there is question as to where all or part of the beneficial title should rest.”
13 (*Murray v. Murray* (1994) 26 Cal.App.4th 1062, 1067.)

14 Plaintiff cannot sustain its heavy burden to prove that, despite Holy Trinity’s
15 undisputed record title, the Verdugo Road Properties are subject to an express trust in
16 ROEA’s favor. “[C]ourts will not imply a trust on church property.” (*Gunner, supra*, 246
17 Cal.App.4th at p. 270 [“Implying a trust almost inevitably puts the civil courts squarely in
18 the midst of ecclesiastical controversies”].) The Corporations Code goes even further: “No
19 assets of a religious corporation are or shall be deemed to be impressed with any trust,
20 *express or implied*, statutory or at common law” unless an exception applies. (Corp. Code,
21 § 9142, subd. (c), emphasis added.)

22 Plaintiff relies on subdivision (c)(2)’s exception, which permits a trust imposed
23 against a religious corporation’s assets only to the extent expressly provided in “the
24 governing instruments of a superior religious body or general church *of which the*
25 *corporation is a member*” (emphasis added). Plaintiff hopes to combine subdivision (c)(2)
26 with Article XII, section 9(b) of the OCA Statute, which is the only provision in the record
27 that contains any trust language. But, applying neutral principles of law, there is no
28 evidence that Holy Trinity—the California corporation—is a “member” of the OCA in any

1 secularly relevant sense. Instead, the record shows that Holy Trinity’s Articles of
2 Incorporation submitted Holy Trinity to the administrative and canonical jurisdiction of
3 *only* the ROEA. In other words, the governing document that Holy Trinity submitted to as
4 an administrative corporate entity is *not* the governing document with a trust provision.
5 Section 9142(c)(2)’s exception to the statutory rule against *any* trust on church property
6 does not apply.

7 Plaintiff tries to impermissibly fill this gap with doctrinal dogma, arguing that Holy
8 Trinity should be deemed to have impliedly submitted to the OCA Statute—even though it
9 never has expressly submitted—because the Orthodox Church is hierarchical and *Plaintiff*
10 is under the canonical authority of the OCA. Plaintiff asks the Court to overlook the fact
11 that ROEA’s own governing documents expressly contradict any trust and that Holy
12 Trinity’s Articles of Incorporation do not submit to the OCA Statute. But, that is precisely
13 what the neutral-principles approach—the required approach under *Episcopal Church*
14 *Cases*—prevents courts from doing. These are the kinds of analytical gaps our courts have
15 repeatedly used to find that no trust exists supporting a church organization’s effort to
16 usurp local parish property via ecclesiastical quiet title.

17 In *Gunner, supra*, the court held that a local diocese’s property was not held in trust
18 for the national church because the trust provision at issue expressly referred only to local
19 parishes, not dioceses. (246 Cal.App.4th at p. 270.) The court of appeal overruled the trial
20 court, which had determined that a trust existed to benefit the superior church despite the
21 lack of express language saying so. (*Ibid.*) The appellate court explained that, in the
22 absence of express trust language, the court would be required to determine which of two
23 competing religious factions was the “true implied beneficiary”—something “a civil court
24 is not permitted to do.” (*Ibid.*; see *Protestant Episcopal Church v. Barker* (1981) 115
25 Cal.App.3d 599, 618 [“If the civil courts cannot properly determine which competing
26 group is the bearer of the true faith, they cannot determine for whose benefit title to church
27 property is impliedly held in trust”].)

1 So too in *Protestant Episcopal Church v. Barker* (1981) 115 Cal.App.3d 599
2 (*Barker*), the Court of Appeal applied neutral principles and reached different results for
3 four parishes in the same case based on small but dispositive differences in their secular
4 instruments. Three parishes kept their property because nothing in their deeds or articles
5 created an express trust in favor of the diocese, and the Evidence Code § 662 presumption
6 controlled. (*Id.* at pp. 621-622.) But a fourth parish lost its property because, unlike the
7 others, its articles expressly identified it as a “subordinate body” under Corporations Code
8 provisions and dedicated assets to the diocese upon dissolution, aligning its corporate
9 instruments with a diocesan reversion canon. (*Id.* at 621-626.) The court summed up the
10 inquiry succinctly: “Did the local churches expressly agree that on withdrawal of their
11 affiliation from the general church their property would go to the general church?” (*Id.* at
12 p. 620.) For three of the four parishes in *Barker*, the answer was the same as here: no.
13 *Barker* is yet another demonstration that when the governing documents do not line up to
14 create an express trust under neutral principles of law, courts will not imply one, and the
15 Evidence Code § 662 presumption of beneficial ownership in the title holder controls.
16 Here, as in the three *Barker* parishes that prevailed, the deeds and Articles for Holy Trinity
17 do not contain any express submission to the OCA Statute nor any express trust in
18 Plaintiff’s favor.

19 In *Episcopal Church Cases*, *supra*, the California Supreme Court—in addition to
20 declaring that neutral principles of law apply to church property disputes—enforced a
21 denominational trust only because the local parish’s articles of incorporation expressly
22 submitted to the national Episcopal Church’s governing documents, and those governing
23 documents contained an express trust clause in favor of the national Episcopal Church. (45
24 Cal.4th at pp. 486-489.) That is not the case here. *Episcopal Church Cases*’ holding
25 underscores that courts will not imply a trust on church property and that analytical gaps in
26 the plain secular language of governing documents cannot be filled by ecclesiastical
27 assumptions. The trust in *Episcopal Church Cases* was found enforceable only because the
28 operative instruments unambiguously lined up to create an express trust. Here, by contrast,

1 Holy Trinity's Articles never adopted the OCA Statute, and Plaintiff's own governing
2 documents contradict any trust.

3 Together, *Episcopal Church Cases*, *Gunner*, and *Barker* teach the same lesson: only
4 when the operative secular instruments clearly align to create an express trust will a
5 California court find that such a trust exists; otherwise, record title and Evidence Code
6 § 662 control.

7 Indeed, Plaintiff's *own* governing documents contradict Plaintiff's theory.
8 Plaintiff's By-Laws declare:

- 9 • Article IX, section 4(a): "Each Parish shall be legally organized and
10 incorporated or chartered to the extent allowed by law as a religious,
11 nonprofit organization, **and shall own and control its personal and real
12 property.**" (*Id.* at p. 28) (emphasis added).
- 12 • Article IX, section 6: "The assets of the Parish shall be administered by the
13 Parish Council ... in accordance with the Episcopate By-Laws and the laws
14 of the State, Province, or Territory in which the Parish is located." (*Id.* at p.
15 29.)
- 14 • Article IX, section 12: "The acquisition, sale, leasing, mortgaging or
15 otherwise encumbering of church properties shall be decided by the Parish
16 Assembly." (*Id.* at p. 31.)

16 These provisions directly contradict Plaintiff's claim that Holy Trinity holds its real and
17 personal property in trust and, alone, should be sufficient to defeat the present motion.

18 Plaintiff appears to believe that Article XII, section 9(b) of the OCA Statute
19 somehow overrules Plaintiff's own governing documents – the only governing documents
20 to which Holy Trinity submitted itself. But, Article III(c) of the ROEA Constitution
21 provides that "Administratively, the Episcopate is and shall remain self-governing....".
22 The 1970 agreement by which the ROEA submitted itself to the OCA similarly provides
23 that the ROEA "shall be governed as a distinct administrative unit in accordance with its
24 own Constitution and By-Laws, customs and traditions" and that the OCA will not "at any
25 time in any way assert any claim to any right, title or interest in any of the properties of the
26 [ROEA], its parishes and its affiliated institutions." (Alecse Dec., Ex. 1, Art. III, subd. (a),
27 (f).) This administrative independence was reaffirmed in a 2008 Agreed Statement of the
28 ROEA. (Alecse Dec., Ex. 2, Para. 4.) ("Within the OCA, the Romanian Orthodox

1 Episcopate of America always maintained the status of an administratively autonomous
2 diocese.”) This administrative independence and pledge not to claim any right, title or
3 interest to Holy Trinity’s property, at a minimum, creates a material dispute of fact
4 regarding the ROEA’s request that the Court impose an implied trust over Holy Trinity’s
5 real and personal property based on the OCA Statute. Of course, any finding of an implied
6 trust would violate the holding in *Gunner, supra*, prohibiting California courts from
7 imposing implied trusts on church property.

8 The Court must apply neutral principles of law to decide the ROEA’s claim to Holy
9 Trinity’s real and personal property. Under the record title, the governing documents, and
10 Corporations Code § 9142 and Evidence Code § 662, the Court should find that triable
11 issues preclude summary imposition of an implied trust over the Verdugo Road Properties.
12 Indeed, the law permits the Court to go even further, finding *as a matter of law* that no
13 trust exists because none is expressly provided in Holy Trinity’s governing documents and
14 the ROEA’s governing documents preclude the possibility of any trust.

15 **D. Plaintiff has not made a *prima face* showing that no triable issues exist**
16 **on its declaratory relief claim.**

17 With regard to Plaintiff’s first, declaratory relief, cause of action, two possibilities
18 exist and neither allows this Court decide this motion in Plaintiff’s favor.

19 **1. If the validity of Holy Trinity’s dissociation can be decided on neutral**
20 **principles of law, the Motion fails to present a *prima facie* case for**
21 **summary adjudication.**

22 If the validity of Holy Trinity’s dissociation can be decided on neutral principles of
23 law, Plaintiff’s motion completely fails to provide the Court any factual basis to make that
24 determination. Plaintiff only asks the Court to “accept” the Episcopate’s “decision” that
25 Holy Trinity’s “attempted disassociation” from the ROEA violated church rules and “was
26 therefore invalid.” (Mot. at p. 9:27-10:1.) No specific rules are identified prohibiting
27 dissociation and no case is made on which this Court could find that dissociation was
28

1 otherwise prohibited. Based on the present record, the Court should deny Plaintiff's motion
2 if it finds this issue can be decided on neutral principles of law.

3 2. If the validity of Holy Trinity's dissociation turns on points of
4 ecclesiastical doctrine, the Court has no jurisdiction.

5 If the validity of Holy Trinity's dissociation turns on points of ecclesiastical
6 doctrine, as Plaintiff argues, the Court is jurisdictionally barred from making any finding
7 on this cause of action.

8 Declaratory relief is available only "in cases of actual controversy relating to the
9 legal rights and duties of the respective parties" (Code Civ. Proc., § 1060), and a "purely
10 ecclesiastical controversy [is] not justiciable by civil courts." *Schofield, supra*, 190
11 Cal.App.4th at p. 156. Courts *lack jurisdiction to adjudicate* matters requiring an inquiry
12 into church polity. (*Id.* at p. 162.) Even Plaintiff acknowledges that "the Court cannot
13 decide questions of religious law or doctrine...." (Mot. at p. 5:20-21).

14 In *Schofield, supra*, a local diocese disassociated from the hierarchical Episcopal
15 Church under the leadership of Bishop John-David Schofield. (190 Cal.App.4th at p. 157.)
16 The national church responded by deposing Schofield and replacing him with a new
17 bishop, Jerry A. Lamb. (*Id.* at p. 159.) The national church then filed a lawsuit to claim
18 possession of local church property and included a tangential claim for declaratory relief.
19 The declaratory relief claim presented solely one issue: "who is the Bishop of the Diocese
20 of San Joaquin?" (*Id.* at p. 161.) The trial court granted summary adjudication for the
21 national Episcopal Church, declaring Lamb the true Bishop because the disassociation was
22 "*ultra vires* and impermissible under the constitution and canons of the national church."
23 (*Ibid.*) With the property issues still pending, ***the Court of Appeal issued a peremptory***
24 ***writ instructing the trial court to dismiss the declaratory relief cause of action for lack of***
25 ***jurisdiction.*** (*Id.* at p. 162.)

26 The Court of Appeal held that the First Amendment forbade it (or the trial court)
27 from adjudicating whether the disassociation was valid and therefore which bishop was
28 proper under the Episcopal Church's rules. (*Id.* at p. 161.) Although religious institutions

1 are entitled to seek resolution of property disputes in civil court, courts “must take care not
2 to adjudicate questions of religious doctrine.” (*Id.* at 162.) A dispute that “concerns issues
3 such as church doctrine, membership, credentials of clergy, discipline of clergy and
4 members, or church governance and organization” is not subject to declaratory relief
5 because “the matter is to be left to internal decision-making processes of the church itself.”
6 (*Ibid.*) “[B]ecause an inquiry into church polity is required, the trial court did not have
7 jurisdiction to make an independent finding on the question of whether a diocese can
8 unilaterally leave the Episcopal Church.” (*Gunner, supra*, 246 Cal.App.4th at p. 270.)

9 If the validity of Holy Trinity’s dissociation turns on points of ecclesiastical
10 doctrine, *Schofield* forecloses Plaintiff’s first cause of action, which seeks an order that
11 Holy Trinity’s “attempted disassociation from the ROEA violated the OCA Statute and the
12 ROEA’s Constitution and By-Laws and was therefore invalid” (Mot. at p. 11:3-5). The
13 Court cannot tell the parties whether Holy Trinity is still a parish of the ROEA, and
14 declining to answer the question *does not* permit the Court to answer it in Plaintiff’s favor.
15 Under *Schofield*, the Court lacks jurisdiction to even consider the first cause of action, let
16 alone grant summary adjudication for Plaintiff. The motion must be denied.

17 * * *

18 Ultimately, it bears repeating: Plaintiff’s first cause of action is a straw-man tactic
19 designed to infect the parties’ secular property dispute with ecclesiastical dogma and an
20 Archbishop’s decree. And it’s a tactic the Court of Appeal has unequivocally disallowed
21 on jurisdictional grounds.

22 **IV. CONCLUSION**

23 Plaintiff’s quiet title claim—the cause of action at the heart of this church property
24 dispute—collapses under neutral principles of California law. The Evidence Code, the
25 Corporations Code, and a secular reading of the ROEA’s own Constitution and By-Laws
26 confirm that Holy Trinity owns its real and personal property and they not subject to any
27 trust, express or implied.

1 Plaintiff's declaratory relief claim – the straw man – either is non-justiciable or fails
2 under the weight of a neutral principles of law analysis.

3 Holy Trinity, therefore, first respectfully asks the Court to affirm that neutral
4 principles of California law apply to the parties' property dispute. Then, the Court should
5 find that, under neutral principles, Plaintiff cannot establish it is entitled to take Holy
6 Trinity's property, real and personal. Finally, the Court should deny to adjudicate the
7 ROEA's first cause of action for declaratory relief because it either presents a
8 nonjusticiable controversy or triable issues preclude a summary finding.

9 DATED: September 12, 2026

WOLF, RIFKIN, SHAPIRO,
SCHULMAN & RABKIN, LLP

12 By: _____

13 MATTHEW OSTER
14 ERIC A. WESTLUND

15 Attorneys for Defendant HOLY TRINITY
16 ROMANIAN AMERICAN ORTHODOX
17 CHURCH
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