

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Stanley Mosk Courthouse, Department 54

24STCV14954

October 27, 2025

11:21 AM

**THE ROMANIAN ORTHODOX EPISCOPATE OF
AMERICA, A MICHIGAN NONPROFIT RELIGIOUS
CORPORATION vs HOLY TRINITY ROMANIAN
AMERICAN ORTHODOX CHURCH, et al.**

Judge: Honorable Maurice A. Leiter
Judicial Assistant: N. Marshalian
Courtroom Assistant: R. Manzo

CSR: None
ERM: None
Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): No Appearances

For Defendant(s): No Appearances

NATURE OF PROCEEDINGS: Ruling on Submitted Matter

The Court, having taken the matter under submission on 10/17/2025 for Hearing on Motion for Summary Adjudication, now rules as follows:

Hearing Date: October 17, 2025

Department 54, Judge Maurice A. Leiter

Motion for Summary Adjudication

Moving Party: Plaintiff The Romanian Orthodox Episcopate of America

Responding Party: Defendant Holy Trinity Romanian American Orthodox Church

RULING: PLAINTIFF'S MOTION FOR SUMMARY ADJUDICATION IS DENIED.

PLAINTIFF TO NOTICE.

The Court considers the moving papers, opposition, and reply.

BACKGROUND

On June 14, 2024, Plaintiff The Romanian Orthodox Episcopate of America filed a complaint against Defendant Holy Trinity Romanian American Orthodox Church, asserting causes of action for (1) declaratory relief; (2) quiet title; (3) accounting; and (4) constructive

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Stanley Mosk Courthouse, Department 54

24STCV14954

October 27, 2025

11:21 AM

**THE ROMANIAN ORTHODOX EPISCOPATE OF
AMERICA, A MICHIGAN NONPROFIT RELIGIOUS
CORPORATION vs HOLY TRINITY ROMANIAN
AMERICAN ORTHODOX CHURCH, et al.**

Judge: Honorable Maurice A. Leiter
Judicial Assistant: N. Marshalian
Courtroom Assistant: R. Manzo

CSR: None
ERM: None
Deputy Sheriff: None

trust. Plaintiff is a national hierarchical church; Defendant was a parish in that church. Plaintiff alleges that Defendant wrongfully attempted to disassociate from the national church and therefore the property on which Defendant's parish operates must be distributed to Plaintiff.

ANALYSIS

"In moving for summary judgment, a 'plaintiff . . . has met' his 'burden of showing that there is no defense to a cause of action if' he 'has proved each element of the cause of action entitling' him 'to judgment on that cause of action.'" (*Aguilar v. Atlantic Richfield Co.* (2001) 25 Cal.4th 826, 849 (as modified (July 11, 2001).) The plaintiff "must present evidence that would *require* a reasonable trier of fact to find any underlying material fact more likely than not—otherwise, he would not be entitled to judgment *as a matter of law*, but would have to present his evidence to a trier of fact." (*Id.*, at 851, original italics.)

Once the plaintiff has met that burden, the burden shifts to the defendant to show that a triable issue of one or more material facts exists as to the cause of action or a defense thereto. (CCP § 437c(p)(1).) "There is a triable issue of material fact if, and only if, the evidence would allow a reasonable trier of fact to find the underlying fact in favor of the party opposing the motion in accordance with the applicable standard of proof." (*Aguilar, supra*, 25 Cal.4th at 850.) The defendant "shall not rely upon the allegations or denials of its pleadings to show that a triable issue of material fact exists but, instead, shall set forth the specific facts showing that a triable issue of material fact exists as to the cause of action or a defense thereto." (CCP § 437c(p)(1).)

A. First Cause of Action for Declaratory Relief

Plaintiff moves for summary adjudication of the first cause of action for declaratory relief that Defendant's attempted disassociation from the Plaintiff ROEA violated the Orthodox Church in America Statute and the ROEA's Constitution and By-Laws, and was therefore invalid.

Plaintiff presents evidence showing that Plaintiff's Episcopate Council issued a written decision stating that, in attempting to disassociate from the ROEA, Defendant had violated the ROEA Constitution and By-Laws. (UMF 12.) On April 1, 2024, the ROEA's Episcopate Council, through its counsel, sent Defendant a notice and demand letter restating and

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Stanley Mosk Courthouse, Department 54

24STCV14954

October 27, 2025

11:21 AM

**THE ROMANIAN ORTHODOX EPISCOPATE OF
AMERICA, A MICHIGAN NONPROFIT RELIGIOUS
CORPORATION vs HOLY TRINITY ROMANIAN
AMERICAN ORTHODOX CHURCH, et al.**

Judge: Honorable Maurice A. Leiter
Judicial Assistant: N. Marshalian
Courtroom Assistant: R. Manzo

CSR: None
ERM: None
Deputy Sheriff: None

implementing the November 17, 2022 decision. (UMF 13.) The letter stated that Defendant was under the authority and jurisdiction of the superior ecclesiastical and hierarchical OCA and the ROEA; Defendant's attempted disassociation violated the OCA Statute and the ROEA Constitution and By-Laws; Defendant's property was held in trust for the ROEA; and Defendant's property must be distributed to the ROEA. (UMF 13, 19.)

Plaintiff asserts that it is entitled to summary adjudication of this claim because the Court may not interfere with ecclesiastical decisions and must defer to the religious institution. The U.S. Supreme Court has held, "Where resolution of the disputes cannot be made without extensive inquiry by civil courts into religious law and polity, the First and Fourteenth Amendments mandate that civil courts shall not disturb the decisions of the highest ecclesiastical tribunal within a church of hierarchical polity, but must accept such decisions as binding on them, in their application to the religious issues of doctrine or polity before them." (*Serbian Orthodox Diocese v. Milivojevich* (1976) 426 U.S. 696, 709.)

The California Supreme Court also has acknowledged that "state courts must not decide questions of religious doctrine; those are for the church to resolve." (*Episcopal Church Cases* (2009) 45 Cal.4th 467, 473, 485.) The courts have provided some examples of disputes involving prohibited areas of religious law and polity: "issues involving membership, clergy credentials and discipline, as well as religious entity governance and administration." (*Kim v. The True Church Members of Holy Hill Comm. Church* (2015) 236 Cal.App.4th 1435, 1445.)

In this motion, Plaintiff seeks a judicial determination regarding the legitimacy of an ecclesiastical decision. Plaintiff argues that the Court must affirm the decision because the Court may not disturb it under the principles discussed above. However, under the relevant doctrines, the Court can neither affirm nor disturb an ecclesiastical decision. Instead, the Court may only dismiss the claim. (See *Schofield v. Superior Court* (2010) 190 Cal.App.4th 154, 162 ["The dispute set forth in the request for declaratory relief in the first cause of action, namely, whether Schofield or Lamb is the incumbent Episcopal Bishop of the Diocese of San Joaquin, is quintessentially ecclesiastical. Accordingly, the trial court erred in adjudicating that cause of action and, upon proper motion, must dismiss that cause of action."])

Plaintiff has failed to meet its burden of establishing that it is entitled to judgment as a matter of law on the claim for declaratory relief. Plaintiff's motion for summary adjudication of the first cause of action is DENIED.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Stanley Mosk Courthouse, Department 54

24STCV14954

October 27, 2025

11:21 AM

**THE ROMANIAN ORTHODOX EPISCOPATE OF
AMERICA, A MICHIGAN NONPROFIT RELIGIOUS
CORPORATION vs HOLY TRINITY ROMANIAN
AMERICAN ORTHODOX CHURCH, et al.**

Judge: Honorable Maurice A. Leiter
Judicial Assistant: N. Marshalian
Courtroom Assistant: R. Manzo

CSR: None
ERM: None
Deputy Sheriff: None

B. Second Cause of Action for Quiet Title

Plaintiff moves for summary adjudication of the claim for quiet title on the same grounds as those for the claim for declaratory relief. As stated, Plaintiff has failed to meet its burden of establishing it is entitled to judgment as a matter of law on the claim for declaratory relief.

Additionally in opposition, Defendant argues that the Court must apply neutral principles of law to church property disputes. “When a property dispute between two religious groups is susceptible to the application of neutral principles of law, it is proper for the civil courts to apply those principles to the dispute, rather than deferring to the adjudicatory bodies of the relevant ecclesiastical organizations.” (*Kim v. The True Church Members of Holy Hill Community Church* (2015) 236 Cal.App.4th 1435, 1446, citing *Jones v. Wolf* (1979) 443 U.S. 595, 604.)

The Court finds that the property dispute here is susceptible to the application of neutral principles of law. (See *Schofield v. Superior Court* (2010) 190 Cal.App.4th 154, 163.)

Defendant presents evidence showing the ROEA bylaws state that a Parish is the owner and controller of their real property, such as Article IX, section 4(a): “Each Parish shall be legally organized and incorporated or chartered to the extent allowed by law as a religious, nonprofit organization, and shall own and control its personal and real property.” (DMF 3.) Defendant also presents evidence showing that the parish is under the canonical and administrative jurisdiction of the ROEA but not the OCA, and the ROEA is under the canonical jurisdiction – but not the administrative jurisdiction – of the OCA. The governing documents of Holy Trinity and the ROEA – the highest administrative authority in the hierarchy – contain no trust provision and instead provide that Holy Trinity “shall own and control its personal and real property.” (DMF 1-8.) This is sufficient to create a triable issue of fact as to quiet title.

Plaintiff’s motion for summary adjudication of the second cause of action is DENIED.

The Motion for Summary Adjudication filed by The Romanian Orthodox Episcopate of America, a Michigan nonprofit religious corporation on 07/03/2025 is Denied.

The clerk gives notice.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Stanley Mosk Courthouse, Department 54

24STCV14954

October 27, 2025

11:21 AM

**THE ROMANIAN ORTHODOX EPISCOPATE OF
AMERICA, A MICHIGAN NONPROFIT RELIGIOUS
CORPORATION vs HOLY TRINITY ROMANIAN
AMERICAN ORTHODOX CHURCH, et al.**

Judge: Honorable Maurice A. Leiter

CSR: None

Judicial Assistant: N. Marshalian

ERM: None

Courtroom Assistant: R. Manzo

Deputy Sheriff: None

Certificate of Service is attached.