

Paul E. Gaspari, State Bar No. 76496
Audrey A. Millemann, State Bar No. 124954
weintraub tobin chediak coleman grodin
Law Corporation
475 Sansome Street, Suite 510
San Francisco, California 94111
Telephone: (415) 433-1400
Facsimile: (415) 433-3883
Email: pgaspari@weintraub.com
Email: amillemann@weintraub.com

Attorneys for Plaintiff
The Romanian Orthodox Episcopate of America

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF LOS ANGELES

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
TITLE THERETO; and DOES 1 through 10,
inclusive,

Defendants.

Case No. 24STCV14954

**PLAINTIFF'S MEMORANDUM OF
POINTS AND AUTHORITIES IN
SUPPORT OF MOTION FOR SUMMARY
ADJUDICATION**

Assigned for all purposes to the
Hon. Maurice A. Leiter

Date: October 17, 2025
Time: 9:00 a.m.
Dept.: 54

Complaint filed: June 14, 2024
Trial date: February 2, 2026

Reservation ID: 863702618915

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I. INTRODUCTION

This case is about the attempted disassociation in August 2022 by a local parish from the hierarchical, national church of which it has been a member for at least 74 years, and the parish's attempt to wrongfully retain real property and other assets, contrary to religious (ecclesiastical) law. The hierarchical, national church is plaintiff The Romanian Orthodox Episcopate of America ("the ROEA"), a Diocese in the hierarchical Orthodox Church in America ("OCA"). The local parish is defendant Holy Trinity Romanian American Orthodox Church formerly known as Holy Trinity Romanian Orthodox Church ("HTRAOC," "HTROC," or "Defendant"), a parish of the ROEA.

In 2022 and 2024, in response to Defendant's attempted disassociation, the ROEA issued a Decision that, as a matter of religious law, Defendant's attempted disassociation violated the governing documents of the OCA and the ROEA, and therefore, that the parish's real property and other property had to be distributed to the ROEA. Defendant refused to comply with the Decision. This lawsuit followed.

The ROEA contends that Defendant's attempted disassociation was invalid and that Defendant remains a parish of the ROEA. Defendant contends that its disassociation was valid and that it is no longer a parish of the ROEA, and that it has joined another national church. This dispute is at the center of this lawsuit.

The ROEA's First Cause of Action for Declaratory Relief seeks a judicial determination that Defendant's attempted disassociation from the ROEA violated the OCA Statute and the ROEA's Constitution and By-Laws and was therefore invalid. In resolving the First Cause of Action, pursuant to the United States Constitution and the U.S. Supreme Court's decisions, the Court cannot decide questions of religious law or doctrine and must accept the decision of the hierarchical ROEA that the attempted disassociation violated the ROEA's governing documents.

The ROEA's Second Cause of Action for Quiet Title to Real Property seeks an order quieting title to the real property in the ROEA and an order transferring title and all interest in the property to the ROEA. In resolving the Second Cause of Action, pursuant to the United States Constitution and the decisions of the U.S. Supreme Court and the California Supreme Court, because the question involves religious law, the Court should apply the "principle of government"

approach and defer to the ROEA’s decision quieting title to the real property in the ROEA. Alternatively, under the “neutral principles of law” approach, the Court should reach the same result.

This motion seeks summary adjudication pursuant to Code of Civil Procedure section 437c(f)(1) of the First and Second Causes of Action of the ROEA’s Complaint on the grounds that there are no triable issues of material fact as to either cause of action and the ROEA is entitled to judgment as a matter of law.

II. FACTUAL BACKGROUND

This summary includes undisputed material facts necessary for the Court to resolve this motion; as to those facts, this brief will cite to the ROEA’s Separate Statement of Undisputed Material Facts and refer to the facts as “UMF.” This summary also includes other facts for context and background purposes; for those facts, this brief will cite to evidence set forth in the Request for Judicial Notice (“RFJN”), the Declaration of Archbishop Nathaniel Popp (“Popp. Dec.”), or the Declaration of Audrey A. Millemann (“Millemann Dec.”).

A. The Relationship between the ROEA and Defendant

The ROEA is a hierarchical church (UMF 1) established in 1929. It is one of about 14 Dioceses (also referred to as an Episcopate) of the hierarchical OCA. The OCA is governed by the OCA Statute. (UMF 4.) The ROEA is governed by its Constitution and By-Laws. (UMF 5.) The ROEA includes about 100 parishes in the U.S. and Canada. (Popp Dec. ¶¶2-3.)

Defendant HTROC was established in about 1926, incorporated in California in 1940, and became a parish of the ROEA in the 1940s. (Millemann Dec. ¶6, Ex. 14, Defendant’s response to form interrogatory 15.1, pp. 7-8.) Defendant is a California nonprofit corporation.

In the 1950s and 1960s, Defendant HTROC acquired the church properties in Los Angeles which are the subject of the Complaint. These properties are commonly known as 3301 and 3313 (formerly 3301, 3311, 3313, and 3315) Verdugo Road, Los Angeles, California, assessor’s parcel numbers 5457-022-009 and 5457-022-028 (lots 8, 9, 10, and 11) (collectively “the Verdugo Road Properties”). (RFJN, ¶2, Ex. 2, Defendant’s verified Answer, ¶12, p. 3.) The Grant Deed to the Verdugo Road Properties in effect in August 2022 was in the name of HTROC. (UMF 21.)

Pursuant to the governing documents of the OCA and the ROEA, Defendant, as a parish of the hierarchical ROEA, was subject to the authority and jurisdiction of the OCA and the ROEA. (UMF 1, 2, 6, 7, 11.) The governing documents establish that all parish property is held in trust for the benefit of the ROEA. (UMF 18.) The governing documents further provide that a parish cannot sell or alienate parish property without the written permission of the ROEA. (UMF 23.)

Defendant's Articles of Incorporation in effect for many years, from at least 1998 up until Defendant amended the Articles after its attempted disassociation in 2022, state that Defendant "corporation submits itself to the administrative and canonical jurisdiction and supervision of the ROEA" and "accepts to govern itself according to the Constitution and of the said ROEA and to conduct and manage its affairs in accordance with the said By-Laws." (UMF 22.)

Defendant admits that as of August 2022 (before the date of its attempted disassociation), it was: a parish of the ROEA; in a hierarchical relationship with the ROEA; subject to the authority and jurisdiction of the ROEA; and governed by the Constitution and By-Laws of the ROEA, including Article VI(b) of the Constitution which states: "Church properties of any kind, nature and description cannot be sold, alienated, or mortgaged without the written permission" of the ROEA. (UMF 23.)

B. The Governing Documents of the ROEA and the OCA

The governing documents of the ROEA are its Constitution and By-Laws. (UMF 5.) The governing document of the OCA is the OCA Statute. (UMF 4.) The relevant provisions of the governing documents of the ROEA and the OCA are:

- The ROEA is "under the jurisdiction and canonical authority" of the OCA. (ROEA Constitution, Article III, section(b).) (UMF 3.)
- The OCA is "hierarchical in structure." (OCA Statute, Preamble and Article XII, section 1(b).) (UMF 4.)
- "The purpose of the [OCA] Statute is to apply Holy Tradition to the organization and daily life of The Orthodox Church in America." (OCA Statute, preamble.) (UMF 16.)
- "The Statute of The Orthodox Church in America conforms to Holy Scripture, Holy Tradition, the Sacred Canons of the Ecumenical and Local Councils, those of the Holy

Fathers, and the canonical tradition of the Orthodox Church.” (OCA Statute, Article I.)
(UMF 17.)

- The ROEA’s Constitution and By-Laws “constitute the organizational and administrative authority” of the ROEA and its parishes. (ROEA Constitution, Article V, section(a).)
(UMF 5.)
- The parishes of the ROEA are “under the jurisdiction of the ROEA.” (ROEA By-Laws, Article IX, section 1.) (UMF 6.)
- The ROEA’s Constitution and By-Laws are incorporated by reference into the corporate charter or articles of each parish. In the event of a conflict between the parish’s articles or bylaws and the ROEA’s Constitution and By-Laws, the latter control. (ROEA By-Laws, Article IX, section 4(b).) (UMF 9.)
- The organization and administration of a parish are subject to the OCA Statute, the ROEA By-Laws, and the parish bylaws as approved by the Diocese. (OCA Statute, Article XII, section 1(b).) (UMF 11.)
- “All Parish property, assets and funds are and shall be owned and held by the Parish or Parish corporation in trust for the use, purpose, and benefit of the Diocese of the OCA of which it is a part.” (OCA Statute, Article XII, section 9(b).) (UMF 18.)
- “Church properties of any kind, nature and description cannot be sold, alienated, or mortgaged without the written permission” of the ROEA’s Episcopate Council. (ROEA Constitution, Article VI(b).) (UMF 23.)

C. Defendant’s Attempted Disassociation from the ROEA

On August 14, 2022, Defendant voted to adopt a resolution to disassociate from the ROEA and join another national church, the Romanian Orthodox Metropolia of the Americas (the “Resolution”). On about October 18, 2022, Defendant filed Amended Articles of Incorporation with the California Secretary of State, stating that the name of the corporation is changed from Holy Trinity Romanian Orthodox Church to Holy Trinity Romanian American Orthodox Church. (RFJN, ¶12, Ex. 2, Defendant’s verified Answer, ¶¶17, 18, p. 4.)

On about October 25, 2022, the ROEA received a letter from Defendant’s counsel

informing the ROEA that Defendant had disassociated from the ROEA effective immediately and had amended its Articles to remove all reference to the ROEA, and that all communications should be directed to him. (Popp Dec. ¶8, Ex. 9.)

Defendant contends that its disassociation was effective as of either the date Defendant adopted its Resolution to disassociate (August 14, 2022) or the date it informed the ROEA that it had disassociated (October 25, 2022). (RFJN, ¶2, Ex. 2, Defendant’s verified Answer, ¶17, p. 4; Millemann Dec. ¶6, Ex. 14, Defendant’s response to form interrogatory 15.1, p. 8.)

On February 26, 2024, a Corporation Grant Deed transferring title to the Verdugo Road Properties from HTROC to HTRAOC was recorded in the Los Angeles County Recorder’s Office. (UMF 24.)

D. The ROEA’s Decision

On November 17, 2022, the ROEA’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 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.) Together, the November 17, 2022 decision and the April 1, 2024 letter constitute the Episcopate Council’s Decision on the matters set forth in the documents. (UMF 14.)

Defendant has not complied with the Decision.

III. PROCEDURAL BACKGROUND

The ROEA filed its verified complaint (“Complaint”) on June 14, 2024. (RFJN, ¶1, Ex. 1, the ROEA’s verified Complaint.) The Complaint alleges causes action for declaratory relief, quiet title, accounting, and constructive trust. In the Complaint, the ROEA seeks an order from the Court, pursuant to the United States Constitution and the U.S. Supreme Court’s decisions, accepting the Decision of the hierarchical ROEA that Defendant’s attempted disassociation from the ROEA

violated the OCA's and the ROEA's governing documents and was therefore invalid. The Complaint further seeks orders, pursuant to the U.S. Supreme Court's "principle of government" approach as set forth by the California Supreme Court, deferring to the ROEA's Decision quieting title to the real property, funds, and personal property in the ROEA, transferring title to the real and personal property to the ROEA, and providing an accounting and an audit of the financial assets.

On November 11, 2024, Defendant filed its verified answer to the Complaint. (RFJN, ¶2, Ex. 2, Defendant's verified Answer.)

On December 13, 2024, the ROEA served Defendant with a set of requests for admission and a set of form interrogatories. (Millemann Dec. ¶5, Exs. 11 and 13.) On March 7, 2025, Defendant served its responses. (Millemann Dec. ¶6, Exs. 12 and 14.)

IV. ARGUMENT

A. The Standard for Summary Adjudication of a Cause of Action for the Plaintiff

A plaintiff may move for summary adjudication of a cause of action in its complaint if the plaintiff asserts that there is no defense to the cause of action. *Paramount Petroleum Corp. v. Superior Court* (2014) 227 Cal.App.4th 226, 241; Code of Civil Procedure section 437c(f)(1). Pursuant to section 437c(p)(1), the plaintiff has met its burden of showing that there is no defense to a cause of action if it "has proved each element of the cause of action entitling [it] to judgment on that cause of action." *Paramount, supra*, at 241, 243; see also *Aguilar v. Atlantic Richfield Co.* (2001) 25 Cal.4th 826, 849, 850; *Woodridge Escondido Property Owners Assoc. v. Nielsen* (2005) 130 Cal.App.4th 559, 568. The plaintiff must make a prima facie showing that there is no triable issue of material fact and that it is entitled to judgment as a matter of law. C.C.P. 437c(c); *Aguilar, supra*, at 850; *Woodridge, supra*, at 568.

Once the plaintiff has met its burden, the burden shifts to the defendant to establish a triable issue of material fact as to the cause of action or a defense thereto. C.C.P. section 437c(p)(1); *Aguilar, supra*, at 849; *Woodridge, supra*, at 568.

As shown below, the ROEA has met its burden.

B. The ROEA is Entitled to Summary Adjudication of its First Cause of Action for Declaratory Relief.

The ROEA's First Cause of Action for Declaratory Relief seeks an order that the Defendant's attempted disassociation from the ROEA violated the OCA Statute and the ROEA's Constitution and By-Laws and was therefore invalid. There is no triable issue of material fact as to the cause of action. The ROEA is entitled to judgment as a matter of law.

1. The requirements for declaratory relief are met.

The requirements for declaratory relief are: (1) a proper subject for declaratory relief; and (2) an actual controversy relating to the rights or obligations of a party. C.C.P. section 1060.

Here, the requirements for declaratory relief are met. First, the subject of the ROEA's requested relief (that Defendant's attempted disassociation from the ROEA violated the OCA Statute and the ROEA's Constitution and By-Laws and was therefore invalid) is a proper subject for declaratory relief. Under C.C.P. section 1060, the ROEA is a person "who desires a declaration of his or her rights or duties with respect to another."

Second, there is "an actual controversy relating to the legal rights and duties of the respective parties." The ROEA contends that Defendant's attempted disassociation violated the OCA Statute and the ROEA Constitution and By-Laws and was therefore invalid. (RFJN, ¶1, Ex. 1, verified Complaint, ¶¶7, 21, 25, 29, pp. 3, 7-10 and Exhibits E and F thereto.) Defendant contends that its disassociation did not violate the OCA Statute and the ROEA Constitution and By-Laws, and that its disassociation was valid. (Millemann Dec. ¶6, Ex. 12, Defendant's response to requests for admission nos. 25-28, pp. 13-15.) Thus, there is "an actual controversy relating to the legal rights and duties of" the ROEA and Defendant. See C.C.P. section 1060. Without obtaining declaratory relief, the parties do not know whether Defendant remains a parish of the ROEA or is no longer a parish of the ROEA.

2. There is no triable issue of material fact as to the merits of the ROEA's requested judicial determination.

The ROEA is entitled to a judicial determination (that Defendant's attempted disassociation from the ROEA violated the OCA Statute and the ROEA's Constitution and By-

Laws and was therefore invalid) because there is no triable issue of material fact, and the ROEA is entitled to judgment as a matter of law.

In cases involving ecclesiastical matters, the general rule as set forth by the U.S. Supreme Court is that courts will defer to ecclesiastical decisions. *Serbian Orthodox Diocese v. Milivojevich* (1976) 426 U.S. 696, 709; *Kim v. The True Church Members of Holy Hill Comm. Church* (2015) 236 Cal.App.4th 1435, 1445. The U.S. Supreme Court has held that the First and Fourteenth Amendments of the United States Constitution “severely circumscribe’ the role of civil courts in litigation involving religious institutions.” *Kim, supra*, at *id.*, quoting *Serbian Orthodox, supra*, at *id.* According to the U.S. Supreme Court:

“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, supra, 426 U.S. at 709 (emphasis added); *Kim, supra*, at 1445.

The California Supreme Court 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, supra*, at *id.* (emphasis added).

Thus, pursuant to the U.S. Supreme Court’s rule, civil courts cannot decide a dispute in a hierarchical church involving a question of religious law or doctrine if the hierarchical church has decided the question, but must accept the decision. *Serbian Orthodox, supra*, 426 U.S. at 709; *Kim, supra*, at 1445.

Here, there is no triable issue of material fact that: (a) Defendant was a parish of the ROEA, a hierarchical church¹; (b) the question (whether Defendant’s attempted disassociation

¹ The past tense is used in this Memorandum of Points and Authorities and the Separate Statement of Undisputed Material Facts because, although the ROEA contends that Defendant’s attempted disassociation was invalid and that Defendant remains a parish of the ROEA, Defendant contends that its disassociation was valid and that it is no longer a parish of the ROEA. The relevant time is the date of Defendant’s attempted disassociation; the disassociation was either

from the ROEA violated the OCA Statute and the ROEA's Constitution and By-Laws and was therefore invalid) is a question of religious law; and (c) the question has been decided by the highest ecclesiastical tribunal of the ROEA to which it was submitted.

(a) Defendant was a parish in the ROEA, a hierarchical church.

There is no triable issue of material fact that Defendant was a parish of the ROEA and in a hierarchical relationship with the ROEA. Defendant admits these facts. (UMF 2, 7, 8.)

There is no triable issue of material fact that the ROEA is a hierarchical church.

A hierarchical church is "a religious congregation which is itself part of a large and general organization of some religious denomination, with which it is more or less intimately connected by religious views and ecclesiastical government." *Episcopal Church Cases, supra*, 45 Cal.4th at 480 (citation omitted).

The relevant governing documents of the OCA and the ROEA establish that the ROEA is a hierarchical church:

- The ROEA is "under the jurisdiction and canonical authority" of the OCA. (ROEA Constitution, Article III, section(b).) (UMF 3.)
- The OCA is "hierarchical in structure." (OCA Statute, Preamble and Article XII, section 1(b).) (UMF 4.)
- The ROEA's Constitution and By-Laws "constitute the organizational and administrative authority" of the ROEA and its parishes. (ROEA Constitution, Article V, section(a).) (UMF 5.)
- The parishes of the ROEA are "under the jurisdiction of the ROEA." (ROEA By-Laws, Article IX, section 1.) (UMF 6.)
- The ROEA's Constitution and By-Laws are incorporated by reference into the corporate charter or articles of each parish. In the event of a conflict between the parish's articles or bylaws and the ROEA's Constitution and By-Laws, the latter control. (ROEA By-Laws, Article IX, section 4(b).) (UMF 9.)

invalid or valid as of that date.

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- The organization and administration of a parish are subject to the OCA Statute, the ROEA By-Laws, and the parish bylaws as approved by the Diocese. (OCA Statute, Article XII, section 1(b).) (UMF 11.)

These documents demonstrate that the ROEA is a hierarchical church.² They show that the ROEA is under the canonical jurisdiction of the OCA, and that the ROEA's parishes are under the jurisdiction of both the ROEA and the OCA. Thus, the ROEA is "a religious congregation which is itself part of a large and general organization of some religious denomination, with which it is more or less intimately connected by religious views and ecclesiastical government." See, *Episcopal Church Cases*, *supra*, 45 Cal.4th at 480 (citation omitted).

(b) The question (whether Defendant's attempted disassociation from the ROEA violated the OCA Statute and the ROEA's Constitution and By-Laws and was therefore invalid) is a question of religious law.

There is no triable issue of material fact that the question (whether Defendant's attempted disassociation from the ROEA violated the OCA Statute and the ROEA's Constitution and By-Laws and was therefore invalid) is a question of religious law.

Such a question cannot be anything other than a question of religious law. As set forth above, the governing documents of the OCA and the ROEA provide that Defendant, as a parish of the ROEA, was under the jurisdiction of the OCA and the ROEA, and was governed by the ROEA's Constitution and By-Laws which are incorporated by reference into Defendant's Articles of Incorporation, and the OCA Statute. However, in order to determine whether the attempted disassociation violated the governing documents and was invalid, this Court would necessarily have to analyze and interpret the OCA Statute and the ROEA Constitution and By-Laws. That analysis and interpretation would be a determination of religious law. This the Court cannot do. See *Serbian Orthodox*, *supra*, 426 U.S. at 709; *Kim*, *supra*, 236 Cal.App.4th at 1445. In fact, the question before this Court falls within one of the examples of prohibited issues: "religious entity

² The ROEA asks the Court to take judicial notice, for informational purposes only, that the Orange County Superior Court recently issued a Statement of Decision and Judgment in a lawsuit between two different groups in a parish of the ROEA in Anaheim, California in which the court held that the ROEA was a hierarchical church. (See (RFJN, ¶6, Ex. 6, Statement of Decision and Judgment, p. 5, lines 17-18.)

governance.” See *Kim, supra*, at *id.*

(c) The question (whether Defendant’s attempted disassociation from the ROEA violated the OCA Statute and the ROEA’s Constitution and By-Laws and was therefore invalid) was decided by the ROEA.

There is no triable issue of material fact that this question has been decided by the highest ecclesiastical tribunal of the ROEA to which it was submitted.

On November 17, 2022, the ROEA’s Episcopate Council issued a written decision that Defendant’s “attempts to disassociate from the ROEA and to enter another jurisdiction are in violation of the ROEA’s Constitution and By-Laws.” (UMF 12.) This was followed on April 1, 2024 by a notice letter to Defendant restating and implementing the ROEA’s Episcopate Council’s November 17, 2022 decision. (UMF 13.) The notice letter stated, among other things, that the attempted disassociation was a violation of the OCA Statute and the ROEA’s Constitution and By-Laws. (UMF 13.) Together, the November 17, 2022 and April 1, 2024 documents constitute the ROEA’s Decision on the matters addressed in the two documents. (UMF 14.)

The Episcopate Council is the highest ecclesiastical authority of the ROEA that addressed the question. (UMF 15.) The Episcopate Council rendered a decision that the attempted disassociation was a violation of the OCA Statute and the ROEA’s Constitution and By-Laws, and was therefore invalid. (UMF 12, 13.)

(d) The Court must accept the ROEA’s Decision.

As shown above, there is no triable issue of material fact that: Defendant was a parish of the ROEA, a hierarchical church; the question (whether Defendant’s attempted disassociation from the ROEA violated the OCA Statute and the ROEA’s Constitution and By-Laws and was therefore invalid) is a question of religious law; and the question was decided by the highest ecclesiastical tribunal of the ROEA to which it was submitted.

Accordingly, as a matter of law, pursuant to the First and Fourteenth Amendments as determined by the U.S. Supreme Court, this Court must accept the Decision of the ROEA -- that Defendant’s attempted disassociation from the ROEA violated the OCA Statute and the ROEA’s Constitution and By-Laws and was therefore invalid -- as binding. See, *Serbian Orthodox, supra*, 426 U.S. at 709-710; *Kim, supra*, 236 Cal.App.4th at 1445.

The Second District Court of Appeal in *Kim, supra*, 236 Cal.App.4th 1435, addressed a situation similar to that in this case. The local church was member of a national, hierarchical church. A dispute arose between factions of the local church -- one faction attempted to secede and take control of the church properties. The national church determined that the vote to secede was illegal and did not comply with the national church's governance and religious documents.

In *Kim*, the court held a bench trial of a declaratory relief cause of action, and entered a ruling deferring to the national church's decision. The appellate court affirmed, holding that the trial court had properly deferred to the national church's determination that the attempted secession was invalid and that the local church remained subject to the national church's governing documents. *Id.* at 1448. In response to appellants' argument that the national church had no authority to excommunicate them because they had validly seceded, the appellate court found the argument meritless, stating: "[this] highlight[s] the entire reason behind the ecclesiastical rule, which is that courts are ill equipped to interpret ecclesiastical rules, particularly in hierarchical church organizations." *Id.* at 1449.

This case is similar to the facts in *Kim*. Here, Defendant, a local parish, attempted to disassociate (secede) and take control of the church properties. The ROEA, the national church, determined that the vote to disassociate (secede) was illegal and did not comply with the ROEA's governing and religious documents. The outcome should be the same. The Court should accept the ROEA's determination that the attempted disassociation was invalid.

Defendant may make the analogous argument to that made by the appellants in *Kim*: that because Defendant attempted to disassociate from the ROEA, it is no longer subject to the ROEA's jurisdiction and governing documents. The argument makes no sense because it would render meaningless the national hierarchical church's jurisdiction and authority over its local churches -- a local church could avoid the effect of the national church's jurisdiction and authority simply by claiming to secede. The *Kim* court gave no credence to this argument.

Because there is no triable issue of material fact, the Court should grant summary adjudication of the ROEA's First Cause of Action for Declaratory Relief, and enter an order that Defendant's attempted disassociation from the ROEA violated the OCA Statute and the ROEA's

Constitution and By-Laws and was therefore invalid.

C. The ROEA is Entitled to Summary Adjudication of its Second Cause of Action for Quiet Title.

The ROEA's Second Cause of Action seeks an order quieting title in the Verdugo Road Properties in the ROEA as of August 14, 2022, the date of Defendant's Resolution to disassociate from the ROEA, and an order transferring title and all interest in the Verdugo Road Properties to the ROEA.

Because the ROEA's Second Cause of Action involves a property dispute, unlike its First Cause of Action, it falls within a "limited exception to the general rule of judicial deference to ecclesiastical decisions." See, *Kim, supra*, 236 Cal.App.4th at 1446. However, that exception is narrow, as explained by the California Supreme Court in the *Episcopal Church Cases, supra*, 45 Cal.4th at 485.

In the *Episcopal Church Cases*, the California Supreme Court addressed how California courts should decide church property disputes based on the U.S. Supreme Court's decisions. The California Supreme Court explained that the U.S. Supreme Court has approved two methods for deciding church property disputes. *Id.* at 480. Under the first method, the "principle of government" approach, the U.S. Supreme Court has held:

"[W]henever the questions of discipline, or of faith, or ecclesiastical rule, custom, or law have been decided by the highest of these church judicatories to which the matter has been carried, the legal tribunals must accept such decisions as final, and as binding on them, in their application to the case before them."

Episcopal Church Cases, supra, 45 Cal.4th at 480, quoting *Serbian Orthodox, supra*, 426 U.S. at 710 (emphasis added).

Under the second method, the "neutral principles of law" approach, the court may apply neutral principles of law developed for use in property disputes as long as the resolution "does not turn on questions of church doctrine." *Episcopal Church Cases, supra*, at 484.

Thus, the rule for civil courts to follow to resolve church property disputes is, as stated by the California Supreme Court:

“[I]f resolution of a property dispute involves a point of doctrine, the court must defer to the position of the highest ecclesiastical authority that has decided the point. But to the extent the court can resolve a property dispute without reference to church doctrine, it should apply neutral principles of law. The court should consider sources such as the deeds to the property in dispute, the local church’s articles of incorporation, the general church’s constitution, canons, and rules, and relevant statutes, including statutes specifically concerning religious property, such as Corporations Code section 9142.”

Episcopal Church Cases, supra, 45 Cal.4th at 485 (emphasis added). However, in cases where the interpretation of the relevant documents, such as the corporate charter of the local church and the constitution of the general church, involves religious concepts and “would require the civil court to resolve a religious controversy, then the court must defer to the resolution of the doctrinal issue by the authoritative ecclesiastical body.” *Id.* at 483, quoting *Jones v. Wolf* (1979) 443 U.S. 602, 604.

Thus, civil courts cannot decide a property dispute in a hierarchical church involving a question of religious law or doctrine if the hierarchical church has decided the question, but must defer to the church’s decision. See, *Episcopal Church Cases, supra*, 45 Cal.4th at 485.

Here, because resolution of the quiet title cause of action involves matters of religious law, the Court cannot apply the neutral principles of law approach, but must instead apply the principle of government approach and defer to the Decision of the ROEA. See, *Episcopal Church Cases, supra*, 45 Cal.4th at 483-485.

1. Under the principle of government approach, there is no triable issue of material fact.

There is no triable issue of material fact that: (a) Defendant was a parish of the ROEA, a hierarchical church; (b) the question (whether title to the Verdugo Road Properties should be quieted in the ROEA) is a question of religious law; and (c) the question has been decided by the highest ecclesiastical tribunal of the ROEA to which it was submitted. See, *Episcopal Church Cases, supra*, 45 Cal.4th at 485.

(a) Defendant was a parish in the ROEA, a hierarchical church.

As set forth in section IV(B)(2)(a) above, there is no triable issue of material fact that the ROEA is a hierarchical church and that Defendant was a parish of the ROEA. (UMF 1, 2.)

(b) The question (whether title to the Verdugo Road Properties should be quieted in the ROEA) is a question of religious law.

There is no triable issue of material fact that the question (whether title to the Verdugo Road Properties should be quieted in the ROEA) is a question of religious law.

The relevant provisions of the governing documents of the OCA and the ROEA are:

- The OCA Statute states: “the purpose of the Statute is to apply Holy Tradition to the organization and daily life of the Orthodox Church in America.” (OCA Statute, preamble.) (UMF 16.)
- The OCA Statute states: “The Statute of the [OCA] conforms to Holy Scripture, Holy Tradition, the Sacred Canons of the Ecumenical and Local Councils, those of the Holy Fathers, and the canonical tradition of the Orthodox Church.” (OCA Statute, Article I.) (UMF 17.)
- The OCA Statute states: “all Parish property, assets and funds are and shall be owned and held by the Parish or Parish Corporation in trust for the use, purpose, and benefit of the Diocese of the OCA of which it is a part.” (OCA Statute, Article XII, section 9(b).) (UMF 18.)

Because the OCA Statute expressly states that its purpose “is to apply Holy Tradition to the organization and daily life of the Orthodox Church in America” and that its provisions “conform to Holy Scripture, Holy Tradition, the Sacred Canons of the Ecumenical and Local Councils, those of the Holy Fathers, and the canonical tradition of the Orthodox Church,” the OCA Statute is religious law. Therefore, the matters which the OCA Statute addresses, including the provision that all parish property is owned and held in trust for the benefit of the Diocese, are matters of religious law.

In order to determine whether title to the Verdugo Road Properties should be quieted in the ROEA, this Court would necessarily have to analyze and interpret the OCA Statute and the ROEA Constitution and By-Laws. That analysis and interpretation would be a determination of religious law or doctrine, which the Court is not permitted to do. See, *Episcopal Church Cases*, *supra*, 45 Cal.4th at 483-485.

(c) The question (whether title to the Verdugo Road Properties should be quieted in the ROEA) has been decided by the ROEA.

In its Decision, the ROEA's Episcopate Council determined that Defendant's property was held in trust for the ROEA and that Defendant's property must be distributed to the ROEA. (UMF 19.) The Episcopate Council is the highest ecclesiastical authority of the ROEA that addressed the question. (UMF 20.) Thus, the highest ecclesiastical authority of the ROEA that addressed the question rendered a decision that title to the Verdugo Road Properties should be quieted in the ROEA.

(d) The Court must accept the ROEA's Decision.

As shown above, there is no triable issue of material fact that: Defendant was a parish of the ROEA, a hierarchical church; the question (whether title to the Verdugo Road Properties should be quieted in the ROEA) is a question of religious law; and the question has been decided by the highest ecclesiastical tribunal of the ROEA to which it was submitted.

Accordingly, as a matter of law, the Court must defer to the Decision of the ROEA. See, *Episcopal Church Cases, supra*, 45 Cal.4th at 483 *Id.* at 483, quoting *Jones v. Wolf, supra*, 443 U.S. at 604.

2. Under the neutral principles of law approach, there is no triable issue of material fact.

As set forth above, the Court cannot resolve this property dispute without deciding questions of religious law and should therefore apply the principle of government approach and defer to the ROEA's Decision. However, if the Court decides to apply the neutral principles of law approach, the result is the same: the Court should quiet title in the ROEA because there is no triable issue of material fact.

In the *Episcopal Church Cases*, the California Supreme Court addressed the same question that is before the Court here: "which prevails – the fact that [the local] Parish holds record title to the property, or the facts that it is bound by the constitution and canons of the [general] Church and the canons impress a trust in favor of the general church?" *Episcopal Church Cases, supra*, at 486.

The facts in the *Episcopal Church Cases* were: the deeds to the real property were in the name of the parish; the parish's articles stated that it would be bound by the Episcopal Church's constitution and canons; under canon law, the parish could not alienate the property without the consent of the Episcopal Church, and all real property held by a parish was "held in trust" for the Episcopal Church and the diocese in which the parish was located; and the parish could control the property only as long as it remained part of and subject to the Episcopal Church and its constitution and canons. *Episcopal Church Cases, supra*, at 486-488.

After a dispute over doctrine, the Episcopal Church parish disaffiliated from the Episcopal Church. The parish contended that it owned the church building and the church property. The Episcopal Church contended that it owned the property. The trial court found for the parish, and the appellate court reversed, holding that the Episcopal Church owned the property under the "principle of government" approach.

The California Supreme Court affirmed, holding that civil courts must resolve internal church disputes over ownership of church property, but must not get involved in church doctrine. The civil court must defer to the resolution of the highest court of the hierarchical church. *Episcopal Church Cases, supra*, at 489. The Supreme Court held that the First Amendment rights as delineated by the U.S. Supreme Court, and the provisions of California Corporations Code section 9142³, require civil courts to give effect to the provisions of the general church's governing documents. *Id.*

The California Supreme Court held that, even though the deeds were in the name of the parish, the parish had agreed at its inception to be part of the Episcopal Church and be bound by its canons and constitution. *Id.* at 489. The court found that the Episcopal Church's governing documents, including a specific canon law which recited an express trust, established an express trust in favor of the Episcopal Church, and that the trust complied with Corp. Code section 9142. *Id.* The court concluded:

³ Corp. Code section 9142 provides that assets of a religious corporation cannot be deemed to be impressed with any trust unless there is an express provision in the corporation's articles or by-laws or in the governing documents of a superior general church of which the corporation is a member.

“In short, the [parish] agreed from the beginning of its existence to be part of a greater denominational church and to be bound by that greater church’s governing instruments. Those instruments make clear that a local parish owns local church property in trust for the greater church and may use that property only so long as the local church remains part of the greater church.”

Id. The court also held that the canon law was clear and convincing evidence sufficient to rebut the presumption of Evidence Code section 662 that the owner of legal title is presumed to be the owner of the full beneficial title. *Episcopal Church Cases*, *supra*, at 492.

According to the California Supreme Court, the U.S. Supreme Court case law and the Episcopal Church’s adoption of the specific canon law which recited an express trust “strongly supports the conclusion that, once [the local church] left the general church, the property reverted to the general church.” *Id.* at 488. The court explained that the specific canon law:

“is consistent with earlier-enacted canons that, although not using the word ‘trust,’ impose substantial limitations on the local parish’s use of church property and give the higher church authorities substantial authority over that property. For example, permitting a disaffiliating local church to take the property with it when it reaffiliates with a different church is inconsistent with the prohibition of [earlier-enacted canons] against encumbering or alienating local property without the previous consent of higher church authorities.”

Episcopal Church Cases, *supra*, at 487-488.

Here, the undisputed facts are similar to those of the *Episcopal Church Cases*. Defendant was a parish of the ROEA, a hierarchical church. (UMF 1, 2.) Defendant’s name is on the deed to the Verdugo Road Properties. (UMF 21, 24.) Defendant’s Articles of Incorporation stated that Defendant “submits itself to the administrative and canonical jurisdiction and supervision of the ROEA”, and “accepts to govern itself according to the [ROEA]’s Constitution and to conduct and manage its affairs in accordance with the [ROEA’s] By-Laws.” (UMF 22.) The ROEA’s Constitution and By-Laws are incorporated by reference into Defendant’s Articles of Incorporation. (UMF 9.) The ROEA’s governing documents provide that the parishes are under the jurisdiction of the ROEA and that the ROEA is under the jurisdiction and canonical authority of the OCA. (UMF 3, 6.) The OCA’s governing document provides that the parishes are under the OCA and subject to the OCA’s governing document, and that all parish property is held in trust for the Diocese of which the parish is a part. (UMF 11, 18.) And, like the earlier-enacted canons in the *Episcopal Church Cases*, the ROEA’s Constitution “impose[s] substantial limitations” on the

Defendant's use of church property and gave the ROEA "substantial authority" over that property: "Church properties of any kind, nature and description cannot be sold, alienated, or mortgaged without the written permission" of the ROEA's Episcopate Council. (ROEA Constitution, Article VI(b), UMF 23.) See, *Episcopal Church Cases*, *supra*, at 487-488.

Defendant contends that it is not subject to the jurisdiction and authority of the OCA and not governed by the OCA Statute because it did not submit itself to the jurisdiction of the OCA and did not agree to comply with the OCA Statute. (Millemann Dec. ¶6, Exs. 12 and 14, Defendant's response to requests for admission nos. 8, 9, 18, pp. 6, 7, 10; Defendant's response to form interrogatory 17.1, pp. 23-25.) However, Defendant admits that it was subject to the jurisdiction and authority of the ROEA and governed by the ROEA's Constitution and By-Laws. (UMF 7, 10.) Those governing documents, which are incorporated by reference into Defendant's Articles, state that the ROEA is subject to the jurisdiction and authority of the OCA. The OCA governing document states that the parishes are subject to the OCA Statute. Therefore, Defendant was subject to the OCA Statute and its property was held in trust for the ROEA.

Defendant may argue that it amended its Articles to remove all references to the ROEA and that, as a result, it is no longer subject to the jurisdiction of the ROEA. However, like the argument made by the appellants in *Kim*, *supra*, 236 Cal.App.4th at 1449, this argument is circular and has no merit.

The facts here are essentially the same as the corresponding facts in the *Episcopal Church Cases*. There is no triable issue as to these facts. Accordingly, the conclusion should be the same as that reached by the Supreme Court in the *Episcopal Church Cases*. The governing documents of the ROEA and the OCA establish an express trust on the Verdugo Road Properties in favor of the ROEA, and the Verdugo Road Properties are owned in trust for the ROEA.

This Court should grant the ROEA's motion for summary adjudication of the Second Cause of Action, quiet title to the Verdugo Road Properties in the ROEA, and issue an order transferring title and all interest in the properties to the ROEA.

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V. CONCLUSION

For the reasons set forth above, pursuant to Code of Civil Procedure section 437c(f)(1), the Court should grant the ROEA's motion for summary adjudication of the First and Second Causes of Action on the grounds that there are no triable issues of material fact as to either cause of action and the ROEA is entitled to judgment as a matter of law.

Dated: July 3, 2025

Respectfully submitted,

WEINTRAUB TOBIN CHEDIAK COLEMAN GRODIN

By: 
Audrey A. Millemann

Attorneys for Plaintiff
The Romanian Orthodox Episcopate of America