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STATE OF SOUTH CAROLINA **COUNTY OF GREENWOOD**	**IN THE COURT OF COMMON PLEAS**
THE SOUTH CAROLINA CONFERENCE OF THE UNITED METHODIST CHURCH, ALDERSGATE UNITED METHODIST CHURCH OF GREENWOOD, INDIVIDUALLY, AND ON BEHALF OF CERTAIN CURRENT OR FORMER MEMBERS OF ALDERSGATE UMC OF GREENWOOD, Plaintiffs, vs. ALDERSGATE METHODIST CHURCH OF GREENWOOD AND DAVID ELLIOTT, INDIVIDUALLY, AND AS THE REPRESENTATIVE OF AN UNINCORPORATED ASSOCIATION OF INDIVIDUALS ACTING AND CONSPIRING WITH HIM TO DISASSOCIATE ALDERSGATE UNITED METHODIST CHURCH OF GREENWOOD FROM THE UNITED METHODIST CHURCH, Defendants.	**Lead Case No. 2025-CP-24-00235** Consolidated—Assigned to the Honorable Brian M. Gibbons, Resident Judge, Sixth Judicial Circuit *This Order also applies to the Consolidated Actions listed on Exhibit A to the July 31, 2026, Consent Order of Consolidation* **ORDER GRANTING DEFENDANTS' MOTIONS TO DISMISS**

I. Introduction

In each of these consolidated actions, the South Carolina Conference of The United Methodist Church (the "Conference"), joined by an entity it identifies as the local United Methodist church purporting to sue on its own behalf and on behalf of unidentified "current or former members" of that local church, sued a South Carolina local church and its representatives over the local church's separation from The United Methodist Church ("UMC"). In each case, the Conference seeks a declaration that the local church's property is held in trust for the UMC, demands invalidation of the local church's corporate filings, and requests other related relief.

Each claim depends on *The Book of Discipline of The United Methodist Church* (the "Discipline"). For the reasons below, the Court concludes that it lacks subject-matter jurisdiction

ELECTRONICALLY FILED - 2026 Nov 13 12:11 PM - GREENWOOD - COMMON PLEAS - CASE#2025CP2400235

to adjudicate claims that require it to interpret and enforce the Discipline. Furthermore, even if the Court had jurisdiction over these suits, the Conference's claims would fail for additional independent reasons including lack of standing and the failure to state claims on which relief could be granted. For the reasons that follow, the Defendants' Motions to Dismiss are therefore GRANTED.

II. Procedural History

By Order dated August 13, 2025, the Supreme Court of South Carolina vested this Court with exclusive jurisdiction over pretrial motions and trials in the underlying cases pertaining to the disputed disassociation from the UMC of local churches and the ownership of local church property. By Consent Order dated July 31, 2026, 68 actions were consolidated for pretrial, discovery, motion, and case-management purposes under the lead Aldersgate Matter, with each action retaining its separate case number and identity.[1]

The Defendants in the Aldersgate Matter moved to dismiss on June 16, 2025. The Conference filed an Omnibus Memorandum in Opposition on February 6, 2026, and the Defendants replied in March 2026. The Court heard argument on August 31, 2026, and received supplemental briefing on September 10 and 17, 2026. By Order dated October 12, 2026, the Court directed defense counsel to prepare a formal order dismissing the cases.

III. Alleged Facts

[1] Two of the disaffiliation lawsuits—one filed against The Methodist Church of Simpsonville (No. 2024-CP-23-06475) and the other against Duncan Memorial Methodist Church (No. 2025-CP-22-00996)—were not consolidated. The facts, procedural histories, and arguments relevant to those cases are discussed in the orders dismissing those two lawsuits.

ELECTRONICALLY FILED - 2026 Nov 13 12:11 PM - GREENWOOD - COMMON PLEAS - CASE#2025CP2400235

The Conference alleges in the underlying cases that the local churches named as Defendants were associated with the UMC and under the governance of the Conference. As such, all the local churches' properties were allegedly held in trust for the UMC pursuant to a trust clause contained in the Discipline. The Conference alleges that Defendants and their respective officers, in their effort to disaffiliate from the UMC, violated the Discipline and the trust contained therein by amending their respective local churches' corporate filings and names and transferring the real property from prior entities to newly formed ones. The Conference asserted claims for declaratory judgment; quiet title; constructive trust; resulting trust; accounting; quantum meruit or unjust enrichment; breach of fiduciary duty; and temporary injunction.

IV. Standard of Review

Under Rule 12 of the South Carolina Rules of Civil Procedure, the Court has the authority to dismiss actions for, *inter alia*, lack of subject-matter jurisdiction and insufficient pleading. SCRCP, Rule 12(b)(1), (b)(6), (h)(3).

Pursuant to Rule 12(h)(3), SCRCP, "Whenever it appears … that the court lacks jurisdiction of the subject matter, the court shall dismiss the action." In fact, a court without subject-matter jurisdiction "only has authority to dismiss the action." *Ross v. Richland Cnty.*, 270 S.C. 100, 101, 240 S.E.2d 649, 650 (1978).

A complaint must also be dismissed under Rule 12(b)(6), SCRCP, if the plaintiff fails to state facts sufficient to constitute a cause of action. *Doe v. Marion*, 373 S.C. 390, 395, 645 S.E.2d 245, 247 (2007). Dismissal is proper when the facts alleged and inferences reasonably deducible therefrom, viewed in the light most favorable to the plaintiff, would not entitle the plaintiff to relief on any theory. *Id*.

ELECTRONICALLY FILED - 2026 Nov 13 12:11 PM - GREENWOOD - COMMON PLEAS - CASE#2025CP2400235

V. Discussion

A. Ecclesiastical Abstention and Lack of Subject-Matter Jurisdiction

The First Amendment to the United States Constitution, applicable to the states through the Fourteenth Amendment, contains two clauses concerning religion: the Free Exercise Clause and the Establishment Clause. U.S. Const. amend. I; *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 301–02 (2000). The Free Exercise Clause guarantees the right to believe, practice, and profess one's chosen religion. *Emp. Div., Dep't of Hum. Res. of Or. v. Smith*, 494 U.S. 872, 877 (1990). The Establishment Clause prevents the government from passing laws that "aid one religion, aid all religions, or prefer one religion over another." *Sch. Dist. of Abington Twp. v. Schempp*, 374 U.S. 203, 216 (1963). South Carolina's Constitution embodies both principles in article I, section 2. The ecclesiastical abstention, or church autonomy, doctrine originated from both of these First Amendment clauses. The ecclesiastical abstention doctrine prohibits civil courts from deciding cases necessitating extensive inquiry into religious law and polity. *Serbian E. Orthodox Diocese for the U.S. & Can. v. Milivojevich,* 426 U.S. 696, 709-10 (1976). Civil courts may not adjudicate questions involving "'theological controversy, church discipline, ecclesiastical government, or the conformity of the members of a church to the standard of morals required of them.'" *Id.* at 714 (emphasis omitted) (quoting *Watson v. Jones*, 80 U.S. 679, 733 (1871)); *see also Jones v. Wolf*, 443 U.S. 595, 602 (1979) ("First Amendment prohibits civil courts from resolving church property disputes on the basis of religious doctrine and practice"); *All Saints Parish, Waccamaw v. Protestant Epis. Church in the Diocese of S.C.*, 385 S.C. 428, 445, 685 S.E.2d 163, 172 (2009) ("Courts may not engage in resolving disputes as to religious law, principle, doctrine, discipline, custom, or administration").

ELECTRONICALLY FILED - 2026 Nov 13 12:11 PM - GREENWOOD - COMMON PLEAS - CASE#2025CP2400235

Ecclesiastical abstention poses a jurisdictional bar. *See Pearson v. Church of God*, 325 S.C. 45, 51, 478 S.E.2d 849, 852 (1996) (noting civil courts have no jurisdiction over ecclesiastical questions and controversies); *Milivojevich*, 426 U.S. at 713–14 ("civil courts exercise no jurisdiction" over "a matter which concerns theological controversy, church discipline, [or] ecclesiastical government"); *Watson v. Jones*, 80 U.S. 679, 733 (1871) (where dispute is ecclesiastical in nature, it is "a matter over which the civil courts exercise no jurisdiction").

When, as here, a court lacks subject-matter jurisdiction, the only thing it may do is announce that fact and dismiss the case. *See* Rule 12(h)(3), SCRCP ("Whenever it appears… that the court lacks jurisdiction of the subject matter, the court shall dismiss the action"); *Steel Co. v. Citizens for Better Env.,* 523 U.S. 83 (1998) (without subject-matter jurisdiction, the only permissible court action is announcement of that fact and dismissal); *Ross*, 270 S.C. at 101, 240 S.E.2d at 650 ("We conclude a court without jurisdiction only has authority to dismiss the action").

Here, the Conference's underlying Complaints turn on a religious dispute that cannot be adjudicated by a secular court using neutral principles. The Conference describes the Discipline as the UMC's guiding document for "church law, polity, and procedures," then bases all its claims on interpretation and application of the religious Discipline. The claims are not based on state law, instead referring exclusively to purported violations of a religious text.

In fact, this Court does not have subject-matter jurisdiction even to determine who the correct parties to these actions are. The Conference named as "Plaintiff" in each case the local church, purporting to represent "current or former members" of that church which it describes as the "loyal members." Whether the local church named by the Conference as a Plaintiff is the proper representative—as opposed to the Defendant local church—and whether members are "loyal" and

ELECTRONICALLY FILED - 2026 Nov 13 12:11 PM - GREENWOOD - COMMON PLEAS - CASE#2025CP2400235

to whom are doctrinal questions that ecclesiastical abstention clearly does not permit this Court to decide.

The authorities cited by the Conference do not require a different result. In *Banks v. St. Matthew Baptist Church*, 391 S.C. 475, 481, 706 S.E.2d 30, 33 (Ct. App. 2011), the defamation claim could "be resolved using solely legal principles without examining any religious questions." That is not so here. In *Jenkins v. Refuge Temple Church of God in Christ, Inc.*, 424 S.C. 320, 328, 818 S.E.2d 13, 17 (Ct. App. 2018), the court confirmed that civil courts retain jurisdiction over civil, contract, and property rights. The Conference here, however, does not allege a property or corporate right arising from a source independent of the Discipline. The Conference also relies on *Turbeville v. Morris*, 203 S.C. 287, 26 S.E.2d 821 (1943), but that case predates the framework adopted in *Jones*, *Pearson*, and *All Saints*.

Additionally, judicial estoppel "precludes a party from adopting a position in conflict with the one previously taken in the same or similar litigation." *Quinn v. Sharon Corp.*, 343 S.C. 411, 414, 540 S.E.2d 474, 475 (Ct. App. 2000); *see also id.* at 416, 540 S.E.2d at 476 (Anderson, J., concurring) ("Under the doctrine of judicial estoppel, a party that has assumed a particular position in a judicial proceeding, via its pleadings, statements, or contentions made under oath, is prohibited from adopting an inconsistent posture in subsequent proceedings."); *Hayne Federal Credit Union v. Bailey*, 327 S.C. 242, 251–52, 489 S.E.2d 472, 477 (1997). Here, the Conference has consistently argued that, under the ecclesiastical abstention doctrine, courts cannot exercise jurisdiction over disputes involving Methodist church governance, operations, and policy—including in a recent suit remarkably similar to the facts of this case, but in which the Conference was the defendant.[2]

[2] *See*, *e.g.*, Answer, *Stilwell et al. v. S.C. Conference of the United Methodist Church*, No. 2024-CP-23-03486 (Greenville Cnty. Ct. of Common Pleas) (filed August 6, 2024) (arguing the doctrine

ELECTRONICALLY FILED - 2026 Nov 13 12:11 PM - GREENWOOD - COMMON PLEAS - CASE#2025CP2400235

Having invoked the doctrine previously as a defendant, the Conference is estopped from avoiding it in these cases as a plaintiff. Permitting the Conference to invoke the doctrine as a shield when sued, and to disclaim it when suing, would undermine the integrity of the judicial process that judicial estoppel exists to protect.

The Conference's Complaints plainly fall within the ambit of the ecclesiastical abstention doctrine. Because they cannot be adjudicated without interpreting and enforcing the Discipline, the Court lacks subject-matter jurisdiction and the Complaints must be dismissed. Rule 12(h)(3), SCRCP.

B. Failure to Allege a Trust

Alternatively, to the extent the Complaints present any civil question, each cause of action depends on the claimed UMC trust. "To be valid, a trust of real property, created by transfer in trust or by declaration of trust, must be proved by some writing signed by the party creating the trust." S.C. Code Ann. § 62-7-401(a)(2). A trust is created only if, among other things, "the settlor indicates an intention to create the trust." § 62-7-402(a)(2). The terms of a trust do not prevail over these requirements. § 62-7-105(b).

The Complaints do not adequately allege that any local church, as owner, executed a signed writing creating a trust in favor of the UMC or the Conference, or that any local church took affirmative action to ratify or accede to the trust clause with a present intent to create a trust. Any allegation that annual Reports of Trustees stated the deeds contained a trust clause does not, without more, allege a signed declaration of trust by the owner or a present intent to create one.

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barred a suit filed by a Methodist church seeking a declaration that the Conference has no interest in the local church's property).

ELECTRONICALLY FILED - 2026 Nov 13 12:11 PM - GREENWOOD - COMMON PLEAS - CASE#2025CP2400235

Jones v. Wolf does not require—or even permit—a different result. *Jones* expressly acknowledged the possibility of a denominational trust "provided it is embodied in some legally cognizable form." 443 U.S. at 606. Thus, *Jones* does not exempt such trusts from state law. Because the trust clause does not comport with South Carolina law, claims based on that trust necessarily fail. Accordingly, the Complaints fail to state a claim under Rule 12(b)(6), SCRCP.

C. Standing

A challenge to a nonprofit corporation's power to act may be brought only by a director, a member in a derivative proceeding, a trustee, the corporation itself, or the Attorney General. S.C. Code Ann. § 33-31-304. The Complaints do not allege that the Conference is any of these.[3] The Conference's ultra vires theory depends on treating the Discipline as enforceable bylaws, and the ultra vires doctrine cannot be used by a third party to invalidate a church's corporate action. *De Borde v. St. Michael & All Angels Epis. Church*, 272 S.C. 490, 501, 252 S.E.2d 876, 881 (1979).

Sections 33-31-129 and 33-31-1008 do not supply standing on these allegations; the former because no false document was signed, the latter because it presupposes a valid trust or existing right the Complaints do not adequately allege. The Complaints further do not plead facts sufficient to overcome the business judgment rule, which "precludes judicial review of actions taken by a corporate governing board absent a showing of a lack of good faith, fraud, selfdealing [sic] or unconscionable conduct." *Dockside Ass'n v. Detyens*, 294 S.C. 86, 87, 362 S.E.2d 874, 874 (1987). Accordingly, the Conference lacks standing to maintain these actions.

[3] The Conference concedes that the word "member" includes any individual who has entered his or her name on the roll of professing members of the local church. *See* Complaint at 2 n.2. Although members may bring a derivative suit alleging ultra vires action, the Code does not authorize a corporation to bring an ultra vires suit *in a representative capacity* on behalf of its members, as the local-church Plaintiff purports to do here.

ELECTRONICALLY FILED - 2026 Nov 13 12:11 PM - GREENWOOD - COMMON PLEAS - CASE#2025CP2400235

The Court's conclusions in Sections V.B and V.C are independent, alternative grounds for dismissal, set out so that the reviewing court has the benefit of the Court's full analysis. Because the foregoing analysis resolves the Motions, the Court does not reach Defendants' remaining arguments.

VI. Conclusion

For the foregoing reasons, IT IS ORDERED that:

1. The Defendants' Motions to Dismiss the Complaint in Case No. 2025-CP-24-00235 (Aldersgate Matter) and the Complaint in each Consolidated Action listed on Exhibit A are **GRANTED**, and each Complaint is **DISMISSED WITHOUT PREJUDICE** for lack of subject-matter jurisdiction.
2. This Order is an order of general applicability under ¶ 3 of the July 31, 2026, Consent Order of Consolidation and applies to each Consolidated Action listed on Exhibit A thereto, except Case No. 2025-CP-38-00470 (Eutawville), which is addressed in the Court's October 12, 2026, Order.
3. Any Notice of Lis Pendens filed by Plaintiffs in the dismissed actions is cancelled.
4. The Clerk of Court for each county in which a dismissed action is pending shall file a copy of this Order in the record of that action.

IT IS SO ORDERED.

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The Honorable Brian M. Gibbons
Resident Judge, Sixth Judicial Circuit

_____, South Carolina

_____, 2026

Respectfully submitted by:

THE NATIONAL CENTER FOR LIFE AND LIBERTY

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ELECTRONICALLY FILED - 2026 Nov 13 12:11 PM - GREENWOOD - COMMON PLEAS - CASE#2025CP2400235

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Greenwood Common Pleas

Case Caption:	South Carolina Conference Of The United Methodist Church , plaintiff, et al VS Aldersgate Methodist Church Of Greenwood , defendant, et al
Case Number:	2025CP2400235
Type:	Order/Dismissal and Cancellation of Lis Pendens

So Ordered

Brian M Gibbons