

IN THE CIRCUIT COURT OF THE FOURTH JUDICIAL CIRCUIT
IN AND FOR DUVAL COUNTY, FLORIDA
CIVIL DIVISION

CHARLES STOVALL WEEMS, IV
and KERRI WEEMS,

Case No.: 2022-CA-1047

Plaintiffs,

Division: CV-F

v.

CELEBRATION CHURCH OF
JACKSONVILLE, INC., KEVIN
CORMIER, MARCUS ROWE,
ANGELA CANNON,
JACOB WILLIAM, and
LEE WEDEKIND, III,

Defendants.

**MOTION OF DEFENDANT LEE WEDEKIND, III, TO
DISMISS FOR LACK OF SUBJECT-MATTER JURISDICTION**

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TABLE OF CONTENTS

	<u>Page</u>
TABLE OF AUTHORITIES	iii
INTRODUCTION	1
FACTUAL BACKGROUND.....	1
ARGUMENT	5
CONCLUSION.....	15

TABLE OF AUTHORITIES

<u>Cases</u>	<u>Page(s)</u>
<i>Anderson v. Watchtower Bible & Tract Soc. of New York, Inc.</i> , No. M2004-01066-COA-R9CV, 2007 WL 161035 (Tenn. Ct. App. Jan. 19, 2007)	9
<i>Archdiocese of Miami, Inc. v. Minagorri</i> , 954 So. 2d 640 (Fla. 3d DCA 2007)	7
<i>Bell v. Presbyterian Church (U.S.A.)</i> , 126 F.3d 328 (4th Cir. 1997)	8
<i>Bilbrey v. Myers</i> , 91 So. 3d 887 (Fla. 5th DCA 2012)	10
<i>Crowder v. S. Baptist Convention</i> , 828 F.2d 718 (11th Cir. 1987)	5, 14
<i>In re Diocese of Lubbock</i> , 624 S.W.3d 506 (Tex. 2021)	9
<i>Diocese of Palm Beach, Inc. v. Gallagher</i> , 249 So. 3d 657 (Fla. 4th DCA 2018)	10
<i>Eglise Baptiste Bethanie De Ft. Lauderdale, Inc. v. Bank of Am., N.A.</i> , 321 So. 3d 245 (Fla. 4th DCA 2021)	14
<i>Eglise Baptiste Bethanie De Ft. Lauderdale, Inc. v. Seminole Tribe of Fla.</i> , 824 F. App'x 680 (11th Cir. 2020)	6
<i>Farley v. Wis. Evangelical Lutheran Synod</i> , 821 F. Supp. 1286 (D. Minn. 1993)	8
<i>Fowler v. Bailey</i> , 844 P.2d 141 (Okla. 1992)	12
<i>Franzen v. Poulos</i> , 604 So. 2d 1260 (Fla. 3d DCA 1992)	6
<i>Goodman v. Temple Shir Ami, Inc.</i> , 712 So. 2d 775 (Fla. 3d DCA 1998)	10, 11, 14
<i>Hadnot v. Shaw</i> , 826 P.2d 978 (Okla. 1992)	9
<i>Heras v. Diocese of Corpus Christi</i> , No. 13-19-00412-CV, 2022 WL 710065 (Tex. App. Mar. 10, 2022)	9

<i>Hiles v. Episcopal Diocese of Mass.</i> , 773 N.E.2d 929 (Mass. 2002)	8, 9, 13
<i>Hosanna-Tabor Evangelical Lutheran Church & Sch. v. E.E.O.C.</i> , 565 U.S. 171 (2012).....	6, 7
<i>House of God Which Is the Church of the Living God, the Pillar & Ground of the Truth Without Controversy, Inc. v. White</i> , 792 So. 2d 491 (Fla. 4th DCA 2001)	11
<i>Hutchison v. Thomas</i> , 789 F.2d 392 (6th Cir. 1986)	6
<i>Kedroff v. St. Nicholas Cathedral</i> , 344 U.S. 94 (1952).....	6
<i>LeGrande v. Emmanuel</i> , 889 So. 2d 991 (Fla. 3d DCA 2004)	10
<i>Maize v. Friendship Cmty. Church, Inc.</i> , No. E2019-00183-COA-R3-CV, 2020 WL 6130918 (Tenn. Ct. App. Oct. 19, 2020)	12, 13
<i>McClure v. Salvation Army</i> , 460 F.2d 553 (5th Cir. 1972)	7
<i>Mendes v. da Silva</i> , 980 So. 2d 631 (Fla. 2d DCA 2008)	10
<i>Napolitano v. St. Joseph Catholic Church</i> , 308 So. 3d 274 (Fla. 5th DCA 2020)	<i>passim</i>
<i>NLRB v. Catholic Bishop of Chi.</i> , 440 U.S. 490 (1979).....	14
<i>Rekas v. Polish Nat’l Catholic Church, W. Diocese</i> , 102 So. 2d 705 (Fla. 1958).....	7
<i>Se. Conference Ass’n of Seventh-Day Adventists, Inc. v. Dennis</i> , 862 So. 2d 842 (Fla. 4th DCA 2003)	7, 8, 10
<i>Seminole Tribe of Fla. v. McCor</i> , 903 So. 2d 353 (Fla. 2d DCA 2005)	4
<i>Serbian E. Orthodox Diocese for U.S. and Can. v. Milivojevich</i> , 426 U.S. 696 (1976).....	5, 7, 12

Simpson v. Wells Lamont Corp.,
494 F.2d 490 (5th Cir. 1974)1, 6

Springhill Missionary Baptist Church, Inc. v. Mobley,
251 So. 3d 281 (Fla. 1st DCA 2018)6, 10

Statutes & Rules

Fla. R. Civ. P. 1.140(b)(1)1

Biblical Authorities

Matthew 7:15–203

1 Peter 5:1–33

1 Timothy 3:1–5.....3

1 Timothy 5:19–20.....4, 13

Titus 1:6–93

Defendant Lee Wedekind, III, moves pursuant to Rule 1.140(b)(1) of the Florida Rules of Civil Procedure to dismiss this action with prejudice on the ground that the Court lacks subject-matter jurisdiction under the ecclesiastical abstention doctrine.

INTRODUCTION

“This case involves the fundamental question of who will preach from the pulpit of a church, and who will occupy the church parsonage. The bare statement of the question should make obvious the lack of jurisdiction of a civil court. The answer to that question must come from the church.” *Simpson v. Wells Lamont Corp.*, 494 F.2d 490, 492 (5th Cir. 1974).

Here, the church—Celebration Church of Jacksonville, Inc. (“Church”)—has provided its answer through its board of trustees, who suspended Plaintiffs Charles Stovall Weems, IV (“Pastor Weems”) and Kerri Weems (“Mrs. Weems”) from their positions within the Church, placed them in “not good standing” under the Church’s bylaws, and ultimately concluded they are unworthy of pastoral leadership.

Plaintiffs ask this Court to insert itself into this fundamentally ecclesiastical dispute and to sit in judgment of the Church, its trustees, and its agents for the decisions they have made. “[N]o state authority has th[is] power to interfere in matters of ecclesiastical government.” *Napolitano v. St. Joseph Catholic Church*, 308 So. 3d 274, 277 (Fla. 5th DCA 2020). The action should be dismissed with prejudice for lack of subject-matter jurisdiction.

FACTUAL BACKGROUND

In January 2022, the board of trustees of the Church suspended Pastor Weems and Mrs. Weems from their positions within the Church, placed them in “not good standing” under the Church’s bylaws, and retained the law firm of Nelson Mullins Riley & Scarborough LLP (“Nelson Mullins”) to investigate allegations concerning the Weemses’ stewardship of the Church and its

assets. (Report at 3.) The Weemses resisted the investigation and the board’s exercise of its authority over them and the Church. Pastor Weems attempted to remove trustee Kevin Cormier from the board amidst Cormier’s calls (with other Church leaders) for an investigation into the Weemses’ potential misconduct (*see* Church Mot. to Dismiss Ex. D), and the Weemses sought an injunction that would have lifted their suspensions, returned them to “their pre-suspension positions at the Church,”¹ restored “their base salary and benefits arrangements and back pay,” and halted the board-authorized investigation. (*See* Compl. ¶¶ 93–101.) Through their social media platforms and statements to the press, the Weemses repeatedly criticized the investigation and disparaged the Church and the board of trustees. (Report at 3.)

No injunction was granted, and Nelson Mullins—through Mr. Wedekind and others—conducted and completed its investigation of the Weemses on behalf of the Church. Mr. Wedekind and Nelson Mullins performed their investigation according to biblical principles. (Report at 6.) Over the course of several months, the firm reviewed thousands of pages of documents and conducted more than 20 interviews with current and former Church leaders, staff, trustees, advisors, and consultants—but not the Weemses, who refused to be interviewed. (Report at 3.)

On April 15, 2022, shortly before Nelson Mullins issued its investigation report to the board of trustees, Pastor Weems resigned as senior pastor, president, chief executive officer, chair, trustee, and registered agent of the Church. (Church Mot. to Dismiss Ex. E.) He did not resign as a member of the Church, however, and Mrs. Weems delivered no letter of resignation of her own.

¹ The Weemses were among the Church’s founders. (2d Am. Compl. ¶ 23.) Pastor Weems was the Church’s senior pastor and president. (*Id.* ¶ 25.) Mrs. Weems “pastor[ed] [the Church] alongside her husband,” “serve[d] on the Senior Executive Team at [the Church,] and provide[d] leadership oversight to several areas including staff development, strategic ministry development, and Celebration Sisterhood.” (McGinn Decl. Ex. A (Weemses’ Facebook Page) at 1.)

(Church Mot. to Dismiss Ex. F ¶ 8.) Each of the Weemses remains a member of the Church. (*Id.* ¶ 9.)

Thereafter, Nelson Mullins provided its report to the board of trustees “to assist the Board in fulfilling its biblical and legal obligations.” (Report at 4.) The firm concluded that, “[s]ince at least 2019, the Weemses’ leadership of the Church ha[d] been inconsistent and unbiblical.” (*Id.* at 6.) The report said Pastor “Weems ha[d] acted erratically, creating a culture of confusion and disarray that ha[d] hindered the Church from effectively carrying out its mission.” (*Id.*) It also said his “leadership was marked by rampant spiritual and emotional abuse, including manipulation, a profound sense of self-importance and selfishness, superiority and entitlement and unreasonable demands’ on employees’ time, a lack of accountability or humility, demands of absolute loyalty and compliance, public shaming and humiliation of employees, coercion, shunning, gaslighting, and the creation of a culture of fear and intimidation in which it was not safe to disagree with [Pastor] Weems.” (*Id.* at 6–7.) Additionally, the report identified “a series of improper and unauthorized financial transactions through which [Pastor Weems] personally benefitted, either directly or indirectly, at the expense of the Church.” (*Id.* at 6.) A senior pastor of the Church may be disciplined for “immoral conduct” or “improper financial practices” (Bylaws Art. 7.07(a)), and Nelson Mullins opined that each of its findings regarding Pastor Weems’s leadership “constitute[d] a separate and independent basis justifying the discipline of [Pastor Weems], up to and including ratifying the removal of his leadership position and termination of his employment.” (Report at 7.) The firm concluded that, “[s]piritually, the Weemses have acted with arrogance, pride, deception, manipulation, selfishness, dishonesty, greed, entitlement, conceit, and unrepentance. In short, the antithesis of biblical leadership as described in scripture[.]” (Report at 20–21 (quoting Matthew 7:15–20; 1 Peter 5:1–3; 1 Timothy 3:1–5; Titus 1:6–9).)

The report explained that the Weemses had “fall[en] short” of the “biblical standards for leadership” by not modifying their behavior when others attempted to address their shortcomings, being unrepentant, attacking and undermining the investigation of their misconduct instead of accepting it with humility, and, in Pastor Weems’s case, disparaging the Church’s leaders and “refus[ing] to accept any responsibility for the trauma and profound hurt he and Kerri Weems have caused to many.” (*Id.* at 21.) The firm found that, “[t]hrough their actions, Stovall and Kerri Weems have disqualified themselves from pastoral leadership.” (*Id.*) It proposed that the Church rebuke the Weemses as set forth in Saint Paul’s First Epistle to Saint Timothy (*id.*): “Do not admit a charge against an elder except on the evidence of two or three witnesses. As for those who persist in sin, rebuke them in the presence of all, so that the rest may stand in fear.” 1 Timothy 5:19–20.

The board of trustees accepted Nelson Mullins’s findings and its recommendations. (*See generally* McGinn Decl. Ex. B (Celebration Website Excerpt).²) It then informed the Church’s congregation of “the difficult decisions” it had made concerning the investigation of Pastor Weems, including the decision to place him in “‘not good standing’ . . . pending an investigation into instances of pastoral misconduct.” (*Id.*) The board recited the basic facts of Nelson Mullins’s investigation and said that “[p]astoral misconduct was found to be present based on facts and corresponding documentation.” (*Id.*) The board told the congregation that it had accepted each of Nelson Mullins’s recommendations, including the recommendations that the board accept Pastor Weems’s resignation and that the Church engage in the Christian Conciliation Process outlined in the Church’s bylaws. (*Id.*) The investigation report was attached to the board of trustees’ message

² “In considering a motion to dismiss challenging subject matter jurisdiction, a trial court may properly go beyond the four corners of the complaint and consider affidavits.” *Seminole Tribe of Fla. v. McCor*, 903 So. 2d 353, 357 (Fla. 2d DCA 2005) (citation omitted) (Canady, J.).

to the congregation “[t]o ensure the transparency of this process and promote healing and restoration[.]” (*Id.*)

Pastor Weems asserts claims against Mr. Wedekind for defamation (Count III) and conspiracy to defame (Count VII). Mrs. Weems asserts claims against Mr. Wedekind for defamation (Count VI), conspiracy to defame (Count VIII), invasion of privacy (Count IX), public disclosure of private facts (Count X), intentional infliction of emotional distress (Count XI), and conspiracy to invade privacy (Count XII). All claims against Mr. Wedekind are founded upon Nelson Mullins’s investigation of the Weemses’ pastoral leadership at the direction of the Church’s board of trustees and the firm’s investigation report, which informed the trustees’ disciplinary actions against the Weemses and later accompanied their explanation of those actions to the congregation.

ARGUMENT

This is a quintessential ecclesiastical dispute concerning the discipline a church imposed on its pastoral leaders after the church’s trustees learned of their alleged misconduct, investigated the allegations with the assistance of counsel, and concluded that the allegations were both well-founded and inconsistent with the biblical principles governing the church and its ministers. Secular courts have no jurisdiction over such a dispute. The Court must dismiss for lack of subject-matter jurisdiction accordingly.

“[R]eligious controversies are not the proper subject of civil court inquiry.” *Serbian E. Orthodox Diocese for U.S. and Can. v. Milivojevich*, 426 U.S. 696, 713 (1976). “By adjudicating religious disputes, civil courts risk affecting associational conduct and thereby chilling the free exercise of religious beliefs.” *Crowder v. S. Baptist Convention*, 828 F.2d 718, 721 (11th Cir. 1987). Therefore, a civil court must “refrain from adjudicating matters involving ‘theological

controversy, church discipline, ecclesiastical government, or the conformity of the members of the church to the standard of morals required of them.” *Eglise Baptiste Bethanie De Ft. Lauderdale, Inc. v. Seminole Tribe of Fla.*, 824 F. App’x 680, 683 (11th Cir. 2020) (citation omitted); *see also Springhill Missionary Baptist Church, Inc. v. Mobley*, 251 So. 3d 281, 283 (Fla. 1st DCA 2018) (same). This ecclesiastical abstention doctrine “provides ‘a spirit of freedom for religious organizations, [and] an independence from secular control or manipulation—in short, power to decide for themselves, free from state interference, matters of church government as well as those of faith and doctrine.’” *Napolitano v. St. Joseph Catholic Church*, 308 So. 3d 274, 277 (Fla. 5th DCA 2020) (quoting *Kedroff v. St. Nicholas Cathedral*, 344 U.S. 94, 116 (1952)).

To determine whether the ecclesiastical abstention doctrine deprives it of subject-matter jurisdiction over this action, the Court’s “inquiry is whether this dispute is one of discipline, faith, internal organization, or ecclesiastical rule, custom or law.” *Napolitano*, 308 So. 3d at 279. If it is, “secular courts lack the authority to resolve the dispute and there is no need for judicial balancing tests—the First Amendment has already struck that balance.”³ *Id.* (citing *Hosanna-*

³ The neutral principles of law test, which Plaintiffs advanced in their opposition to the Church’s motion to dismiss, therefore does not apply. *Napolitano*, 308 So. 3d at 278; *see also Hutchison v. Thomas*, 789 F.2d 392, 396 (6th Cir. 1986) (“The ‘neutral principles’ doctrine has never been extended to religious controversies in the areas of church government, order and discipline, nor should it be.”); *Simpson*, 494 F.2d at 493 (ecclesiastical abstention doctrine applied to dispute over pastor’s firing—in which church asserted it fired pastor for “inefficiency” and pastor asserted church fired him for his views on race and because of his wife’s race—notwithstanding absence of differences over religious doctrine).

Plaintiffs also suggest the ecclesiastical abstention doctrine must not apply in *this* action because, after investigating the Weemses’ misconduct and accepting Pastor Weems’s resignation, the Church filed suit in civil court to evict the Weemses from the Church’s parsonage. Not so. When a church ousts its pastor and the pastor refuses to surrender church property, the church may “resort[] to the courts as plaintiff in order to obtain judicial enforcement of the decision of the ecclesiastical hierarchy” without implicating the ecclesiastical abstention doctrine. *Franzen v.*

Tabor Evangelical Lutheran Church & Sch. v. E.E.O.C., 565 U.S. 171, 196 (2012)). The “secular court’s *only* legitimate role is ensuring the dispute is committed to religious authorities.” *Id.* at 280 (emphasis added); *see also Milivojevich*, 426 U.S. at 723 (“[W]here religious organizations establish rules for their internal discipline and governance, and tribunals for adjudicating disputes over these matters, ‘the Constitution requires that civil courts accept their decisions as binding upon them.’”).

Employment and disciplinary disputes between churches and their leaders “necessarily involve questions of internal church discipline, faith, and organization that are governed by ecclesiastical rule, custom, and law.” *Se. Conference Ass’n of Seventh-Day Adventists, Inc. v. Dennis*, 862 So. 2d 842, 844 (Fla. 4th DCA 2003) (citations omitted); *Archdiocese of Miami, Inc. v. Minagorri*, 954 So. 2d 640, 641 (Fla. 3d DCA 2007) (citations omitted) (ecclesiastical abstention doctrine “precludes courts from exercising jurisdiction where an employment decision concerns a member of the clergy or an employee in a ministerial position”).⁴ Because secular courts lack jurisdiction over disputes concerning discipline, faith, internal organization, or ecclesiastical rule, custom, or law, *Napolitano*, 308 So. 3d at 279, and employment and disciplinary disputes between churches and their leaders *necessarily* involve such questions, secular courts are categorically barred from exercising subject-matter jurisdiction over employment and disciplinary disputes

Poulos, 604 So. 2d 1260, 1263 (Fla. 3d DCA 1992) (citing *Rekas v. Polish Nat’l Catholic Church, W. Diocese*, 102 So. 2d 705 (Fla. 1958)).

⁴ *See also Hosanna-Tabor*, 565 U.S. at 188–89 (“Accordinging the state the power to determine which individuals will minister to the faithful also violates the Establishment Clause, which prohibits government involvement in such ecclesiastical decisions.”); *McClure v. Salvation Army*, 460 F.2d 553, 558–59 (5th Cir. 1972) (“The relationship between an organized church and its ministers is its lifeblood. The minister is the chief instrument by which the church seeks to fulfill its purpose. Matters touching this relationship must necessarily be recognized as of prime ecclesiastical concern.”).

between churches and their leaders. *See, e.g., Dennis*, 862 So. 2d at 844 (citations omitted) (“Thus, civil courts must abstain from deciding ministerial employment disputes or reviewing decisions of religious judicatory bodies concerning the employment of clergy, ‘because such state intervention would excessively inhibit religious liberty.’”).⁵

This action is plainly an employment and disciplinary dispute between the Church and its former leaders Pastor Weems (senior pastor and president) and Mrs. Weems (“pastor[] . . . alongside her husband” and “Senior Executive Team” member)⁶ by which the Weemses intend to relitigate the board of trustees’ suspension of the Weemses from their Church leadership positions, its investigation of their pastoral misconduct with the assistance of Nelson Mullins, the conclusion that they engaged in conduct antithetical to pastoral leadership, and Pastor Weems’s resignation from his leadership posts. This Court has no jurisdiction to hear such disputes. *See Napolitano*, 308 So. 3d at 279; *Dennis*, 862 So. 2d at 844.

The Weemses cannot escape this conclusion by asserting they were defamed by the Church’s statement of its reasons for investigating and disciplining them, rather than the investigation and discipline themselves. As one court explained:

⁵ *See also Bell v. Presbyterian Church (U.S.A.)*, 126 F.3d 328, 331–32 (4th Cir. 1997) (“decisions of religious entities about the appointment and removal of ministers and persons in other positions of similar theological significance are beyond the ken of civil courts,” even when minister’s removal is allegedly motivated by board members’ improper focus on “taking over” minister’s ministry or “unjustified claims of financial misconduct”); *Farley v. Wis. Evangelical Lutheran Synod*, 821 F. Supp. 1286, 1290 (D. Minn. 1993) (ecclesiastical abstention doctrine barred defamation claim that challenged church’s authority to comment on plaintiff’s “actions and abilities” as a minister and would have required review of church’s bases for terminating him, “an ecclesiastical concern”); *Hiles v. Episcopal Diocese of Mass.*, 773 N.E.2d 929, 935 (Mass. 2002) (citations omitted) (“Once a court is called on to probe into a religious organization’s discipline of its clergy, the First Amendment is implicated. When that occurs, principles of church autonomy deprive the court of subject matter jurisdiction.”).

⁶ *See* Note 1, *supra*.

The protection afforded by the First Amendment to church disciplinary proceedings applies to statements made after the church’s decision if the statements or actions are merely implementation of, still part of, inextricably related to, or a consequence of the decision. “Within the concept of protected implementation are not only the religious disciplinary proceeding’s merits and procedure but also its end product—the expulsion sanction.” Thus, the church’s communication of the fact and reason for excommunication are protected from judicial inquiry and review. Announcing an expulsion or disfellowshipping to the members of a church is part of the disciplinary proceedings, particularly where instruction to church members regarding the expelled party is part of the church’s belief and practice. . . . Thus, the act of informing the members of the church of disciplinary or expulsion actions is as much within the rights protected by ecclesiastical abstention as is the church’s right to take such actions, even though it may carry some kind of negative implication about the expelled member.

Anderson v. Watchtower Bible & Tract Soc. of New York, Inc., No. M2004-01066-COA-R9CV, 2007 WL 161035, at *27–28 (Tenn. Ct. App. Jan. 19, 2007) (citing *Hadnot v. Shaw*, 826 P.2d 978, 987–88 (Okla. 1992)); *see also Heras v. Diocese of Corpus Christi*, No. 13-19-00412-CV, 2022 WL 710065, at *6–7 (Tex. App. Mar. 10, 2022) (holding ecclesiastical abstention doctrine barred defamation claims challenging conclusions of diocese’s internal investigation of sexual abuse of minors by clergy); *cf. Hiles*, 773 N.E.2d at 937 (“The First Amendment’s protection of internal religious disciplinary proceedings would be meaningless if a parishioner’s accusation that was used to initiate those proceedings could be tested in a civil court.”).⁷ A rule allowing a church to freely discipline its leaders and members but granting secular courts jurisdiction to assess that same church’s communications explaining the reasons for its disciplinary actions could not be reconciled with the non-interference with church governance—the “spirit of freedom for religious

⁷ Because a defamation claim founded on a church’s communication of a disciplinary action against a pastor or member and the reasons for it to the media would require the court to make the same impermissible determination of whether the church’s reasons for the disciplinary action were false, the ecclesiastical abstention doctrine would also bar such a claim. *See, e.g., Anderson*, 2007 WL 161035, at *32–33; *see also In re Diocese of Lubbock*, 624 S.W.3d 506, 518–19 (Tex. 2021) (citation omitted) (holding ecclesiastical abstention doctrine “extends to publications that relate to a religious group’s right to shape its own faith and mission” and therefore barred defamation claims founded on diocese’s public statements regarding its investigation of sexual-abuse allegations).

organizations” and the “independence from secular control”—at the heart of the ecclesiastical abstention doctrine. *See Napolitano*, 308 So. 3d at 277.

It is unsurprising, then, that Florida courts have repeatedly held the ecclesiastical abstention doctrine divests civil courts of subject-matter jurisdiction over defamation claims founded on statements made in connection with a church’s employment or disciplinary decision. *See, e.g., Diocese of Palm Beach, Inc. v. Gallagher*, 249 So. 3d 657 (Fla. 4th DCA 2018) (ecclesiastical abstention doctrine barred defamation claim requiring inquiry into why priest was not promoted, was reassigned, was hired, retained, or disciplined, and whether diocese’s reasons were valid religious reasons or retaliation for priest’s whistleblowing); *Springhill Missionary Baptist Church*, 251 So. 3d at 283 (granting petition for writ of prohibition and holding ecclesiastical abstention doctrine deprived circuit court of subject-matter jurisdiction over deacon’s defamation claims against pastor and deacon-board chairman founded on statements made in connection with deacon’s termination); *Dennis*, 862 So. 2d at 843–44 (granting petition for writ of prohibition and holding ecclesiastical abstention doctrine deprived circuit court of subject-matter jurisdiction over pastor’s claim church did not follow its internal procedures in disciplining him following congregant’s allegation of unwelcome sexual overtures); *Goodman v. Temple Shir Ami, Inc.*, 712 So. 2d 775 (Fla. 3d DCA 1998) (where rabbi had been dismissed for doctrinal differences and alleged prior assault of senior rabbi, court held “[i]nquiring into the adequacy of the religious reasoning behind the dismissal of a spiritual leader is not a proper task for a civil court”).⁸

⁸ The defamation cases Plaintiffs favorably cite in their opposition to the Church’s motion to dismiss, by contrast, uniformly concern defamation unrelated to the employment or discipline of church officials or the governance of a church. *See, e.g., Bilbrey v. Myers*, 91 So. 3d 887 (Fla. 5th DCA 2012) (pastor’s accusation that former member was homosexual and pursuing sham marriage to conceal same); *Mendes v. da Silva*, 980 So. 2d 631 (Fla. 2d DCA 2008) (school director sued senior minister and moderator for defamation; holding does not reference employment or disciplinary decision); *LeGrande v. Emmanuel*, 889 So. 2d 991 (Fla. 3d DCA 2004) (church

Goodman is on point. In that case, a rabbi sued a temple (his former employer) for defamation and breach of contract and a member of the temple's board of directors for defamation and tortious interference. 712 So. 2d at 776. Certain temple members had opposed the rabbi's continued service, based, in part, on their "disagreement over religious concepts." *Id.* The defendant director also claimed the rabbi previously had struck a senior rabbi at another temple and had been fired as a result. *Id.* After the defendant director made this claim, the rabbi's contract with the temple was not renewed, and temple members "were advised of" both the non-renewal and the temple director's allegation of assault against the rabbi. *Id.* at 777. Although the alleged assault did not concern any doctrinal matter, the Third District Court of Appeal held the ecclesiastical abstention doctrine barred the rabbi's tortious interference and defamation claims because the statements on which the rabbi sued were made in the context of a religious dispute, and the court could not inquire into whether the rabbi was terminated for doctrinal reasons or because of his alleged prior assault on other rabbi. *Id.*

The Weemses were likewise disciplined for both their financial misconduct (which violated both secular law and the Church's biblical principles) and their unbiblical leadership. Any one of the failings Nelson Mullins identified "constitute[d] a separate and independent basis justifying the discipline of [Pastor Weems], up to and including ratifying the removal of his leadership position and termination of his employment." (Report at 7.) As in *Goodman*, the Court may not now inquire into, and attempt to disentangle, the board of trustees' reasons for suspending the Weemses and accepting Pastor Weems's resignation.

member's defamation of minister); *House of God Which Is the Church of the Living God, the Pillar & Ground of the Truth Without Controversy, Inc. v. White*, 792 So. 2d 491 (Fla. 4th DCA 2001) (pastor's calling congregant a "slut" from the altar; claims against *church* alleging negligent hiring or retention barred under ecclesiastical abstention doctrine).

Plaintiffs attempt to distinguish these cases on the ground that the Weemses allegedly resigned from the Church prior to the publication of the board of trustees' note and the public dissemination of Nelson Mullins's investigation report. That argument is factually and legally meritless.

Pastor Weems resigned from his leadership positions as of April 15, 2022, but he did not resign as a member of the Church, and Mrs. Weems submitted no resignation letter at all. Applying its bylaws, the Church has concluded both Pastor Weems and Mrs. Weems remain members of the Church (Church Mot. to Dismiss Ex. F ¶ 9), and its determination is binding on this Court under the ecclesiastical abstention doctrine. *See, e.g., Fowler v. Bailey*, 844 P.2d 141, 145 (Okla. 1992) (citations omitted) (“We now accept as fundamental the position that a church’s decision as to the status of a person’s church membership must be considered as binding and beyond the reviewing power of courts such as ours.”); *see also Milivojevich*, 426 U.S. at 711 (citation omitted) (“All who unite themselves to such a body do so with an implied consent to this government, and are bound to submit to it.”).

Even if that were not so, Plaintiffs’ cramped reading of the ecclesiastical abstention doctrine—their claim that the Church subjected itself to civil jurisdiction by informing the congregation of the Weemses’ pastoral misconduct and the investigative and disciplinary steps the trustees had taken to address it because Pastor Weems happened to resign from his leadership posts before the Church spoke—cannot be reconciled with the doctrine’s purpose of reserving to the Church the “power to decide for [itself], free from state interference, matters of church government as well as those of faith and doctrine.” *Napolitano*, 308 So. 3d at 277.

Maize v. Friendship Community Church, Inc., is instructive on this issue. No. E2019-00183-COA-R3-CV, 2020 WL 6130918 (Tenn. Ct. App. Oct. 19, 2020). In that case, a church

removed its pastor in the wake of his alleged misconduct. *Id.* at *1. The pastor refused to accept his removal and asserted the church had not obtained church members' approval of it as required. *Id.* The church then sent an email warning the congregation of the pastor's "recalcitrance" and the likelihood he would continue to try to hold services. *Id.* A bishop also prepared and shared with an administrative assistant and two church elders a "pastoral summary" chronicling the church's efforts to terminate the pastor and the rationale for his removal, including the conclusion that the pastor—who had been accused of having an inappropriate relationship with a church employee—"did not possess 'biblical character qualifications.'" *Id.* at *6–7. The pastor sued the church for defamation and contended the ecclesiastical abstention doctrine did not bar his claims concerning these publications because they were made after his removal as pastor and therefore "gratuitous." *Id.* at *7. The court rejected the pastor's argument, holding that "[t]he implication of an ecclesiastical undertaking is not by any means strictly limited to the calendar date corresponding to the actual employment decision [regarding] a religious leader." *Id.* The pastor's defamation claims founded on the church's post-discipline communications concerning his removal were therefore barred under the ecclesiastical abstention doctrine. *Id.* See also *Hiles*, 773 N.E.2d at 937 (rejecting pastor's argument that his defamation claim was not barred by ecclesiastical abstention doctrine because it "'arose from actions taken at the time [that the inhibition was issued], rather than the decision to [issue the inhibition]'").

Given the Church's adherence to governance and discipline in accordance with biblical principles—including the belief that a sinful and unrepentant elder must be "rebuked in the presence of all, so that the rest may stand in fear," 1 Timothy 5:19–20—any ruling to the contrary would interfere with the Church's free exercise of its religion and, in particular, chill its exercise of its right to discipline wayward congregants and ministers in accordance with the tenets of its

faith (for fear of exposure to civil liability and litigation costs if a secular court were to arrogate to itself jurisdiction to review the manner and timing of the Church’s discipline of its ministers and members). The ecclesiastical abstention doctrine and the First Amendment forbid such a result. *See Crowder*, 828 F.2d at 721.

Plaintiffs may argue that the ecclesiastical abstention doctrine ought not to apply— notwithstanding the foregoing—because Mr. Wedekind is an agent of the Church, and not a member of the Church itself, but that is of no moment. Plaintiffs allege, among other things, that Mr. Wedekind worked in concert with the Church’s trustees to make pre-determined findings “aligned with the Trustees’ goal of destroying” the Weemses so the trustees “could seize control of the Church” and that he “conspired” with the trustees “to publicly disseminate a false and defamatory narrative and statements about” the Weemses. (*See, e.g.*, 2d Am. Compl. ¶¶ 105, 113.) Thus, Plaintiffs’ claims against Mr. Wedekind would require the Court to make the same impermissible inquiry into matters of Church discipline, faith, internal organization, and ecclesiastical rule that Plaintiffs’ claims against the Church and its trustees would require. The ecclesiastical abstention doctrine bars *that inquiry*, irrespective of whom the claim requiring the inquiry is asserted against. *See Napolitano*, 308 So. 3d at 279 (citing *NLRB v. Catholic Bishop of Chi.*, 440 U.S. 490, 502 (1979)); *see also Eglise Baptiste Bethanie De Ft. Lauderdale, Inc. v. Bank of Am., N.A.*, 321 So. 3d 245, 246–47 (Fla. 4th DCA 2021) (ecclesiastical abstention doctrine barred claims by faction asserting control of church that banks negligently transferred control of church bank accounts to rival faction because resolution of dispute would require determination of which faction was entitled to control of church); *Goodman*, 712 So. 2d at 775 (barring claims against temple and director).

Applying the ecclesiastical abstention doctrine to churches, but not their counsel, would also serve only to encourage disciplined or otherwise aggrieved ministers and congregants to sue their churches' outside advisors, rather than the churches themselves, to avoid the application of the doctrine. This, in turn, would burden churches' self-governance—and interfere with their ability to identify and substantiate misconduct—by choking off their access to counsel and other outside advisors with experience conducting internal investigations, forensic accountings, and other sophisticated inquiries (with which church officials are likely to have limited or no experience). The ecclesiastical abstention doctrine forbids such interference in matters of ecclesiastical governance. *See Napolitano*, 308 So. 3d at 277.

CONCLUSION

Neither this Court nor any other secular court has subject-matter jurisdiction over the parties' ecclesiastical dispute. The ecclesiastical abstention doctrine requires that the Court dismiss Plaintiffs' second amended complaint with prejudice accordingly.⁹

⁹ Because it lacks subject-matter jurisdiction over this action, the Court cannot inquire into whether Plaintiffs have stated any claim for relief against Mr. Wedekind or any of the other defendants. *See Napolitano*, 308 So. 3d at 279. To the extent the Court disagrees, Mr. Wedekind adopts the arguments set forth in Section IV of the Church's motion to dismiss the second amended complaint.

DATED: July 27, 2022

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 27, 2022, I electronically filed the foregoing document with the Clerk of the Court through the Florida Courts E-Filing Portal and thereby furnished copies to the following by email:

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