Resurrection Lutheran Church
740 W 10th Street, Juneau, AK 99801| 907 586 2380 | 907 586 6225 fax
rlcjuneau.org | juneaulive.org | showrunnercamp.org | rlcnorishes.org | Zoom
Juneau Live! Studio on YouTube

What Happens Next and Your Involvement
Position Statement in the Conflict with the Alaska Synod Bishops
of the Congregation Council of Resurrection Lutheran Church, Juneau, Alaska

What has Already Happened at RLC *(without your involvement)*

Resurrection Lutheran Church's (RLC) Council, its officers, council and congregation members have already reached out to those who can act to stop continued unconstitutional actions of Bishop Wickstrom, Bishop Oslovich and the small group at RLC in their efforts to bury over two years of wrongs against RLC, its congregation, its officers, its council and an upstanding pastor. The conflict at RLC can be summarized as follows:

> *A small group of detractors at RLC, having failed to secure a council majority at the 2024 annual meeting, resorted to bullying tactics to install themselves as council officers. Although they were later removed from office, Bishop Wickstrom, acting without constitutional authority, reappointed the ousted president to facilitate an unconstitutional congregational vote aimed at ending Pastor Perkins' call and prematurely halting the congregation's discernment process. While Bishop Wickstrom retired weeks later, the RLC Council rejected the unlawful attempt to remove Pastor Perkins. This apparently prompted Bishop Oslovich to allow Bishop Wickstrom to covertly continue pursuing the pastor's removal through a distorted *C15.11 / †S17.11 adjudication process. This culminated in the wrongful removal of Pastor Perkins from the roster, the awkward appointment of a part-time interim pastor, and the continued staging of undocumented, non-transparent, and exclusive events at RLC. These include an unconstitutional and hastily called annual meeting designed to install a new council loyal to the detractors, undermining constitutional governance, rejecting congregational unity, and perpetuating injustice.*

The Unrelenting Efforts of the Bishops *(with their group of dissenters)*

A small group of about eight dissenters, closely allied with Bishops Wickstrom and eventually Oslovich, continue to work aggressively to position themselves as the rightful council and officers of RLC while driving out the existing council, officers, and congregation members. Their efforts, seemingly supported and encouraged by the bishops, aim to forestall challenges to their actions by Alaska courts, the Synod Council, other congregations, the Synod Assembly, the Churchwide Council, or the Presiding Bishop.

Formation of a "Shadow Church"

This group has effectively formed a shadow church, which they are treating as a replacement for RLC. Their actions to consolidate control and sideline the broader congregation lack any constitutional authority under RLC's governing documents.

- Exclusive Meetings

They initially held unannounced, exclusive meetings that influenced church policy without transparency or input from the full council or congregation, nor documentation.

- Lack of Transparency
  These meetings often contradicted established church procedures, further eroding trust within the congregation
- Exclusionary Goals
  The group's ultimate objective appears to be the exclusion of those who do not align with their views, rather than the effective management of RLC's ministry, including worship, programs, and facilities.

This concerted effort to consolidate power has not only undermined RLC's governance but also sabotaged its mission and community trust. Immediate intervention is critical to prevent further irreparable harm and restore the integrity of RLC's leadership and operations.

Bishops' Exclusive Support of Small Group

Security footage (appropriately obtained with posted notifications) shows members of this dissenting group frequently discussing their privileged access to both bishops. Some have even boasted about getting the bishop on the phone when something hasn't gone their way. This exclusive support for the dissenting group's unilateral decisions demonstrates the bishops' alignment with this faction, further marginalizing the broader congregation and undermining traditional governance and inclusive decision-making at RLC.

Christmas at RLC

During Christmas preparation, RLC's official Worship and Music Committee (chaired by the Worship and Music Director) planned its usual services at 5:30 pm and 11 pm on Christmas Eve, along with a 10 am service on Christmas Day. These services, a long-standing practice, were designed to engage the congregation and the wider community during the holiday season. However, the dissenting group, unable defend replacing the widely appreciated Juneau Live! Studio broadcasts with their iPhone Zoom setup preferred by some prioritizing in-person aesthetics, unilaterally formed an alternative Worship and Music Committee. This group decided to hold only a single 5:30 pm Christmas Eve service, disregarding congregation tradition, the broader congregation's preferences and community accessibility.

Bishop Oslovich's Actions

- Support for the Dissenting Group
  Bishop Oslovich approved the presider for the 5:30 pm service organized by the dissenting group and personally attended the service via Zoom. During the service, he actively engaged with attendees, greeting them during the sharing of the peace.
- Ignoring Usual Services
  Despite three requests from the RLC Worship and Music Committee for permission to preside for the other Christmas services (11 pm Christmas Eve and 10 am Christmas Day), these requests went rudely unanswered.

Bishop Oslovich Availability to Small Group

In a recent incident which involved the JPD, the bishop was immediately available on the phone to members of the group, as is often the case, while calls and emails from RLC Council members go unheeded.

Bishop Oslovich Concern for Small Group

- During a Zoom meeting with the bishop, he was especially concerned with a link to security footage which had been provided to JPD (at their request) regarding a report made by a volunteer of an assault by a member of the small group who also can be heard saying “You are not welcome here.” The bishop claimed he could not hear or see the recorded incident and wanted to know how to get the information from the JPD to prove anything actually happened. He expressed no concern for anything else reported.
- This was reminiscent of Bishop Wickstrom requesting Pastor Perkins provide six months’ worth of RLC meeting recordings to review, where the small group exhibited appalling bullying and harassing behavior, yet only commenting on an accidental misstatement of Pastor Perkins about a particular constitutional requirement. She neither acknowledged nor expressed concern about any of the pervasive distressing behavior.

With this level of support, the dissenting group has grown increasingly emboldened, escalating the harm to RLC’s governance, congregation, ministries, and the wider Juneau community. Immediate intervention is critical to prevent further damage and restore justice, accountability, and constitutional governance at RLC.

A Staged Coup: The Bishops’ Bid for Control Under the Guise of Fair Process

A “congregation meeting” called by Bishop Oslovich to request he appoint an interim pastor raised significant concerns, including improper notice, lack of financial transparency, the unconstitutional removal of Pastor Karen Perkins, and the questionable authority of Council Member Lisa Brendle to organize and preside over the meeting. The Addendum *A Staged Coup: The Bishops’ Bid for Control Under the Guise of Fair Process* provides detailed documentation of how the bishops and a small dissenting group continue to undermine RLC’s governance. These actions culminated in an attempt to appoint an interim pastor despite unresolved legal and constitutional issues, further jeopardizing RLC’s mission and governance integrity.

Concerns Raised by the RLC Council and Congregation Members

An attachment to the addendum includes a letter from the majority of the RLC Council and congregation members, explaining their decision not to attend or participate in the proposed congregation meeting. Their absence was a deliberate act to avoid legitimizing a process they deemed flawed, inappropriate, and invalid. Key objections included:

Lack of Proper Notice

The meeting was not adequately announced to all members.

Complications Surrounding the Interim Pastor

The appointment process lacked transparency and clarity. In the end, the inappropriately appointed interim pastor is barely part-time, pulpit supply, apparently appointed by the bishop to provide a council tie-breaking majority vote.

Insufficient Financial Information

Critical financial data necessary for informed decision-making was unavailable.

Brendle’s Questionable Authority

Council Member Lisa Brendle did not possess the constitutional authority to call or chair the meeting.

Ongoing Disruption at RLC

The bishops' continued support of the dissenting group exacerbated the church's instability.

Contrived Purpose

The meeting appeared designed to serve the interests of the small group rather than the congregation. The bishops' request for the meeting included an inaccurate claim about RLC Council functioning that applied only to the small group.

Intentional Harassment by Inviting Pastor Vance Attend

The involvement of Pastor Vance, who had broken trust with Pastor Perkins and others at RLC earlier in the year, was perceived as an act of deliberate antagonism.

Pending Legal Outcomes

The appointment of an interim pastor should have awaited the resolution of the Brendle lawsuit, as well as a request from the congregation with its expectations.

This staged meeting underscores the broader pattern of governance manipulation and disregard for constitutional processes at RLC. Immediate intervention is necessary to restore trust, stability, and integrity to the church's leadership.

Failed Attempts to Hold Council Meetings by Small Group

The small dissenting group has repeatedly failed to hold legitimate council meetings, despite their claims of authority. Their efforts have included:

Secret Meetings and Informal "Get-Togethers"

- The group has convened unannounced meetings of their "shadow church," sometimes held offsite (e.g., the downtown library or Shepherd of the Valley Lutheran Church). These meetings were neither properly noticed nor constitutionally valid.
- They also offered informal "get-togethers" involving council members and others, which lacked the procedural requirements to constitute official meetings, but purportedly resulted in official decisions.

Failed November 21, 2024, Meeting

- In their meeting agenda for November 21, 2024, the group claimed, "This is the first legally held meeting of the RLC council since April 30, 2024." However, they failed to achieve a quorum, rendering the meeting invalid.
- Long-time congregation member and past president Adam Garner attended the meeting, as the remainder of the legitimate RLC Council was attending its regularly scheduled November 2024 meeting with its regular Zoom link and a quorum.

Meeting Objective – Interim Pastor Compensation

- According to Garner, the group's primary objective, requested by Bishop Oslovich, was to authorize compensation for the interim pastor, whom the bishop had improperly appointed.
- This attempt mirrored a prior effort at the unconstitutional congregation meeting called by the bishop to request approval for the interim pastor's appointment, suggesting a pattern of disregarding proper procedures.

Improper Use of "Executive Committee"

- When the group failed to establish a quorum at the November 21 meeting, they claimed to enter an "executive committee" session. This misused the RLC Constitution's C13.0 Executive Committee provision and confused it

with a parliamentary executive session—neither of which were appropriate for the situation.

- They told congregation member Garner to leave the meeting permanently without further explanation or defensible, constitutional reason, further undermining transparency and trust.

Authorization for Compensation Still Unresolved

Despite their efforts, the group failed to authorize compensation for the interim pastor. The issue reappeared in subsequent agendas, indicating their ongoing inability to conduct legitimate business. On the agenda for the following alleged council meeting of Thursday, January 9th (below).

Alleged Council Meeting of Thursday, January 9, 2025 (attended by Bishop Oslovich)

A particularly concerning event was the alleged council meeting held on Thursday, January 9, 2025. This meeting raises disconcerting procedural and constitutional issues:

Improper Notice and Accessibility Issues

- The meeting was called at 8:19 AM on the same day, qualifying at best as a special council meeting. Proper notice was not provided to all RLC Council members not associated with the small dissenting group.
- The meeting took place offsite at the downtown library, making it inaccessible to many council members. Long-time congregation member and past president Adam Garner attempted to join via the announced Zoom link but was denied access.
- The agenda indicated that both Bishop Oslovich and attorney Joe Geldhof (representing Lisa Brendle and Kristin Cadigan-McAdoo in the Brendle lawsuit) were on the agenda to attend the meeting.

Concerning Agenda Items

Attempts to Remove Non-Aligned Council Members

- The agenda included a proposal to remove council members (Clarice Bethers, Connor Blackwell, Dolores Graver, Karen Lawfer, Lucy Merrell, and Nelson Merrell) for alleged absences from three consecutive meetings “without cause.”
- As noted above, in their meeting agenda for November 21, 2024, the group claimed, “This is the first legally held meeting of the RLC council since April 30, 2024.” This is contradicted with the claim of missed meetings. No minutes from any supposed council meetings were distributed to all council members.
- President Lawfer, in her response letter (see Addendum *President Lawfer Response to Brendle Meeting Agenda*), noted that RLC Constitution C12.01 refers only to absences from regular council meetings, which this group has consistently failed to hold.

Announcement of 2025 Annual Congregation Meeting

While not on the agenda, the group subsequently announced the 2025 Annual Congregation Meeting for Sunday, January 26, 2025. However, under the RLC Constitution, only the council can call such meetings.

Legitimacy of the Alleged Council Meeting

Several factors undermine the validity of this alleged meeting and its actions, including the scheduling of the Annual Congregation Meeting

Lack of Quorum

- Even assuming all six dissenting members were still council members, and the improperly appointed interim pastor could vote, the required quorum for a 13-member council would be seven members. No evidence has been presented that this quorum was met.
- In contrast, the legitimate RLC Council has regularly held meetings with quorums, with approved reports and minutes distributed to all council members.

Council Composition

- Due to repeated absences without cause, some dissenting members are no longer council members under the constitution (Koelsch and Mickel in October; Cadigan-McAdoo and Magee in December). The RLC Council has since added two members, pending confirmation at the next congregation meeting, reducing the effective council size to 10 members. Without these absent members, the January 9 meeting lacked a quorum.

Authority to Call a Special Meeting

- Special council meetings must be called by the president or pastor. The validity of both Council Member Brendle and the interim pastor is disputed, further invalidating the meeting.

Impact on the Annual Congregation Meeting

- The validity of the January 9 meeting directly affects the legitimacy of scheduling the Annual Congregation Meeting for January 26, 2025. The RLC Council had already resolved at its regular December 2024 meeting to schedule the meeting for February 9, 2025, contingent on meeting the requirements of C10.01.01.b. This scheduling was later postponed pending the outcome of the Brendle lawsuit and necessary preparations to ensure compliance with the constitution.

Tactics to Delay Justice and Gerrymandering of Voting Members

The small dissenting group appears to be deliberately delaying resolution of the ongoing conflict and the lawful reinstatement of Pastor Perkins while narrowing the decision-making body. Their tactics include:

Alienation of Loyal Members

The group has worked to isolate loyal congregation members and manipulated worship practices through Bishop Oslovich's interim appointee.

Manipulation of Membership Lists

- Recruiting long-inactive or removed members with little or no interest in RLC to sway upcoming votes.
- Ignoring prospective new members and pending baptisms who were supported and prepared by Pastor Perkins.

Exclusionary Communication Practices

Some congregation members, including those loyal to the existing council, have been excluded from member distribution lists. However, the full extent of this ostracism remains unclear.

Rushed, Unconstitutional Annual Meeting Supported (if not Recommended by the Bishops)

The RLC Council had properly scheduled the annual meeting for February 9, 2025, and postponed during the January regular council meeting. Despite this, the small dissenting group, with apparent support from the bishops, attempted to rush and

improperly schedule an unconstitutional annual meeting for January 26, 2025. Key issues with the meeting include:

Improper Scheduling

- The meeting was unconstitutionally scheduled, as detailed in the section "Alleged Council Meeting of Thursday, January 9, 2025."

Lack of Proper Notice

- The dissenting group failed to provide notice to all congregation members as required by RLC's constitutional procedures.

Failure to Meet Reporting Requirements

Annual Meeting Report Not Distributed

- RLC Constitution C10.01.01.b requires that written reports be distributed to all congregation members at least one week prior to the meeting.
- Council Member Brendle's notices offered only optional electronic distribution of reports upon request. Physical copies were briefly available on January 19, 2025, the date the reports were due. They were immediately removed from that accessible location just as Karen Lawfer entered the building.

Misleading and Deficient Reports

- Reports were missing critical information, including committee and officer reports and accurate financial data.
- Some reports contained false or misleading information and were misattributed to individuals who did not prepare or approve them.
- Bishop Oslovich included a letter endorsing the dissenting group and praising their "vision for the future," further undermining transparency about communications between the bishop and this group.

No Constitutional Presider for Annual Meeting

- Due to repeated absences without cause, as of the adjournment of the RLC Council regular January meeting on January 16, none of the dissenting members are left on the RLC Council, nor can claim to be president.
- As is extensively discussed in RLC Council Position Statements **Understanding Constitutional Violations** and **Challenge to Act Justly, Seek Truth and Fulfill Fiduciary Duty**, neither Bishop Wickstrom's unconstitutional attempt to reappoint council member Brendle regarding June 9th meeting, nor the misused and flawed the *C15.11 / †S17.11 adjudication can restore council member Brendle to that position.
- Further, as discussed in RLC Council Position Statement **Authoritarianism, Secrecy and Complicity**, Bishop Oslovich does have constitutional authority to override the dissenting members vacancies on council or reappoint council member Brendle as president.

Unconstitutional Intentions

- The dissenting group used this meeting to further undermine the governance structure by:

Gerrymandering Voting Membership

- Manipulating who qualifies as a voting member to influence meeting outcomes.

Improperly Redefining Council Membership

Unconstitutionally declaring

- Which members remain on the council and the duration of their terms.

- Which terms have expired but are eligible for reelection.
- Which members have "termed out" after six continuous years of service.

Pending Legal Outcomes

- The ongoing Brendle lawsuit, in which the court has stated it will retain jurisdiction, further invalidates the scheduling of the alleged January 26, 2025, annual meeting.
- The court's ruling will clarify the rightful officers and governance of RLC. While the RLC Council had postponed the annual meeting due to the lack of necessary financial information and constitutional prerequisites, the dissenting group rushed to hold an unauthorized meeting in defiance of the Council's prior resolution and ongoing judicial proceedings.

Interference with 2026 CBJ YAB Grant Application

- As noted in other statements and affidavits, the dissenting group has engaged in a pattern of actions that threaten Resurrection Lutheran Church's eligibility for 2026 City and Borough of Juneau Youth Activity Board (CBJ YAB) grant funding.
- These actions include direct interference with program operations, obstruction of the completion of prior grant deliverables, and the withholding of funds necessary to meet final milestones.
- This obstruction—apparently intentional—is already damaging RLC's standing with CBJ and other grantors. If not remedied, it could jeopardize RLC's ability to serve youth through its acclaimed Juneau Live! TV Production Camp and other community programs.

Recent Development Regarding Legitimacy of Actions taken Lisa Brendle

- A recent development casts serious doubt on the legitimacy of actions taken by Lisa Brendle, a congregation member who was improperly appointed as both President of the Congregation Council and a voting member of the 2025 Synod Assembly during the alleged January 2025 annual meeting.
- Under Section C12.02 of the RLC Constitution:

  "A member may not serve for more than six successive years. One year shall elapse before a member who has served for six successive years shall be eligible to be elected to the Congregation Council."
- Ms. Brendle was elected to the RLC Council in 2017 and served continuously through March 2023. She therefore became ineligible for re-election or continued service in 2024. Her continued assumption of office and her purported authority to act as Council President are in direct violation of the RLC Constitution.

- Records demonstrate that Ms. Brendle either knew or should have known of her disqualification. Her own relative, former Treasurer Mike McMullen, had previously advised President Lawfer in 2022 to resign after reaching her own term limit. Ms. Brendle's actions—continuing to hold office, calling meetings, and filing litigation—are unauthorized and ultra vires.

- This matter is documented in the Affidavit of Karen Lawfer (Exhibit D Lawfer Affidavit), and her disqualification has been formally recognized and resolved by the RLC Council.

Abuse of Synod Assembly 2025 Resolutions and Reports

- Two items on the agenda of the 2025 Alaska Synod Assembly require immediate clarification and concern for all who care about congregational governance and integrity within the ELCA:
    - A proposed resolution to confer the honorary title of "Bishop Emerita" on the Rev. Shelley Wickstrom.
    - A lengthy and biased section of Bishop Timothy Oslovich's written report to the Synod Assembly that presents a misleading account of the ongoing situation at RLC.
- While both may appear routine or ceremonial, they are in fact deeply strategic. Together, they attempt to enshrine a disputed and inaccurate narrative—one that absolves the bishops of wrongdoing, affirms a legally questionable set of actions, and misleads voting members of the Synod Assembly while litigation is still active in Alaska Superior Court.
- These items serve to:
    - Validate and institutionalize disputed actions by former Bishop Wickstrom without legal resolution;
    - Frame current RLC Council members and Pastor Perkins as disruptive or illegitimate;
    - Mischaracterize contested meetings and decisions as settled matters;
    - Shield Synod leadership from accountability in advance of court findings.
- The RLC Council has objected to both measures, which misrepresent the situation and prejudice the outcome of pending legal and ecclesiastical processes.

The January 26, 2025, meeting is a clear example of rushed and unconstitutional actions designed to consolidate power within the dissenting group, disregarding the congregation's governance and constitutional protections. The longer you let the pretense continue, the more power their dysfunction dominates the congregation. The ongoing harm to RLC's trust, integrity, and mission underscores the urgent need for intervention and accountability.

The bishops continue to align with a small dissenting group within RLC, intensifying their efforts to consolidate control and suppress challenges or potential challenges from the RLC Council, the synod council, the press, the community, or the courts. Their actions include:

- Removing Pastor Perkins from the Alaska Synod roster.
- Hastily appointing a part-time interim pastor at a questionably convened congregation meeting.
- Failing, at least, twice to hold a valid council meeting to approve the interim pastor's contract.

Discovery, Including Depositions in Brendle Lawsuit

The legal proceedings in the Brendle lawsuit are accelerating. At the court conference on January 10th. the Alaska Superior Court Judge indicating he was inclined to retain jurisdiction to decide who the officers of RLC are. The judge's request for briefs, and the parties' briefs that were filed are included in Rthe *Addendum Recent Brendle Lawsuit Document*. Note that Brendle's attorney argued in favor of retaining jurisdiction, as they believe that Bishop Wickstrom had constitutional authority for all her actions including appointing the officers of RLC. See RLC Council Position Statements *Understanding Constitutional Violations* and *Authoritarianism, Secrecy and Complicity*.

RLC has also proceeded with discovery, depositions, and other preparatory legal actions scheduled during a conference with the judge overseeing the Brendle lawsuit. RLC served the first major round of discovery demands in the lawsuit filed against RLC's legitimate leadership. Defendants' First Interrogatories and First Requests for Production were sent to Plaintiffs' attorney, compelling answers under oath to critical questions and requiring the production of key documents regarding constitutional violations, financial mismanagement, communications with synod leadership, and the legitimacy of actions taken over the past two years. This marks an important step forward in bringing the truth to light and protecting the mission and ministries of RLC.

This phase will further expose the complicity of both bishops with the small faction undermining RLC, its leadership, congregation, ministries, and the broader Juneau Community. This will, unfortunately, require the Alaska synod to retain council to represent those responding to discovery requests at the synod for document production, interrogatories and depositions, likely including Bishop Wickstrom, Bishop Oslovich, Synod Vice-President Swenson and Synod Attorney Manzella.

However, the RLC Council has refrained (thus far) from filing claims for financial damages, lost wages, income impairment, and emotional distress on behalf of RLC, Pastor Perkins, and council members. These claims stem from violations of RLC's Meeting Code of Conduct, particularly during the March 7 meeting, which were disregarded and effectively overruled by both bishops. However, as the actions of the bishops continue to escalate, the RLC Council will continue to re-evaluate that decision.

RLC's Officers, Council and Congregation Are Resolved *(not to give up or go away)*

If Bishop Oslovich persists in supporting former Bishop Wickstrom's unconstitutional actions—potentially emboldened by a lack of involvement from key synod leaders—a dedicated group of RLC council and congregation members stands ready to take decisive action. Utilizing their resources, such as Alaska Airline Reward miles, they intend to visit every congregation and council within the synod.

They will present evidence of the bishops' malfeasance, including emails, letters, and recordings from security cameras (with posted warnings), to illustrate the risk of similar interference in their affairs, including potential unconstitutional removals of their pastors.

The RLC Council is prepared to take decisive action, initiating broader outreach to Alaska Synod congregations and councils, ELCA churches beyond the synod, and the wider community of

partners who rely on RLC's services. This includes identifying individuals and entities for whom evidence suggests complicity in malfeasance, including participation in covering up misconduct by the bishops. Discovery efforts in the Brendle lawsuit will further shed light on the roles of both bishops in enabling the small group's efforts to undermine RLC's officers, council, congregation, ministries, and contributions to the Juneau community.

What Happens Next Depends on Your Involvement *(or lack thereof)*

Bishop Oslovich, as a new bishop, was likely initially mislead by Bishop Wickstrom into letting her "handle the mess at RLC" when he started. Eventually, he probably realized that there had been a coverup of unconstitutional actions by Bishop Wickstrom and he had also become complicit. Hoping that (and probably being assured) by supporting Bishop Wickstrom in her continued unconstitutional actions would succeed in the burying over two years of wrongs against RLC, its congregation, its officers, its council and its innocent pastor. However, regardless of the potential success of this shameful, immoral and unchristian strategy, this is <u>not</u> proper behavior of an ELCA bishop!

Depending on one's role(s) in the ELCA (e.g., presiding bishop, synod bishop or council member, congregation pastor or council member) one can, and actually may owe a fiduciary duty, to reach out to Bishop Oslovich and urge him to reflect on and address the wrongs of the past two years at RLC. Specifically, request that Bishop Oslovich declare that, upon reflection, Bishop Wickstrom's actions taken with regard to the RLC June 9th congregation meeting were unconstitutional, the *C15.11 / †S17.11 adjudication he declared is moot, his appointment of an interim pastor for RLC has ended and Pastor Perkins has not been removed the Alaska Synod roster.

Prepared by Congregation Counsel of Resurrection Lutheran Church Council and reaffirmed as an official position statement by the Council on September 18, 2025, on information and belief, subject to reasonable amendment by Counsel, with concurrence of the Congregation President.

Addendums

A Staged Coup: The Bishops' Bid for Control Under the Guise of Fair Process
President Lawfer Response to Brendle Meeting Agenda - Thursday January 9th
Recent Brendle Lawsuit Documents

Addendum
A Staged Coup: The Bishops' Bid for Control Under the Guise of Fair Process

(Attachment *Response to "Congregation Meeting" of Resurrection Lutheran Church (RLC) on November 10, 2024 of 11/9/1014*)

740 West Tenth Street
Juneau, Alaska 99801
office (907) 586 2380
fax (907) 586 6225
office email rlcoffice@ak.net
website www.rlcjuneau.org

November 9, 2024

Subject: Response to "Congregation Meeting" of Resurrection Lutheran Church (RLC) on November 10, 2024

We, the majority of the RLC Council, and congregation members who refuse attend or participate in the proposed "Congregation Meeting," as attending would imply acceptance of an invalid process and outcome, declare the meeting inappropriate, invalid, and without effect.

Reasons for Refusal to Attend

1. **Improper Notice of Meeting**

   At least five voting members have reported not receiving notice of the meeting, as required by C10.03 of the RLC Constitution. Since June, no distribution lists have been verified, so it remains unclear who is being included and on what basis.

   Additionally, required announcements during Sunday services have been limited to in-person attendees only. There have been deliberate actions to disrupt online access, including cutting off internet services and tampering with TV production equipment. As a result, online broadcasts and services have been unavailable for more than a month. This, combined with a hostile worship environment, has driven away many congregation members.

2. **Complication of an Interim Pastor**

   Pastor Karen Perkins was removed unconstitutionally. The former Alaska Synod bishop called for an invalid vote using a 51% threshold instead of the required two-thirds majority, without any concerns about misconduct or questions regarding Pastor Perkins' fitness for ministry.

   Since June 30, 2024, the RLC Council has repeatedly passed resolutions rejecting the illegitimate termination of Pastor Perkins and the outcomes of the illegitimate June 9, 2024, meeting. The council continues to oppose any actions that support this unconstitutional decision and strongly objects to Pastor Perkins' removal from the Alaska Synod roster.

3. **Insufficient Information Available**

No financial reports have been made available to the council or congregation since May. The May reports were incomplete and did not include any budget numbers. There are significant concerns about missing funds that have not been accounted for. Many invoices remain unpaid, impacting church operations and ministries. Without regular financial updates, the congregation cannot make informed decisions about additional commitments.

Moreover, there is no way to verify the accuracy of the current list of voting members. We have observed discrepancies, such as the number of votes counted at the illegitimate June 9 meeting exceeding the known voting members. This group has also resisted the inclusion of certain voting members who disagreed with them. After overhearing negative remarks about certain people and groups, we have serious concerns about the transparency of this process.

4. **Council Member Brendle Lacks Authority**

Council member Brendle is not the legitimate president of RLC and has no authority to call a congregation meeting. The prior bishop unlawfully intervened to overturn the council's correction of an officer election tainted by bullying. Brendle was improperly appointed as president specifically to facilitate the unconstitutional vote to end Pastor Perkins' call.

Furthermore, Brendle has grossly overstepped her role, ignored the church constitution, bypassed or reversed the work of existing committees, selectively communicated with certain members, held secret meetings, and damaged or removed church property. Given that she has a pending lawsuit related to these matters, she has a vested interest in the outcome of any decisions made. Council and congregation members believe that, if Brendle presides over this meeting, other voices, motions, and votes will be disregarded or overruled, just as when she was appointed to preside over the illegitimate June 9, 2024, meeting. Finally, she has yet to call a council meeting but has attended or asked to be excused from regular council meetings presided by President Lawfer.

5. **Ongoing Disruption on RLC, Supported by Synod Bishops**

Each time the RLC Council stands against unconstitutional and unethical actions targeting RLC, new retaliatory attacks follow. This "Congregation Meeting" appears to be yet another such attempt.

The council refused to participate in Bishop Oslovich's C15.11 adjudication, which was based solely on parliamentary technicalities, ignoring the real and pressing issues faced by RLC. That adjudication seemed like an effort to retroactively legitimize the prior bishop's unconstitutional actions, undermining the church's constitution and principles of fair governance.

The removal of Pastor Perkins from the roster was another tactic aimed at weakening the RLC Council's resistance. This action was timed inconsistently with the bishop's C15.11 process and provided no ethical pathway for compliance. It was based on false and misleading claims and is now being followed by an inappropriate push for an interim pastor, despite Pastor Perkins never having been lawfully terminated.

6. **Contrived Meeting Purpose**

In an email to council member Brendle, Bishop Oslovich stated that the meeting was intended to determine whether RLC would request an interim pastor. The bishop claimed, "Since the council has been unable to address this question, it is only fair that the congregation be given a voice." However, the RLC Council, with Brendle present and voting, had already passed a resolution (excerpt below):

> …
> *Whereas*, council member Brendle indicated that Bishop Oslovich is pressing to propose an interim pastor, despite the fact that an interim pastor is typically requested by the congregation or council (not the bishop), the council believes that those carrying out the agenda of the prior Alaska Synod bishop (if not she herself) are secretly pushing for an interim pastor as a *fait accompli* to prevent the restoration of growing ministries, if Pastor Karen Perkins' unconstitutional termination is resolved;
> …
> *Further resolved*, the council, believing that Pastor Perkins was never lawfully removed as pastor, respectfully requests Bishop Oslovich to cease any efforts to propose an interim pastor for RLC;
> …

7. **Pastor Vance's Involvement**

The Rev. Laurin Vance initially worked with Pastor Perkins to address bullying and conflict within the congregation. He continued supporting both Pastor Perkins and President Lawfer as they guided the congregation through its discernment process. The 2023 council had arranged for Rev. Vance to help narrow congregation priorities and align them with available resources.

However, when it was time for follow-up visit to present the discernment survey results, council member Brendle (before the discovery of officer election violations) bypassed Pastor Perkins and made alternate arrangements with Rev. Vance. Despite Pastor Perkins informing him of the council's honest expectations, Rev. Vance altered the gatherings to advance the prior bishop's agenda for a half-time pastor, contravening his commitments.

Rev. Vance's subsequent actions, his breach of trust, and apparent bias makes his involvement tainted. He shared private communications without permission, further exacerbating the difficulties faced by Pastor Perkins. His failure to address the breach of trust and consult with the legitimate leadership of RLC makes his current involvement ethically questionable.

8. **Appointment of an Interim Pastor Should Await the Outcome of the Brendle Lawsuit**

The resolution of the ongoing Brendle lawsuit may also address the unconstitutional termination of Pastor Karen Perkins. Therefore, any interim appointment would be premature and would further complicate the situation.

For, at least the above reasons, we decline to attend or participate in the "Congregation Meeting:"

Council Officers
President Karen Lawfer
Vice President Delores Graver
Secretary Clarice Bethers
Treasurer Lynda Stover (non-council member)

Council Members
Connor Blackwell
Lucy Merrell
Nelson Merrell
With Over 20 Other Voting Members

Addendum
President Lawfer Response to Brendle Meeting Agenda - Thursday January 9th

740 West Tenth Street
Juneau, Alaska 99801
office (907) 586 2380
fax (907) 586 6225
office email rlcoffice@ak.net
website www.rlcjuneau.org

January 9, 2025

Sent by email.

Regarding: "Meeting Agenda - Thursday January 9th, 2025, 6:00pm"

I regret that I cannot attend tonight's meeting due to a prior commitment. However, the regular meeting of the council is the third Thursday of the month. This meeting called at 8:19 am this morning for a 6 pm meeting could only be considered, at best, a special council meeting. I am also perplexed as to why this meeting is not being held at RLC, but instead at the downtown library.

Additionally, I would like to express some concerns regarding agenda items, on your proposed agenda:

Old Business:

1. Congregational committees for 2024/2025-Communications, Finance (Kristin), Property/Facility (Kelly), and Worship and Music (Lisa and Lois) status update

First, let's, *ad arguendo*, not addressing the disputed issue of rightful leadership, at the April Council meeting tabled discussion on these committees and their member assignment.

New Business:

1. RLC Council members who have 3 consecutive meetings "absent without cause" in 2024 May 16th, July 25, Sept 5th, 12th, 26th, October 7th, November, December: Clarice Bethers, Connor Blackwell, Dolores Graver, Karen Lawfer, Lucy Merrell, Nelson Merrell

There are a number of issues with this agenda item:

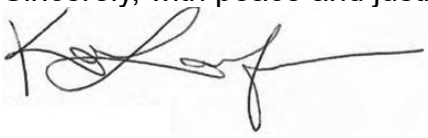
- In your meeting agenda for your November 21, 2024, meeting you stated "This is the first legally held meeting of the RLC council since April 30, 2024. On May 16, 2024 a partial group of the council exited the monthly meeting without cause. No legal quorum of council has been able to meet in any official capacity to conduct business. Defined per RLC constitution C12.12.
- The RLC constitution C12.01 "if the member ceases to be a voting member of this congregation or is absent from three successive or four accumulated regular meetings of the Congregation Council in a council year without cause." Of the dates listed, none of those were on the third Thursday of month – the regular day of the meeting. You provided no notices of rescheduling any regular meetings.
- Your November 21, 2024, meeting lacked a quorum.
- Finally, there are no minutes or reports that have been distributed to council members.

6. Private property stored at RLC.

There is a long-standing tradition of church members graciously lending their tools and musical instruments to the church (e.g., Jim Hutchinson, Lucy Merrell). The drum kit, other instruments and tools stored at the church are used by volunteers, users and guests.

On the other hand, there have been regular RLC council meetings, some of which you have attended and participated in. For those meetings, reports and minutes, were approved and distributed to all council members.

Sincerely, with peace and justice,



Karen Lawfer, President
Resurrection Lutheran Church
klawfer@gci.net, (907) 723-2123

cc: *May be forwarded / attached to other correspondence.*

Attachment

Meeting Agenda - Thursday January 9th

Addendum
President Lawfer Response to Brendle Meeting Agenda - Thursday January 9th
(Attachment *Meeting Agenda - Thursday January 9th*)

RESURRECTION LUTHERAN CHURCH CONGREGATION COUNCIL

Meeting Agenda - Thursday January 9th, 2025, 6:00pm

LOCATION: downtown library corner conference room 6pm and on ZOOM, link below

President Lisa Brendle, Vice President Delores Graver, Treasurer Kristin Cadigan-McAdoo, Secretary Ken Koelsch, Clarice Bethers, Connor Blackwell, Karen Lawfer, Kelly Magee, Lucy Merrell, Nelson Merrell, Dennis Mickle, Lois Wetherall

GUEST: AK Synod Bishop Tim Oslovich

GUEST: Joe Geldhof, Atty.

Call to Order

Devotions – Brendle

Establishment of a Quorum

Approval of Agenda

Approval MINUTES of April 30, 2024

Reports:

Financial (updated new half time/part time budget for annual meeting),

Interim Pastor,

President

Lawsuit Friday 01/10/25

Programs (annual inspection of two boilers and two electric hot water heaters-Church Mutual 800-333-4677 reference number 3330965),

Worship and Music (January, February, March)

Old Business:

1. Congregational committees for 2024/2025-Communications, Finance (Kristin), Property/Facility (Kelly), and Worship and Music (Lisa and Lois) status update

2. Housekeeping issues-passwords and access information to RLC Zoom; passwords and access information to RLC web site; Master list of building activities and update on fees waived or charged. Rooms inaccessible because of lock changes.

3. Other

New Business

1. Contract Negotiation with Interim Pastor (Lisa)

2. RLC Council members who have 3 consecutive meetings “absent without cause” in 2024 May 16th, July 25, Sept 5th, 12th, 26th, October 7th, November, December: Clarice Bethers, Connor Blackwell, Dolores Graver, Karen Lawfer, Lucy Merrell, Nelson Merrell

3. Recovering all funds that are RLCs. Monies that were diverted from Resurrection Lutheran church Juneau; fraudulent cashing of checks into other banking accounts other than accounts with First National Bank of Alaska (Juneau) and fraudulent misrepresentation as officers or managers at RLC with State (corporations), CBJ and Non-Profits. Advertising on radio and in newspaper ads. Recovering all diverted funds from June 9, 2024 to current date.

4. Change of Signatories FNBA

5. Private property stored at RLC.

6. OTHER

Adjournment

Lord’s Prayer

RLC Council Meeting, January 2025

———————

Lisa is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

https://us06web.zoom.us/j/4551716915?omn=84293510431

FILED IN THE ALASKA TRIAL COURTS ON 12/2/2024

Law Office of Joseph W. Geldhof
2 Marine Way, Suite # 207
Juneau, Alaska 99801
Telephone: (907) 723-9901 [Mobile]
E mail: joeg@alaskan.com
Counsel for Plaintiff Resurrection Lutheran Church of Juneau

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
FIRST JUDICIAL DISTRICT OF ALASKA

RESURRECTION LUTHERAN CHURCH OF JUNEAU, *et al*, Plaintiff,	)	
vs.	)	
KAREN LAWFER, KAREN PERKINS and **BRAD PERKINS,** in his individual capacity and d/b/a JuneauLive.org, *et al* Defendants.	)	**1JU-24- 00681 Civil**

STIPULATION and ORDER

Resurrection Luther Church of Juneau (hereafter "RLC"), through counsel, and Karen Lawfer, Karen Perkins and Brad Perkins, through counsel, the litigants in the above-referenced case stipulate as follows:

1. Various bills for the RLC that are due and owing relating to the care and maintenance of the church or reflecting obligations previously incurred by the church require satisfaction.
2. The operating bank account of the RLC at the First National Bank of Alaska, Account Number 07102825 is currently frozen as a result of the above-reference litigation.
3. Neither the plaintiff or the defendants currently have access to the funds in the RLC account at the First National Bank of Alaska in order to pay necessary church bills.
4. The First National Bank of Alaska will not give either party to the above-referenced litigation without an obvious agreement between the parties.
5. In order to satisfy necessary church financial obligations and to protect church assets, the parties to this litigation agree to pay the obligations listed below and seek a judicial

Order confirming the agreement allowing for the payment of bills from the funds held in the First National Bank of Alaska Account Number 07102825, as follows:

A. **Alaska Electric Light & Power**, 5601 Tonsgard Court, Juneau, Alaska 99801 in the amount of **$50** for the Garage (Account # 0041055511, in the amount of **$1,500** for the Church (Account # 0001001914); and,

B. **Alaska Waste**, Post Office Box 7428, Pasadena, California 91109-7428, in the amount of **$1,000** (Account # 2436000511); and,

C. **City & Borough of Juneau Utility**, 155 Heritage Way, Juneau, Alaska 99801, in the amount of **$270.00** (Service # 00000608); and,

D. **GCI**, Post Office Box 99001, Anchorage, Alaska 99509-9001, in the amount of **$800.00** (Account # 1001530063); and,

E. **Ike's Fuel**, 409 5th Street, Douglas, Alaska 99824, in the amount of **$1,000** (Account # 2879-1); and,

F. **Church Mutual**, Post Office Box 2912, Milwaukee, Wisconsin 53201-2912, in the amount of **$2,010.10** (Account # 0395735); and,

G. **1517 Media**, Post Office Box 88027, Chicago, Illinois 60680-1027, in the amount of **$544.37** (Account # 1632140101); and,

H. **Southeast Food Bank**, Post Office Box 33681, Juneau, Alaska 99803-3681, in the amount of **$14,567.56** (Invoice # 1016).

I. **Sound Publishing, Inc.**, Post Office Box 930, Everett, Washington 98206-0930, in the amount of **$63.00** (Invoice # 8150623; Account # 40000149).

6. The signatories to this stipulation agree to present this stipulation and Order after evaluation and approval by the court to the First National Bank of Alaska located at 810 West 19th Street in Juneau, Alaska for the purpose of obtaining Bank Checks in the amount and for the payees designated above and promptly convey these payments to the payees via United States mail, as indicated, above.

///

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DATED this 26th day of November, 2024 at Juneau, Alaska.

LAW OFFICE OF
JOSEPH W. GELDHOF

Joe G.

Joseph W. Geldhof
Alaska Bar # 8111097

Counsel for Plaintiffs, *et al*

DATED this 26th day of November, 2024 at Juneau, Alaska.

LAW OFFICE OF JEFFREY D. TROUTT

Jeffrey D. Troutt

Jeffrey D. Trout
Alaska Bar # 910605

Counsel for Defendants, *et al*

PROOF OF SERVICE CERTIFICATION

I certify that on this date, a
copy of this was sent via email to:

Joe Geldhof at the following e-mail address:
<joeg@alaskan.com>

DATE: November 26, 2024

Jeffrey D. Troutt

Jeffrey D. Trout

[**Proposed ORDER follows on subsequent page**]

ORDER

Having considered this stipulation, and the terms agreed by the parties, it is **ORDERED** that the parties to this lawsuit shall comply with the terms set out above and present this stipulation and Order to the First National Bank of Alaksa for execution of the agreement and payment of the obligations.

DATED this 4th day of ~~November~~ December, 2024 at Juneau, Alaska.

SEAL OF THE TRIAL COURTS OF THE STATE OF ALASKA FIRST JUDICIAL DISTRICT

Larry Woolford,
Superior Court Judge

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Stipulation & ORDER
RLC of Juneau v. Lawfer, *et al*
1 JU-24-00681 Civil

D1

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

FIRST JUDICIAL DISTRICT AT JUNEAU

RESURRECTION LUTHERAN CHURCH, Plaintiff, *v.* KAREN LAWFER, KAREN PERKINS and BRAD PERKINS, in his individual capacity and d/b/a JuneauLive.org and RLClive.org, Defendants.	
RESURRECTION LUTHERAN CHURCH, Counter-complainant, *v.* LISA BRENDLE, Counter-defendant.	
KAREN PERKINS and RESURRECTION LUTHERAN CHURCH, Third-Party Complainants, *v.* LISA BRENDLE and KAREN CADIGAN-MCADOO and UNKNOWN PARTIES, Third-Party Defendants.	Case No. 1JU-24-00681 CI **ORDER FOR BRIEFING**

More than a century and a half ago, the Supreme Court "began to place matters of church government and administration beyond the purview of civil authorities."[1] Under the ecclesiastical abstention doctrine, civil courts cannot delve into matters that focus on

[1] *McClure v. Salvation Army*, 460 F.2d 553, 559 (5th Cir. 1972).

"theological controversy, church discipline, ecclesiastical government, or the conformity of the members of a church to the standard of morals required of them...."[2]

In *Watson v. Jones*, one of two factions struggling for control of church property had been recognized by the highest ecclesiastical body of the Presbyterian Church as the "regular and lawful" governing body of the church.[3] The dissident faction appealed a state court's decision that it was bound by the ecclesiastical ruling.[4] The Supreme Court affirmed:

> . . . whenever 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.[5]

Almost a hundred years ago, in *Gonzalez v. Roman Catholic Archbishop*, the petitioner challenged a decision by the Archbishop of Manila, who had refused to appoint him to chaplaincy on the ground that, according to Canon Law then in force, he did not possess the required qualifications.[6] The Supreme Court upheld the Archbishop's determination:

> In the absence of fraud, collusion, or arbitrariness, the decisions of the proper church tribunals on matters purely ecclesiastical, although affecting civil

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[2] *Serbian E. Orthodox Diocese for U.S. & Can. v. Milivojevich*, 426 U.S. 696, 714 (1976) (quoting *Watson v. Jones*, 80 U.S. 679, 733 (1871)).
[3] 80 U.S. 679 (1871).
[4] *Id.* at 687.
[5] *Id.* at 727.
[6] 280 U.S. 1 (1929).

> rights, are accepted in litigation before the secular courts as conclusive, because the parties in interest made them so by contract or otherwise.[7]

In *Kedroff v. St. Nicholas Cathedral*, the principle announced by *Watson* and *Gonzales* became a constitutional prohibition: "Legislation that regulates church administration, the operation of the churches [or] the appointment of clergy… prohibits the free exercise of religion".[8] In *Kreshik v. St. Nicholas Cathedral*,[9] the prohibition was further refined: constitutional principles prevent the *judiciary, as well as the legislature*, from interfering with the free exercise of religion.

These opinions radiate "a spirit of freedom for religious organizations, 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."[10] "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."[11]

In light of the well-established doctrine of ecclesiastical abstention, the parties are directed to submit briefing, not to exceed 15 pages, analyzing which claims and

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[7] *Id.* at 16.
[8] 344 U.S. 94, 107 (1952).
[9] 363 U.S. 190 (1960).
[10] *Kedroff*, 344 U.S. at 116.
[11] *McClure*, 460 F.2d at 558-59.

counterclaims are subject to the civil jurisdiction of this court. Briefing is due on or before December 31, 2024.[12]

SO ORDERED at Juneau, Alaska, this 4th day of December, 2024.

Larry R. Woolford
Superior Court Judge

SEAL OF THE TRIAL COURTS OF THE STATE OF ALASKA FIRST JUDICIAL DISTRICT

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[12] The court signs this same day the parties' stipulated order to facilitate payment of certain church bills. The court does not thereby assume jurisdiction over the parties' claims and counterclaims. The stipulated order merely confirms, for a third party financial institution, that the parties themselves have reached agreement on certain matters.

JEFFERY D. TROUTT
Troutt Law Office, LLC
P.O. Box 240096
Douglas, AK 99824
Phone: 907-723-5684
jtroutt@me.com

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
FIRST JUDICIAL DISTRICT AT JUNEAU

Resurrection Lutheran Church Juneau, Alaska Plaintiff vs Karen Lawfer, Karen Perkins, Bradley Perkins, in his Individual Capacity and d/b/a RLClive.org Defendants,	)	No: 1JU-24-00681CI
Resurrection Lutheran Church Counter-complainant vs Lisa Brendle, Counter-Defendant	)	
Karen Perkins, and Resurrection Lutheran Church, Third-Party Complainants vs. Lisa Brendle and Kristin Cadigan-McAdoo, Unknown parties Third-party defendants	)	

DEFENDANTS' BRIEF ON THE APPLICATION OF THE ECCLESIASICAL ABSTENTION DOCTRINE ON CAUSES OF ACTION

The Court has asked for briefings on the legal issues surrounding the freedom of religion implicated by this action. The defendant's response is below.

The First Amendment's religion clauses read: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof . . . ." That amendment was a profound enunciation of our Country's determination that everyone should be free to choose which religion to follow or to follow none.

However, in addition to the free exercise of religion, the Establishment Clause stands in the face of hundreds of years of special clerical privilege. The Church is the author of many of the most horrific acts of mankind. For centuries, the church held an exalted and privileged place in society. It was accorded special courts with jurisdiction over clergy, immunities, honorifics, and titles held by the clergy. The secular courts had no jurisdiction over the clergy. The history of Western common law has been the gradual diminishment of the rights and immunities held by the Church and Church leaders. We are all better off for that.

Early American leaders experienced religious persecution.[1] The founders were aware of the dangers of the imposition of religious will upon free people[2]. Many were profoundly religious and desired to protect their religion by protecting it from other religions.[3]

Although its people are generally religious, the United States is not a Christian nation. Numerous congressional efforts to describe the country as a Christian nation have failed in Congress.[4] The Supreme Court of the United States in Rector, etc. of Holy Trinity Church v. United States, 143 U.D 457 went to great lengths to describe the religious motivation in founding the United States, cited American colonies that described themselves as Christian but did not take the opportunity to say that the United States is a Christian nation.

The ecclesiastical abstention doctrine, also known as the church autonomy doctrine, has been noted as resting on two principles: "First, that courts do not have the competence or capacity to decide questions of religious doctrine. Second, and perhaps more importantly, that civil courts should not make what amount to religious pronouncements. This second rationale is related to the Free Exercise Clause because this

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[1] An example is Roger Williams (1603-1683), the founder of Rhode Island. He believed that the Puritan church was the "true church", but believed that people would only be converted by "a wall of Separation between the Garden of the Church and the Wildernes[s] of the world." (Roger Williams, Mr. Cottons Letter Lately Printed, Examined and Answered (1644), reprinted in The Sacred Rights of Conscience 147 (Daniel L. Dreisbach & Mark David Hall eds., 2009). He was expelled from Massachusetts Bay for criticizing the Puritan Church. https://www.law.cornell.edu/constitution-conan/amendment-1/colonial-conceptions-of-religious-liberty#fn3amd1

[2] See, e.g., John Witte, Jr. & Joel A. Nichols, Religion and the American Constitutional Experiment 70–71 (4th ed. 2016) (discussing Charles Pinckney's draft Constitution containing a provision prohibiting the federal legislature from passing laws "on the subject of Religion"). Taken from https://www.law.cornell.edu/constitution-conan/amendment-1/constitutional-convention-ratification-and-the-bill-of-rights#fn2amd1.

[3] Va. Const. of 1776, § 16 ("[A]ll men are equally entitled to the free exercise of religion, according to the dictates of conscience; and . . . it is the mutual duty of all to practice Christian forbearance, love, and charity towards each other."); Mass. Const. of 1780, art. II ("[N]o subject shall be hurt, molested, or restrained of conscience; and . . . it for worshipping God in the manner and season most agreeable to the dictates of his own conscience, or for his religious profession or sentiments, provided he doth not disturb the public peace or obstruct others in their religious worship . . . .").

[4] See Richard Albert, Constitutional Amendment and Dismemberment, 43 Yale J. Int'l L. 1, 40 (2018).

rationale also prevents the state from dictating how people should practice their religion."[5] *Kreshi v. St. Nicholas Cathedral, 363 U.D. 190 (1960)* arguably stands for his proposition.

Related matters grounded in the religion clauses of the First Amendment

The Court correctly noted that the ecclesiastical abstention doctrine has deep roots in our legal system. It is a tree that has stood for over a hundred years. But courts have trimmed the tree, limiting the doctrine's application. The heart of the principle is "that government should not prefer one religion or another or religion to irreligion" *Jones v. Wolf*, 443 U.S. 595, 602 (1979). Nevertheless, *Jones* stands for the proposition that courts are able to apply neutral principles in property disputes and that the principle of ecclesiastical abstention does not prevent courts from resolving disputes based upon neutral principles that neither favor nor disfavor religion or doctrine. The courts are denied jurisdiction over ecclesiastical matters or matters of church leadership because people are free, not because church and church leaders inhabit an exalted position in society. No church or church leader holds a preferred position under the law.

A significant part of the trimming of the tree has been a number of cases holding that churches may not violate the law under the guise of the ecclesiastical immunity doctrine. "The First Amendment does not categorically insulate religious relationships from judicial scrutiny, for to do so would necessarily extend constitutional protection to the secular components of these relationships." *Sanders v. Casa View Baptist Church*, 134 F.3d 331, 335-36 (5th Cir. 1998). " To hold otherwise would impermissibly place a religious leader in a preferred position in our society" *Sanders, Id. at* 336.

Arguably, the ecclesiastical abstention doctrine exists because, as the Supreme Court of the United States noted in *Thomas v. Review Bd. of Ind. Employment Security Div*. 450 US 707, 725-16,(1981), "Courts are not arbiters of scriptural interpretation.". Courts have no ability to determine the existence of

[5] https://journals.law.harvard.edu/crcl/the-expansion-of-the-ecclesiastical-abstention-doctrine-why-you-should-care/

God, which religion, if any, is the true religion, or who God has called to pastor a church—a judge has no more competence to determine these questions than any other person.

However, courts can make determinations about matters of law and of objective fact where neutral decisions can be made without delving into the Ecclesiastical area where they have no jurisdiction. *Jones^, Id.* Indeed, the Supreme Court of Alaska has supported a number of cases that apply the law even where it impacts church meetings and would result in a change of church leadership. *Herning v. Eason*, 739 P2d 197 (Alaska 1987). The ecclesiastical exemption also prevents churches from escaping liability for tortious actions. *McAdoo v, Diaz*, 884 P2d 1385 (Alaska 1994); *Sands v, Living Word Fellowship*, 34 P3d 955 Alaska (2001). That includes torts committed in the course of determining the continued employment of a pastor. *Marshall v, Munro*, 845 P2d 424 (Alaska 1993).

Courts in other jurisdictions have done the same. A Florida court stated, "[a] court ... must determine whether [a] dispute 'is an ecclesiastical one about 'discipline, faith, internal organization, or ecclesiastical rule, custom or law,' or whether it is a case in which [it] should hold religious organizations liable in civil courts for purely secular disputes between third parties and a particular defendant, albeit a religiously affiliated organization.' " *St. Brendan High Sch., Inc. v. Neff*, 283 So. 3d 399, 402 (Fla. Dist. Ct. App. 2019). *August v. Hyacinthe*, 346 So. 3d 67, 73 (Fla. Dist. Ct. App. 2022) (Resolution of the case regarding whether a person properly represented himself as an official of a church could be resolved using neutral means without delving into matters protected by the ecclesiastical exemption doctrine.

Courts must not stay out of church matters where they are competent to make determinations merely because they are church matters. To do otherwise is to invite lawless behavior and allow people to use a cloak of immunity to shield their actions. One need only think of the uncounted victims of sexual abuse whose abusers were shielded from liability by archaic legal doctrine and a Church committed to covering up the deeds of its priests to see the harm in judicial reticence to act on church-related matters.

The Law As Applied To This Case

It is hopefully a useful aside to start with some church jargon and organization. The founding document of the RLC and the Alaska Synod, which has played a role in these matters, is called the "Constitution." Actions that violate those documents are called "unconstitutional", much to the confusion of attorneys. The governing body of RLC is called the Council. It consists of thirteen members, including the Pastor. Seven members of the Council constitute a quorum to do business. Members are elected to serve a term of three years and there is a yearly election of new council members. The council elects RLC's officers. Meetings of all of the church's members are called congregational meetings. It takes a two-thirds vote of the congregation at a duly noticed meeting with a quorum to call a pastor or to terminate the pastor's call. Along those lines, in Lutheran jargon, Pastors are not hired; they receive a "call." They are not fired; they "lose their calling."

Getting back to the point, the defendants are arguing to continue the existence of a lawsuit they did not file, and did not want. It was filed by a Resurrection Lutheran Church of Juneau Alaska (hereinafter, "RLC") council member Lisa Brendle, who believes herself to be the President of the church council. It was also brought in the name on behalf of RLC unilaterally, without any authorization from the congregation, the congregation council, or even the executive committee, assuming such authority existed.

All three defendants—Karen Lawfer (President of the Council), Pastor Karen Perkins, and Brad Perkins (who serves in many capacities, including facilities manager) and RLC itself are represented according to a resolution of the RLC Congregation Council. Counsel for the plaintiff and defendants both claim to represent RLC.

The filing of this lawsuit, along with its scandalous allegations and attendant negative publicity, pejorative and defamatory statements by the plaintiff and counsel, forced the defendants to bring claims against the dissenters that they probably would not otherwise do. Karen Lawfer and Bradley Perkins are

fighting for their reputations and for what they believe is in the best interest of RLC; Pastor Karen Perkins is fighting for the same, as well as for the ability to continue to do the work she believes that God has called her to do.

RLC is a non-profit corporation incorporated under the laws of the Territory of Alaska in 1926. RLC has a constitution and by-laws.[6] Those are meant to bind the church and its leadership. The church also has a code of conduct that governs the behavior of church members. The council adopted a code of conduct prohibiting bullying and swarming, among other things, on January 11, 20011. Exhibit. B.

New council members will be elected at the church's annual meeting on February 9, 2024. Officers will be elected at the next council meeting. That meeting will likely occur in March of 2024. The portions of the lawsuit involving the church's leadership will be moot.

The issues in this litigation can be broken down into three issues:

1. The election of officers to the church council;
2. Whether Pastor Perkins' call was ended legally; and
3. The conversion of $205,000 in church funds.

Election of Officers

Defendants assert that the election of officers and the meeting to end Pastor Perkin's call were unconstitutional under the church's constitution and by-laws, its code of conduct, and Alaska statutory law.

On January 11, 2024, the church adopted a code of conduct that was binding on all members. The Code contained provisions prohibiting bullying, swarming, and harassment. This code of conduct was in reaction to attempts to intimidate members and interference with the church's activities by a group of dissenting members.

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[6] The documents referenced herein have not been submitted as exhibits to support this brief because they are voluminous. Given that the case is still at the allegation stage, to determine jurisdiction to decide the causes of action, the Plaintiffs' and Defendants' allegations will be presumed to be true. Nevertheless, the Defendants will certainly provide them if the Court requests them.

A slate of officers was elected on March 7, 2024. This slate was hostile to Pastor Perkins. The election swung on the vote of a single person. That person was swarmed and bullied into voting for the dissident faction. She was a single, elderly woman whose life was wrapped up in the church. She was surrounded by a swarm of dissidents and told that the church and her friends would ostracize her and would be an outcast if she did not vote in their favor. Subjected to this bullying and fearing the direct threat of punitive action, she voted with the dissident faction. When she later confessed that she voted with the dissident because she felt bullied, the election results were overturned, and, with her consent, the woman's vote was changed, and a different council was elected.

Upon learning of the violation of the church rules, church leadership, including Karen Lawfer and Bradley Perkins, investigated the conduct of the election. They determined that the election of officers was not valid and that Karen Lawfer, president at the time of the election, should hold a council meeting to decide what to do going forward. Their conclusions were set out in a document called "correction report". The document is attached as Exhibit C. They determined that the March 7, 2024 vote violated the constitution and that Karen Lawfer, who presided over the March 7 meeting, had the authority to reopen it. In addition, because the results of the election were invalid, Karen Lawfer was still President of RLC. In either case, she had the authority to call a meeting to deal with the election violations.

On June 9, 2024, the dissenting council members, in a meeting of the congregation that was not adequately noticed and did not have any evidence that there was a quorum of the members. Defendants do not have a copy of the document readily available. .

On June 20, 2024, Karen Lawfer chaired a regular council meeting. (Under the church constitution, council meetings occur monthly. There is no notice required for regular meetings of the counsel. For logistical reasons, the meeting was rescheduled, and proper notice was given to all council members. At that meeting, seven council members submitted affidavits stating what their vote would have been without

election rules violations. Seven members' affidavits stated that they would have voted for the Lawfer coalition in the absence of election violations. A copy of the affidavits is attached as Exhibit E, and a copy of the meeting minutes is attached as Exhibit F.

The dissenting members called a congregation meeting. It was not a congregation-wide meeting. Notice of the meeting was given only to select members, not all, as required by the church constitution.

With respect to the determination of the church's leadership, there are two issues before the Court: (1) Does the Court have subject matter jurisdiction over the bullying question and (2) does the Court have the authority to nullify actions by a church taken in violation of Alaska law.

Bullying

The Church's code of conduct prohibits bullying. If shunning or the threat of shunning (bullying behavior) were an established part of the Lutheran religion, no legal wrong would be involved. Courts permit religious people to commit all kinds of cruel and despicable acts because the free expression of religion protects them. Just think of the church members holding signs saying "Thank God for dead soldiers."

Shunning, in particular, where it is part of a religion's practices, has been permitted by the Alaska Courts: *Sands v, Living Word Fellowship*, 34 P3d 955 Alaska (2001). However, RLC specifically banned the practice of bullying and swarming in its code of conduct. Shunning is contrary to the tenets of Lutheranism, which sees every person as redeemable and abhor the physical or emotional intimidation of people.

To determine whether or not the woman was bullied in violation of the church's code of conduct, the Court does not need to visit any religious doctrine or interpret any religious principle. This is true even if the Court's decision impacts church leadership. Alaska Courts have interpreted the provisions of church by-laws without making any determinations regarding doctrine, ecclesiastical leadership, or In *Herning v.*

Eason, 739 P2d 197 (Alaska 1987), the court examined a church's by-laws regarding proxy voting. It upheld the trial court's decision to interpret by-laws contrary to church leadership's interpretation. The obvious result of that decision was the upending of church leadership. However, the case was not about who was the legitimate leader of the church, but about whether or not a vote regarding leadership was conducted according to law.

Here, the decision is whether or not a member of the congregation was bullied, and whether that bullying invalidated the election. It is not a question of doctrine, worship, belief, or ecclesiastical leadership.

Notice

The defendants assert that the June 9, 2024, congregational meeting was invalid because, among other things, the Bishop who called the congregation meeting did not provide notice to all congregation members, as required under AS 10.20.066. Members who were qualified to vote did not have notice of the meeting. (Under church law, a bishop does not have the authority to call a congregation meeting, but the defendants are not arguing that point in this brief.) As noted above, notice was faulty, the number of members attending the meeting was not memorialized, nor was the determination that a quorum existed.

In addtion, the notice for the meeting stated that a vote of 51% of the congregation was needed to end Pastor Perkin's call. The church constitution calls for a two-thirds vote to call a pastor or end the pastor's call.

The Court could invalidate a meeting because the notice was illegal, and could certainly determine that 51% does not equal two-thirds. The Court can do so without regard to religious principles

For all of these reasons, the Court has the authority to determine that the June 9, 2024 meeting was invalid. It is simply a matter of whether or not the Church was following the law of nonprofit corporations.

Ending Pastor Perkins's Call

As noted above, the dissidents attempted to end Pastor Perkin's call in a meeting that had not met legal requirements for notice, misstated a significant factor in what was required to end a Pastor's call, failed to disclose the numbers that attended the meeting, and what the results of the vote were. In addition, there is no authority anywhere that permits a Bishop to call such a meeting. There were certain understandings when Pastor Perkins accepted the call to RLC. One of them would be that if she were removed, she would be removed according to the church's rules and the laws of the state of Alaska.

The Court can and may determine whether or not those rules were followed without reference to any doctrinal, ecclesiastical, or religious principle. There are neutral rules that the Court can follow to determine whether or not Pastor Pekins' call was ended under the rules that everyone agreed to when she was called and those employment laws that apply to a nonprofit organization such as RLC.

In this regard, *Herning v. Eason*, 739 P2d 197 (Alaska 1987) is illustrative. There, the court directly decided a church leadership dispute involving the use of proxy votes. The Church, a non-profit organization, held a meeting to determine whether or not to terminate a pastor. The meeting moderator refused to recognize proxy votes that would have tipped the majority and would have removed the pastor. The Court held that proxy votes should have been considered, even though the Church's articles and by-laws prohibited proxy voting. *Id*. at 739 P.2d 168,

This case shows the Court applying corporate law, knowing that the result would result in the pastor's termination. The Court also interpreted the Church's articles and by-laws differently than the church, holding that, despite the church's position, the articles and by-laws did not prohibit the use of proxy votes.

Here, if the Court determines that the meeting ending Pastor Perkins's call was illegal and the results invalid, it could well result in the reinstatement of Pastor Perkins.[7]

The Missing Money

The church had a bank account at First National Bank that contained $205,000. That money has disappeared and is in the apparent control of the dissidents. Any reputable church group would report what it did, why it did, and its plans.

There is no way that this action is a protectable religious activity. Alaska law is clear that religious liberty does not protect tortious activity such as defamation (*Sands, id.),* defamation (*Marshall v. Munro*, 845 P2d 4244 (Alaska 1993),[8] or other tortious conduct not religiously motivated *Sands, id. at 391).*

We respectfully request that the court take decisive measures to address the constitutional infractions detailed in this case and to reinstate integrity and lawful governance within RLC.

Conclusion

The Court has the authority to rule on the matters presented in this litigation. The application of the law of nonprofits, tort liability for conversion, and employment law violations can all be resolved by the Court without intruding into matters of Ecclesiastical authority or religious doctrine of leadership.

If the Courts fail to act in those areas in which it is competent to judge, they will essentially grant immunity to church officials who desire to impose their will on the rest of the congregation by ignoring

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[7] It should be noted that the presiding Bishop of Alaska has removed Pastor Perkins from the role of minister because she has refused to recognize the validity of the ending of her calling. However, that removal was based on a belief that the meeting was legally noticed and held. If the Court ruled that the meeting violated Alaska law, the defendants believe that the Bishop would rescind his decision. It is highly unlikely that the state-wide leader would uphold the results of a meeting held in violation of the law.

[8] In *Sands*, the court held that freedom of religion did not stop the trial court from hearing defamation claims made by a Presbyterian minister against the Executive Presybeter based on alleged lies that the minister was divorced and other lies. Even though the defamatory statements involved the termination of a pastor, the court's implicit holding is that the free exercise of religion does not insulate religious people from tort liability.

the laws applicable to churches. The lawlessness that can occur when church officials feel free from scrutiny is apparent in this litigation. Church members and officials acted in violation of the law and their own acts to elect officers that, in turn, ended a Pastor's call, and possibly her career, in a meeting that violated Alaska law. They converted $205,000 from the Church to their own control without council authorization and solely upon their self-granted authority.

Since the lawsuit's filing, events have escalated the conflict and pose the potential for additional causes of action. In their confidence that they are untouchable, the dissident fringe has assaulted Bradley Perkins, a disabled man who was not a threat to them. There is video evidence of the assault and of a Council member pressing her weight upon his damaged leg while telling him to get up. There is also video evidence that may show a dissident attempting to push a handicapped person down the stairs. The dissidents have also destroyed Church property, made holes in walls, and disrupted the internet broadcast of services. The have broken the lock on the file cabinet in Pastor Perkin's office that contains matters of pastoral confidence that should not be seen by anyone else. (They may have learned the dirt on other members, information that was disclosed to the Pastor in cofidence.) They have also defamed Pastor Perkins in the press and to others. And there are the lingering questions: where is that $205,000 that was pilfered, who controls the money, on what authority was it taken from the church, why has the church council not been informed, and why has there been no accounting for the money to the church? This Court is perfectly competent to make decisions about these matters without impinging upon the religious liberties of anyone. If the court fails to act, there is the possibility that the violence shown so far will increase. People who believe they are untouchable behave much differently than those who think they are not accountable.

RESPECTFULLY SUBMITTED THIS FIRST DAY OF JANUARY, 2025,

Jeffery O. Trouts

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Jeffery Troutt
Counsel for defendants
Alaska Bar Number 9106056

Law Office of Joseph W. Geldhof
2 Marine Way, Suite # 207
Juneau, Alaska 99801
Telephone: (907) 723-9901 [Mobile]
E mail: joeg@alaskan.com
Counsel for Plaintiff Resurrection Lutheran Church

SUPERIOR COURT FOR THE STATE OF ALASKA
FIRST JUDICIAL DISTRICT AT JUNEAU

RESURRECTION LUTHERAN CHURCH, Plaintiff,	)	
vs.	)	
KAREN LAWFER, **KAREN PERKINS** and **BRAD PERKINS**, in his individual capacity and d/b/a **JuneauLive.org** and **RLClive.org** Defendants.	)	1JU-24- 00681 Civil
RESURRECTION LUTHERAN CHURCH, Counter-complainant,	)	
vs	)	
LISA BRENDLE, Counter-defendant,	)	
KAREN PERKINS and **RESURRECTION LUTHERAN CHURCH**, Third-Party Complainants,	)	
vs.	)	
LISA BRENDLE and **KAREN CADIGAN-McADOO** and **UNKNOWN PARTIES**, Third-Party) Defendants.	)	

BRIEF ON JURISDICTION

Plaintiff, Resurrection Lutheran Church, through counsel, Joseph W. Geldhof, submits this briefing on the issue raised, *sua sponte*, by the court's Order dated December 4, 2024.

In its Order, the court directed the parties analyze "which claims and counterclaims are subject to civil jurisdiction of this court." [1]

SUMMARY RESPONSE

Three claims appear to be raised or arguably asserted by the parties in this litigation.

1. Claim by the Church Seeking Validation of the Election of Officials.

Plaintiff asserts that the litigation is centered on having the court review and ratify the election of church officers necessary to conduct the "organizational needs and financial affairs of the Resurrection Lutheran Church." [2] These organizational needs and financial affairs of the church revolve around issues that can be characterized as dealing with the church's "keys and checkbook." At issue in this dispute (from the perspective of the plaintiff), is who controls access to the church and the finances of the church. Integral to this issue of who controls the church assets is the propriety of the election by which Lisa Brendle and other officers of the church were elected in 2023.

Plaintiff contends these elections are valid and in accord with organizational standards of the church and were ratified by church authority.[3] These issues are grounded in facts that will not be argued as part of this brief, given the limited scope of issue to be addressed by the court. The essential point plaintiff advances in regard to this topic is that the court has jurisdiction to address the topics related to control of the "keys and checkbook," as a matter of law and fact, if for no other purpose than for practical reasons necessary to prevent civil disorder and in order to resolve

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1 ***Order for Briefing*** at pgs. 3-4.

2 *See, e.g.,* ***Verified Complaint for Declaratory Relief and Potential Equitable Relief*** (hereafter "***Complaint***"), at paragraphs 1 & 2.

3 ***Complaint*** at paragraphs 13 – 15, 20 – 24.

the ongoing dispute between the factions of the church regarding use of the property and related to the finances of the church.

Essentially, the action initiated by Plaintiff is not fundamentally different from a dispute among a partnership, between members of a limited liability corporation, or a shareholder dispute among corporate shareholders. Judicial relief, at least on narrow grounds that likely include declaratory relief, is necessary for all the parties involved and other persons and entities interested in this dispute.

This court has jurisdiction to address and resolve the issues pertaining to control of church property and assets, although, partial deference to church authority may be valid in resolving the proper election of church officers as well as the practical issues related to use of the church facilities and assets.

2. Jurisdiction of the Court Regarding Ecclesiastical Matters.

Defendants have invoked ecclesiastical "doctrine" and contends the application of "Christian ethics" are relevant in this litigation.[4] This court is without jurisdiction to resolve the topics related to doctrine or other matters of ecclesiastical interpretation raised by the defendants.

3. Jurisdiction of the Court Regarding Employment Claims.

The third claim or claims present in this litigation are related to the employment relationship between the church and Karen Perkins.[5] This court is without jurisdiction to reach the employment issues raised in the *Third-Party Claim and Counter-Claims Unjust Termination and/or False Reporting of Termination* portion in defendant's ***Answer***.

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4 ***Answer, Counterclaim and Third-Party Complaint*** ("***Answer***"), at page 1 in the *Introduction.*

5 *See, e.g.*, ***Answer*** at paragraphs 57 – 67.

ANALYSIS

This court is right to be wary of intruding into matters related to church affairs, particularly with regard to church doctrine or other ecclesiastical matters. First Amendment values protected by the United States Constitution, [6] including the right to worship free from interference by secular authority, "are plainly jeopardized when church property litigation is made to turn on the resolution by civil courts of controversies over religious doctrine and practice. If civil courts undertake to resolve such controversies in order to adjudicate the property dispute, the hazards are ever present of inhibiting the free development of religious doctrine and of implicating secular interests in matters of purely ecclesiastical concern." [7] Constitutional principles prevent the judiciary, as well as the legislative branch, from interfering with the free exercise of religion.[8]

The sound judicial pronouncements prohibiting secular courts from interfering with ecclesiastical church workings are not absolute. Restraint from addressing matters centered on church doctrine, interpretation of gospel and the employment of ministers are outside the prevue of the secular courts. But, practical matters related to the ordinary control of church assets and resolution of sectarian viewpoints touching on control of church property are cognizable by secular courts and can be addressed without intruding on religious prerogatives.

By way of example, issues pertaining to the authority of a church to prohibit someone from trespassing on church property or criminal activity that takes place on church property are all subject to secular judicial review. Churches and individuals engaged in commerce with the church

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6 U.S. Const. amend. I (Regarding the "free exercise" of religion.).

7 *McClure v. Salvation Army*, 460 F. 2d, 553, 560 (5th Cir., 1972)(citing *Presbyterian Church in the United States v. Mary Elizabeth Blue Hull Memorial Presbyterian Church*, 393 U.S, 440, 449; 89 S.Ct. 601, 606; 21 L.Ed. 2d 1140 (1969).

8 *Id. at* 560 (citing Kreshik v. St. Nicholas Cathedral, 363 U.S. 190, 80 S.Ct. 1037, 4 L.Ed. 2d 1140 (1960).

or interfacing with the church, similar to other institutions in our society, have access to the judiciary, even if on a constrained basis. The need to resolve matters involving secular legal topics such as contract compliance, trespass, zoning and other matters very much present in contemporary society are obvious. Other than vestigial remains of sacred power like the Swiss Guard, churches in contemporary society have long ago given up the ability to engage in forceful acts or enforcement of church directives and instead rely on the judiciary to resolve disputes related to property and other topics that do not implicate church doctrine, ecclesiastical matters or topics like ministerial succession or other topics intertwined in religious beliefs or practice.

A judicial determination regarding the right to use and occupy the Resurrection Lutheran Church of Juneau of Juneau structure and use of other church assets held for the congregation of the church turns on who are the valid elected authorities to conduct church operations. This evaluation and decision is within the secular court's jurisdiction.

Control of the physical and financial assets of the church can be differentiated from ecclesiastical matters or matters pertaining authorization or appointment of clergy.[9]

The issue of where, precisely, the line between secular and ecclesiastical authority should be drawn in this case is apparently at center of this court's request for briefing. "[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."[10] Thus, matters related to what the defendants referred to in their ***Answer*** as "doctrine"

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9 *See, generally,* Kederoff. v. St. Nicholas Cathedral of Russian O. Chr., 73 S.Ct. 143, 144 (1952), 314 U.S. 96-97 (discussion about proper use and occupancy of church facilities and assets).

10 *Kederoff* at 73 S. Ct. 153; 344 U.S. at 113 (citing *Watson v. Jones*, 13 Wall. 679, 20 L.Ed. 666.

and "Christian ethics," fall outside the scope of this court's jurisdiction, as do matters employment claims related to clergy appointment and retention.[11]

What remains for this court to consider is who controls the physical structure of the church and the other assets and obligations that belong to the Resurrection Lutheran Church. This is an issue directly tied to the election of the church officers in 2023 and the subsequent efforts by a disgruntled faction within the church to overturn the election of officers and seize control of the church and church assets.

The issue of the court's jurisdiction regarding which faction has the authority to control the church facility, other assets and debts of the church (including financial assets), is a topic within the jurisdiction of the court and one that should be exercised narrowly and with deliberate deference to the church authorities. Not giving proper regard to lawful church authority "would lead to the total subversion of … religious bodies, if any one aggrieved by one of [the churches] decision could appeal to the secular courts and have them reversed." [12]

CONCLUSION

This court has jurisdiction to narrowly review and decide whether the election of the officers of Resurrection Lutheran Church in 2023 was proper. The court's inquiry on this point is narrow, consisting primarily of whether the election was called for and conducted according to standards applicable to the congregation. The subsequent validation of the election by church authorities, including the Bishop of the Lutheran Church of Alaska and the Lutheran Synod of

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11 *See generally*, *Hosanna-Tabor Evangelical Lutheran Church & School v. Equal Employment Opportunity Commission*, 565 U.S. 171 (2021)(affirming and applying the "ministerial exception" doctrine requiring courts to refrain from reviewing employment decisions related to hiring or retention of clergy members.).

12 *Kederoff* at 153 – 154.

Alaska should be given considerable weight when reaching a determination on the election and acts of the current officers of the Resurrection Lutheran Church of Juneau.

Tempting as it may be to decline jurisdiction over all of the claims advanced by the litigants, the restricted jurisdictional grounds on which plaintiff brought this lawsuit call only for the court to resolve the issue of who controls the property and assets of the church. A narrow approach resting on declaratory relief grounded on the election issue and possibly granting limited equitable relief necessary to afford the duly elected officers of the church with the ability to conduct secular church matters in a harmonious manner will serve the interest of church, state and justice.

Given the disparate views held by the litigants and considering the constitutional issues implicate in this case, plaintiff asks the court to consider setting on a short hearing during which the court could make further inquiry about the court's jurisdiction in this dispute. A proposed Order accompanies this brief.

DATED this 31st day of December, 2024 at Juneau, Alaska.

LAW OFFICE OF
JOSEPH W. GELDHOF

Joe G.

Joseph W. Geldhof
Alaska Bar # 8111097

Counsel for Plaintiff

CERTIFICATION of SERVICE

I certify that on this date this document
and a proposed Order was sent by e-mail to:

Jeffrey D. Troutt,
Troutt Law Offices, LLC
Post Office Box 240096
Douglas, Alaska 99824-0096
<jtroutt@me.com>

Date: December 31, 2024

Joe G.

Joseph W. Geldhof

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
FIRST JUDICIAL DISTRICT AT JUNEAU

Resurrection Lutheran Church Alaska, Plaintiff, v. Karen Lawfer et al., Defendant.	Case No. 1JU-24-00681CI **NOTICE OF PRETRIAL SCHEDULING CONFERENCE**

The pretrial scheduling conference in this case will be held on:
Date: January 10, 2024 **Time:** 8:30 am

The parties may appear telephonically by calling 1-888-788-0099, and entering conference code 261 676 7796#.

At least one of the attorneys for each party participating in this conference must have authority to enter into stipulations and to make admissions regarding all matters that the participants reasonably anticipate may be discussed. Ak. R. Civ. P. 16(c).

The meeting of the parties required by Ak. R. Civ. P. 26(f) must be held at least **14 calendar days** prior to the scheduling conference. All attorneys and unrepresented parties are jointly responsible for arranging and attending the meeting and for attempting in good faith to agree on a proposed discovery plan.

Within 10 days after the meeting of the parties, you must:
1. Submit a written report[1] outlining the proposed discovery plan and addressing the matters listed in Ak. R. Civ. P. 26(f); and
2. Complete the initial disclosures required by Ak. R. Civ. P. 26(a).

Entered at Juneau, Alaska on October 10, 2024.

Certification
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SEAL OF THE TRIAL COURTS OF THE STATE OF ALASKA FIRST JUDICIAL DISTRICT

Larry R. Woolford
Superior Court Judge

[1] *See* form CIV-203, available on the court system's website. The parties are generally free to set their own deadlines, but the Court expects that the dispositive motions deadline will be at least 12 weeks prior to trial, and that the other motions deadline will be at least 6 weeks prior to trial.