

IN THE SUPREME COURT OF THE STATE OF ALASKA

Resurrection Lutheran Church,
Karen Lawfer, Karen Perkins,
Bradley Perkins, in his
Individual Capacity and d/b/a
RLClive.org,
Appellant,

Supreme Court No. **S-19777**

Resurrection Lutheran Church,
Lisa Brendle, Kristin Cadigan--McAdoo

Appellees.

Trial Court Case No. **1JU-24-00681CI**

APPELLANTS' OPENING BRIEF

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

The Honorable Amy Mead, Superior Court Judge

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I. JURISDICTIONAL STATEMENT

This appeal is taken from the Superior Court's Final Judgment and Decree entered January 27, 2026, which dismissed the Lawfer parties' counterclaims and third-party claims and entered judgment in favor of the Brendle parties on all claims. Exc. 2. The Lawfer parties timely filed a notice of appeal on February 26, 2026. This Court docketed the matter as Supreme Court No. S-19777.

This Court has appellate jurisdiction under AS 22.05.010(a) and Alaska Rules of Appellate Procedure 202(a) and 204(a).

II. ISSUES PRESENTED

1. Ecclesiastical abstention / neutral principles. Did the superior court err by dismissing this dispute under ecclesiastical-abstention principles when the Lawfer parties' claims can be resolved by applying neutral principles of Alaska nonprofit corporate law and the Resurrection Lutheran Church ("RLC") Constitution, including C15.11 and related provisions governing council eligibility, officer authority, notice, quorum, and authority to commence litigation?

2. **Congregational versus hierarchical authority.** Did the superior court err by treating the Alaska Synod and Bishop as the final civil authority over RLC's corporate governance when the RLC Constitution vests governance in the congregation and elected council, makes the council subject to Alaska law, and does not grant the Bishop power to appoint, remove, or validate council officers?

3. Summary judgment and the record. Did the superior court misapply the summary-judgment standard by crediting unsworn statements, counsel argument, and ecclesiastical characterizations over sworn affidavits and governing documents, and by resolving disputed facts against the Lawfer parties?

4. **Ministerial exception.** Even if courts may not review the religious reasons for ending a pastor's call, did the superior court err by refusing to decide the antecedent civil question of who had legal authority to act for RLC in purporting to terminate Rev. Perkins' call?

5. Discovery. Did the superior court abuse its discretion by denying the Lawfer parties' motion to compel discovery as moot after granting dispositive relief, despite unresolved factual disputes that discovery was designed to address? Order on Pending Motions at 12; Exc. 17.

III. STATEMENT OF THE CASE

A. RLC is an Alaska nonprofit corporation governed by its written constitution.

RLC is an Alaska nonprofit corporation and an ELCA congregation located in Juneau. Its civil governance is set out in its written constitution and bylaws. Those documents establish a local congregation and a congregation council, prescribe notice and meeting procedures, impose eligibility and term-limit rules for council members, and provide that the council has the powers and obligations supplied by Alaska law. RLC Const. C8.02, C10.03, C12.02, C15.11, and related provisions; Exc. 45, 48, 50, 52.

The provisions at the center of this appeal are not matters of doctrine, sacrament, worship, or pastoral theology. They are ordinary rules for who may serve as a director/officer of a nonprofit corporation, who may call meetings, what notice is required, what quorum is required, and who may authorize litigation and control property. Those questions can be answered by reading governing documents and applying Alaska corporate law.

B. The 2024-2025 governance dispute concerned civil authority over the corporation, property, funds, and litigation.

The Lawfer parties' evidence showed that Lisa Brendle had served two consecutive three-year terms - the maximum six consecutive years allowed by RLC's governing documents - and therefore was not eligible to continue as a council member. Second Lawfer Aff. ¶¶ 1-3, 5-8; RLC Const. C12.02; Exc. 50, 54-60. The Lawfer parties also presented evidence of failures of notice, quorum defects, and lack of authorization for actions taken in RLC's name. Second Lawfer Aff.; Exc. 54-60.

The practical stakes were civil and immediate: control of bank accounts, payment of bills, possession of church property, access to the building, authority to file suit, and authority to purport to terminate Rev. Perkins' call. The Brendle parties framed those questions as ecclesiastical because RLC is a church. But the legal questions were the same questions that would arise in any nonprofit corporation: who had authority under the entity's governing documents and state law?

C. The October 2, 2025 oral argument confirms the dispute was presented as a neutral-principles case.

The oral-argument transcript is important because it confirms both what the Brendle parties asked the superior court to do and what the Lawfer parties asked the court to decide. The court opened the hearing by identifying the pending matters as the Brendle parties' motion to dismiss and the Lawfer parties' opposition and cross-motion for summary judgment. Tr. 2:10-13 (Exc. 109).

The Brendle parties expressly sought civil confirmation of their faction's authority. Their counsel told the court that, with a declaration, "the present church council leadership would be confirmed" and the church would then be allowed to carry on its work. Tr. 9:6-11 (Exc. 110). Counsel later summarized the Brendle parties' requested relief as "declaratory relief, essentially confirming the acts of the church council as administered by the two bishops and the synod." Tr. 11:1-5 (Exc. 111). Thus, the Brendle parties were not asking the court merely to abstain; they were asking for civil recognition of a particular faction as the lawful council.

The litigation sequence matters. The Brendle parties, acting in RLC's name, invoked the superior court to obtain corporate relief and civil validation of their claimed council authority. Complaint; Exc. 19-28. They did not ask the court simply to abstain. They asked for relief that would let their faction conduct RLC's organizational, financial, and facility affairs. Tr. 9:6-11 (Exc. 110); 11:1-5 (Exc. 111). Only after the Lawfer parties challenged that claimed authority under the RLC Constitution and Alaska nonprofit law

did the Brendle parties rely on ecclesiastical abstention in a way that would prevent neutral-principles review of the same authority questions.

The Lawfer parties, by contrast, asked the court to apply neutral principles to RLC's governing documents. The Lawfer parties argued that RLC was "subject to its own Constitution" and that the Constitution had been violated. Tr. 17:17-20 (Exc. 113). The relevant constitutional limit is two consecutive three-year terms, for a total of six consecutive years. RLC Const. C12.02; Exc. 50; Tr. 16:17-19 (Exc. 112). The Lawfer parties further argued that Brendle was constitutionally barred from the council, lacked authority to act for RLC, and lacked council approval to file suit. RLC Const. C11.01.01, C12.04. Tr. 18:18-22 (Exc. 114).

When the court asked whether there were limits on its jurisdiction, the Lawfer parties did not claim unlimited judicial power over church affairs. Counsel answered that the court did not have authority "without limitation" and explained that the court should apply a neutral principle derived from corporate law: "The bylaws prevail." Tr. 28:13-17 (Exc. 118). Counsel emphasized that this would not require deciding theology, who should be pastor, or who should spiritually lead the church. Tr. 28:18-24 (Exc. 118).

The Brendle parties' response underscored the legal error that later appeared in the judgment. The Brendle parties argued that applying neutral principles would require the court to interpret the church constitution, and asserted that the Bishop of Alaska was the person who interprets that constitution and is accountable to the Synod. Tr. 29:7-17 (Exc.

119). That position treated an unsworn ecclesiastical preference as a binding civil adjudication of corporate authority.

D. The superior court dismissed on abstention grounds but entered judgment and prevailing-party relief for one faction.

The superior court ultimately granted the Brendle parties' motion to dismiss, denied the Lawfer parties' summary-judgment motion, granted the Brendle parties' cross-motion for summary judgment, and denied the Lawfer parties' motion to compel discovery as moot. Order on Pending Motions at 12; Exc. 17. In the Final Judgment and Decree, the court characterized its order as making clear that it lacked jurisdiction to set aside the Synod Council's adjudication of the congregational disagreement. Final Judgment at 2; Exc. 3.

The judgment further stated that the court would not declare Brendle ineligible to serve after the Alaska Synod had determined that she was eligible, and that "[t]he Synod Council has adjudicated the dispute." Final Judgment at 3; Exc. 4. At the same time, however, the judgment declared the Brendle parties the prevailing parties because the superior court had granted summary judgment in their favor. Final Judgment at 3; Exc. 4.

That combination is the central problem in this appeal. If the court truly lacked jurisdiction to decide who lawfully controlled RLC, it could not give one faction civil victory, prevailing-party status, and practical control. If the court could grant that relief, it could and should have applied neutral principles to the written constitution and the Alaska nonprofit statutes.

The order's concluding sentence underscores the problem. After granting dispositive civil relief, the court stated that the parties "must now follow the abiding and eternal commands of their shared faith, not the fleeting, worldly demands of this secular court." Order on Pending Motions at 12; Exc. 17. The Lawfer parties do not ask a civil court to decide religious duty. They ask this Court to hold that a secular court may not replace neutral-principles adjudication with religious admonition while also entering civil judgment for one faction.

E. Post-judgment proceedings confirm the civil consequences of the ruling.

The subsequent course of proceedings confirms that the judgment did not merely leave the parties where it found them. The court's orders addressed unfreezing and accounting for financial accounts, including a Global Federal Credit Union account. Order Unfreezing and for Accounting; Exc. 61-63; Emergency Access Mot. at 3; Exc. 66. The Lawfer parties then reported that those now in control of the building were refusing to allow retrieval of personal property until they completed an internal financial review of True North Credit Union and Global Credit Union accounts. Emergency Access Mot. at 4, 8; Exc. 67, 71; Lawfer Third Aff. ¶¶ 5-8; Exc. 80-87; Merrell Aff. ¶¶ 5-7; Exc. 88-92.

The personal-property motion described the imbalance created by the judgment. The Lawfer parties sought a narrow order permitting limited, supervised access to identify, pack, and remove personal property. The motion stated that personal property valued in excess of \$10,000 remained locked inside the church, and that the Brendle parties had demanded removal while simultaneously denying meaningful access or imposing new

conditions. Emergency Access Mot. at 2-4; Exc. 65-67. The motion further stated that the January 27 judgment did not authorize the Brendle parties to hold personal property hostage pending a financial review, deem it abandoned, or condition access on concessions in unrelated disputes. Emergency Access Mot. at 2-3, 8-9; Exc. 65-66, 71-72.

The affidavits attached to that motion described continuing access denials, threats of trespass or police involvement, the handing over of unlabeled boxes instead of meaningful access, denial of elevator use, and continuing financial and medical hardship from delay. Lawfer Third Aff. ¶¶ 9-13; Exc. 80-87; Brabaw Aff. ¶¶ 4-9; Exc. 93-97; Merrell Aff. ¶¶ 5-10; Exc. 88-92; Stevens Aff. ¶¶ 4-7; Exc. 98-101. The affidavits and Exhibit A Personal Property List also confirmed that the property at issue included personally purchased or loaned musical instruments and equipment, studio and broadcast gear, concession and coffee equipment, educational materials, banners, mirrors, clothing, office and art supplies, and other items not claimed as congregational property. Emergency Access Mot. Ex. A; Exc. 74-79; Merrell Aff. ¶¶ 4, 9; Exc. 88-92; Brabaw Aff. ¶¶ 4, 8-9; Exc. 93-97; Stevens Aff. ¶¶ 3-7; Exc. 98-101.

The post-judgment pattern appears in fee and cost proceedings. The Lawfer parties opposed costs and fees on the ground that the case had been dismissed without adjudication on the merits and without any party obtaining the governance declarations it initially sought. The Lawfer parties specifically warned that awarding costs risked converting a jurisdictional dismissal into a de facto "win" for one side in an internal church dispute. Opp. Fees at 2-4; Exc. 103-105. Yet the final judgment itself had already

described the Brendle parties as prevailing because summary judgment was granted in their favor. Final Judgment at 3; Exc. 4.

IV. STANDARDS OF REVIEW

This Court reviews questions of subject-matter jurisdiction, ecclesiastical abstention, and the ministerial exception de novo. Whether the superior court applied the correct legal standard is a question of law reviewed de novo.

Summary judgment is also reviewed de novo. The Court will affirm summary judgment only if there are no genuine issues of material fact and the moving party is entitled to judgment as a matter of law; in conducting that review, all reasonable inferences of fact are drawn in favor of the party against whom judgment was entered. *Olivit v. City & Borough of Juneau*, 171 P.3d 1137, 1142 (Alaska 2007).

Discovery rulings are generally reviewed for abuse of discretion. Where a party needs additional evidence to oppose summary judgment, Alaska Civil Rule 56(f) functions as a safeguard against premature summary judgment and requests for additional time to obtain evidence should be granted freely when the need is adequately shown. *Hymes v. DeRamus*, 119 P.3d 963, 966 (Alaska 2005). Those principles matter here because the superior court denied discovery into the factual predicates of authority, notice, quorum, records, bank-account control, and Synod/Bishop communications, then entered dispositive relief on a record the Lawfer parties had not been permitted to test.

V. SUMMARY OF ARGUMENT

This case is not about doctrine, worship, sacrament, or scriptural interpretation. It is about who, under an Alaska nonprofit corporation's own written constitution and Alaska law, was eligible to serve on the congregation council and exercise civil authority over litigation, bank accounts, access to property, and corporate records.

The superior court framed the dispute as ecclesiastical because a Synod body and Bishop had expressed views about which faction should be recognized. But the Lawfer parties did not ask the court to decide theology. At oral argument, the Lawfer parties expressly limited their request to neutral principles: corporate law, bylaws, eligibility, authority, notice, and quorum. Tr. 28:13-24 (Exc. 118). The court could have resolved those questions without deciding who should preach, what doctrine should be followed, or how RLC should worship.

The error is sharpened by the relief the Brendle parties requested and received. The Brendle parties asked for declaratory relief confirming the current council leadership. Tr. 9:6-11 (Exc. 110); 11:1-5 (Exc. 111). The court then said it lacked jurisdiction to decide the parties' disagreement, but nonetheless entered summary judgment for the Brendle parties, denied discovery as moot, declared the Brendle parties prevailing parties, and allowed practical civil consequences over bank accounts, property access, and costs to follow. the Brendle parties' litigation sequence underscores the same problem: they invoked civil court to obtain corporate recognition, then invoked abstention to avoid

neutral-principles review of whether they had authority. That was not neutral abstention. It was civil deference to one faction's preferred ecclesiastical authority.

The judgment should be reversed. On remand, the superior court should apply neutral principles to RLC's governing documents and Alaska law, resolve disputed facts under ordinary civil standards, vacate the civil consequences flowing from the judgment, and avoid using ecclesiastical abstention as a shield for one faction's exercise of civil corporate power.

VI. ARGUMENT

A. THE DISPUTE IS JUSTICIABLE UNDER NEUTRAL PRINCIPLES OF LAW.

The First Amendment does not require civil courts to abandon all disputes involving religious corporations. Courts may resolve church disputes when they can do so by applying neutral principles of law - including deeds, statutes, charters, bylaws, and corporate governing documents - without resolving doctrine. *Jones v. Wolf*, 443 U.S. 595, 602-06 (1979). Alaska follows that approach. *St. Paul Church, Inc. v. Bd. of Trs. of Alaska Missionary Conf. of the United Methodist Church, Inc.*, 145 P.3d 541, 553-55 (Alaska 2006).

Herning v. Eason, 739 P.2d 167 (Alaska 1987), is especially important. There, a dispute over proxy votes affected whether a pastor would be removed. The fact that the vote concerned a pastor did not deprive the court of power to apply Alaska nonprofit law and the church's governing documents. The court could decide whether proxy votes counted because that was a civil governance question. *Id.* at 168-70.

This case is no different in the respects that matter. The Lawfer parties asked the superior court to determine whether RLC's governing documents barred Brendle from continued council service after two consecutive three-year terms, whether proper notice and quorum existed, whether the challenged actions were authorized, and whether those purporting to act for RLC could file suit and control property. Those are neutral questions. They require no interpretation of scripture, no selection of a pastor, and no decision about worship. RLC Const. C 12.02.

The oral argument confirms the point. The Lawfer parties told the court that RLC was subject to its own constitution, that the constitution had been violated, and that Brendle lacked authority to act for RLC or file suit. RLC Const. C 12.02, C11.01.01, C12.04.Tr. 17:17-20 (Exc. 113); 18:18-22 (Exc. 114). When the court asked about limits, the Lawfer parties acknowledged limits and identified the neutral principle: corporate law and bylaws. Tr. 28:13-17 (Exc. 118).

The superior court therefore erred by stopping at the word "church." If the written constitution can be read and applied without deciding doctrine, the court must do so. Otherwise, a religious nonprofit could avoid all corporate limits simply by characterizing every dispute about officers, bank accounts, and property as ecclesiastical.

B. THE COURT ERRED BY TREATING SYNOD/BISHOP STATEMENTS AS CONTROLLING CIVIL AUTHORITY.

Civil courts must respect religious decisions within a church's sphere of spiritual authority. But that respect does not permit a court to give binding civil effect to an

asserted ecclesiastical determination unless the governing documents actually make that body the relevant decision-maker for the civil question at issue.

The RLC Constitution vests governance in the congregation and council and subjects the council to Alaska law. RLC Const. C1.03. Nothing in the materials identified by the Lawfer parties gives the Bishop unilateral power to appoint council members, excuse term-limit violations, validate defective notice, authorize litigation, or confer control over bank accounts.

The Brendle parties argued otherwise by asserting that the Bishop interprets the church constitution and is accountable to the Synod. Tr. 29:12-17 (Exc. 119). But that is precisely the point the superior court was required to examine under neutral principles. If RLC's written constitution gives the Bishop such authority, the Brendle parties could identify the text. If it does not, the court could not supply that authority by deference.

The final judgment effectively treated Synod Council action as dispositive, stating that the court lacked jurisdiction to set aside the Synod Council's adjudication and would not declare Brendle ineligible after the Synod had determined otherwise. Final Judgment at 2-3. That reasoning bypassed the threshold civil question: did the RLC Constitution give the Synod or Bishop final civil authority over RLC council eligibility and corporate office? the Lawfer parties' position is that it did not. At minimum, the record created a disputed issue requiring ordinary civil adjudication, not dismissal.

C. THE COURT MISAPPLIED SUMMARY-JUDGMENT STANDARDS AND RESOLVED DISPUTED FACTS AGAINST APPELLANTS.

The superior court granted dispositive relief in a posture where the Lawfer parties had presented sworn evidence and governing documents raising factual disputes. The Lawfer parties' evidence addressed Brendle's years of service, term-limit eligibility, notice defects, quorum, disputed authority to file suit, disputed control over funds and property, and the asserted absence of constitutional authority for Synod or Bishop control. Lawfer Affidavits and Exhibits thereto.

In particular, the Lawfer parties presented evidence that Lisa Brendle did not have authority to sit on the Council, and having served two three-year terms, she had served the maximum of six consecutive years. RLC Const. C 12.02. The evidence took the form of a sworn affidavit from Karen Lawfer. Lawfer Second Aff. ¶ 3. Opposition to summary judgment occurs when a sworn affidavit raises an issue of material fact. Civ. Rule 61. There could be no fact more material than whether the purported council member who initiated the lawsuit, the ONLY Council member named as a plaintiff, had the actual authority to serve on the Council. RLC Const. C1.03, C11.01.01, C12.04.

The Superior Court's response to the creation of this material fact was to dismiss the affidavit as "self-serving" and in contradiction of the facts raised by the Brendle parties. Order on Pending Motions at 11; Exc. ___. The Superior Court not only failed to properly enforce the principles of Summary Judgment, it took the material fact raised by Lawfer—under oath and based upon personal knowledge of the facts--and resolved it by

contradictory facts raised by the Brendle parties. Order on Pending Motions at 12; Exc. 17.

The Court's rationale was that the Bishop found that the Council was properly constituted, with Brendle as President. The Bishop said nothing in relation to the term limitation applicable to Brendle. That limitation was not to serve more than six years as an officer of the Council. That limitation is painfully clear under the Church's by-laws, C12.02; Exc. 50; Second Lawfer Affidavit ¶ 3; Exc. 54-60. The Bishop's decision that Brendle was the President of the Council did not mean that the Bishop could not count past six, but that the Bishop purposefully ignored the rules under which the Church members had committed themselves to be governed. The Superior Court could also count to six, and the only way the court could support the Bishop's findings would be to ignore Herning and permit the Church to operate outside of its own rules, a result prohibited by Herning.

Olivit confirms the governing summary-judgment standard. Summary judgment is proper only when the record contains no genuine factual dispute and the moving party is entitled to judgment as a matter of law, with all reasonable inferences drawn for the party against whom judgment was entered. Olivit at 171 P.3d at 1142. That rule required the superior court to test the Brendle parties' showing under ordinary civil standards. It did not permit the court to resolve disputes over Brendle's eligibility, notice, quorum, authority to sue, and control of property and accounts by accepting ecclesiastical

characterizations, counsel argument, or unsworn statements about what the Bishop or Synod believed.

The Brendle parties responded largely with ecclesiastical characterizations, counsel argument, and unsworn statements regarding what the Bishop or Synod believed. Those materials do not eliminate factual disputes about eligibility, notice, authorization, or corporate authority. Nor do they transform disputed civil facts into ecclesiastical facts immune from review.

The oral argument shows the contested nature of the record. The Lawfer parties argued that Brendle was constitutionally barred, that actions after her purported election were ultra vires, and that there were failures of notice and quorum. Tr. 18:18-25 (Exc. 114); 19:1-15 (Exc. 115); 20:15-25 (Exc. 116); 25:9-13 (Exc. 117). The Brendle parties responded that the Bishop and Synod had taken a "very hard look" and determined the election was valid. Tr. 29:23-30:2 (Exc. 119-120). The court then adopted the latter premise as dispositive.

That was summary judgment in reverse. Rather than draw inferences in favor of the Lawfer parties, the court accepted the moving faction's ecclesiastical narrative and dismissed the opposing faction's sworn record. If factual disputes remained, the court was required to deny summary judgment. If the court believed it lacked jurisdiction to decide those facts, it could not simultaneously grant summary judgment and prevailing-party status to the Brendle parties.

D. THE MINISTERIAL EXCEPTION DOES NOT BAR THE THRESHOLD AUTHORITY QUESTION.

The Lawfer parties do not ask a civil court to decide whether Rev. Perkins should be pastor as a matter of faith, doctrine, or church discipline. Nor do they ask the court to second-guess religious reasons for ending a call. The question is antecedent and civil: who had authority to act for the Alaska nonprofit corporation called RLC when the purported termination occurred?

The ministerial exception protects religious bodies from civil interference in ministerial selection and employment decisions. It does not prevent a court from determining whether the persons who purported to act for a religious corporation had civil authority under the corporation's governing documents. *Herning* illustrates the distinction: even though counting proxy votes affected whether a pastor would be removed, the court could enforce neutral voting rules. *Herning*, 739 P.2d at 168-70.

If the ministerial exception applied whenever a governance dispute affected a pastor, church corporations could evade neutral rules governing elections, notice, quorum, and officer eligibility by connecting every dispute to pastoral employment. That is not neutral principles; it is categorical immunity for corporate governance violations.

The superior court should have separated the questions. It could decline to evaluate religious reasons for Rev. Perkins' termination while still deciding who, if anyone, lawfully had authority to act for RLC. Its failure to make that distinction requires reversal.

E. THE JUDGMENT FUNCTIONED AS CIVIL RELIEF FOR ONE FACTION WHILE DISCLAIMING JURISDICTION.

The superior court's order cannot be defended as a simple refusal to decide. The Brendle parties asked for declaratory relief confirming the present council leadership. Tr. 9:6-11 (Exc. 110); 11:1-5 (Exc. 111). The court then granted the Brendle parties' cross-motion for summary judgment and treated the Brendle parties as prevailing parties. Order on Pending Motions at 12; Exc. 17; Final Judgment at 3; Exc. 4. Those are civil consequences, not mere abstention.

That sequence matters. The Brendle parties used the civil court as both a sword and a shield: first to obtain recognition of their asserted corporate authority, then to avoid neutral-principles review of whether that authority existed. The Lawfer parties do not contend that constitutional limits on religious-question adjudication can be waived by litigation conduct. The point is narrower. Once the superior court accepted the Brendle parties' abstention theory, the remedy had to be real abstention - not summary judgment, prevailing-party status, discovery denial, costs, and practical civil control for the same faction whose authority the court refused to examine.

Olivit also shows why the form of the superior court's judgment matters. In Olivit, prevailing-party status followed because the defendants actually prevailed on summary judgment. Olivit, 171 P.3d at 1147-48. The Lawfer parties do not dispute that ordinary rule. The point here is different: a court cannot say it lacks jurisdiction to decide which faction had civil corporate authority, then use summary judgment and prevailing-party consequences to give one faction the practical civil benefits of that undecided authority

dispute. If abstention applies, the court should abstain from conferring civil control. If summary judgment and prevailing-party consequences are proper, then neutral-principles adjudication of the disputed civil authority questions is also proper.

The order's religious dictum confirms the mismatch between what the court said and what it did. A civil court may decline to decide religious questions. But after declining jurisdiction, the superior court did not simply step back. It granted one side summary judgment, denied discovery as moot, and ended by instructing the parties to follow "the abiding and eternal commands of their shared faith" rather than the "worldly demands" of the court. Order on Pending Motions at 12; Exc. 17. That is not neutral abstention from civil power; it is a civil judgment accompanied by religious direction.

A court cannot disclaim jurisdiction to decide neutral governance questions while entering orders that effectively implement one side's claim to governance authority. If abstention applies, the court should not confer prevailing-party status or practical civil control on the faction it declines to examine. If civil relief over accounts, property, and costs is proper, then neutral-principles adjudication of authority is also proper.

F. THE DENIAL OF DISCOVERY COMPOUNDED THE SUMMARY-JUDGMENT ERROR.

The superior court denied the Lawfer parties' motion to compel discovery as moot only after granting dismissal of Rev. Perkins' employment claims and summary judgment to the Brendle parties on all remaining claims. Order on Pending Motions at 12. That sequence matters.

The discovery at issue went to the factual predicates of civil authority: notice, quorum, records, bank-account control, authority to sue, and communications with Synod/Bishop decision-makers *Mot. Compel*; R. 884 *et seq.* Those facts were directly relevant to whether the persons purporting to act for RLC had civil authority under the governing documents and Alaska law.

Alaska Civil Rule 56(f) is a safeguard against premature summary judgment, and requests for additional time to obtain evidence should be granted freely when the party explains why the evidence is needed. *Hymes*, 119 P.3d at 966. Even if the motion below was styled as a motion to compel rather than a Rule 56(f) request, the same principle applies: a court should not deny discovery into disputed corporate authority and then grant summary judgment on a disputed record.

The discovery ruling therefore compounded the summary-judgment error. The Lawfer parties were not permitted to test the evidence on which the Brendle parties' claimed authority depended, yet the court entered dispositive relief and prevailing-party consequences in favor of the Brendle parties. Reversal is required so the superior court can either adjudicate the neutral issues under ordinary civil standards after appropriate discovery, or genuinely abstain without awarding one faction civil victory.

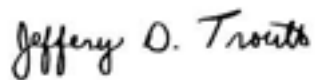
VII. CONCLUSION

This case should be remanded for what the Lawfer parties requested from the beginning: a neutral-principles adjudication of who had civil authority under RLC's written constitution and Alaska nonprofit law. The superior court did not avoid

entanglement by deferring to one faction's preferred ecclesiastical authority while granting that faction summary judgment, prevailing-party status, and practical control over civil property and accounts. It created the very entanglement neutral principles are designed to avoid.

The Lawfer parties respectfully request that this Court reverse the Final Judgment and Decree, vacate the dismissal, summary-judgment ruling, discovery ruling, prevailing-party consequences, and religious dictum to the extent they have civil effect, and remand with instructions to apply neutral principles of Alaska law to RLC's governing documents and the admissible record.

RESPECTFULLY SUBMITTED this 20th day of July 2026.



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Certificate of Typeface and Word Count

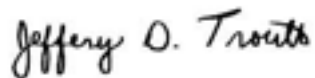
This brief was prepared in Times New Roman 13-point typeface. Its approximate word count is 5,400 words.

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Certificate of Service

[COUNSEL TO COMPLETE AFTER SERVICE: I certify that on _____, 2026, the corrected Appellants' Opening Brief and Excerpt of Record were served on all counsel and parties of record through the Alaska Court System's electronic filing system, and by email where required or agreed.]



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