

In the Supreme Court of the State of Alaska

Karen Lawfer, et al.,
Appellants,

v.

Resurrection Lutheran Church, et al.,
Appellees.

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

Supreme Court No. **S-19777**

Order

Extend Time to File Brief

Date of Order: **8/26/2026**

On 8/25/2026, Resurrection Lutheran Church, et al. filed a Routine Motion for Extension of Time to File the Appellee's Brief.

IT IS ORDERED: The motion is **GRANTED**. The Appellee's brief is now due on or before **9/25/2026**.

Entered under Appellate Rule 503.5(b).

Clerk of the Appellate Courts



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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.

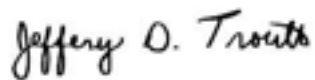
VII. CONCLUSION

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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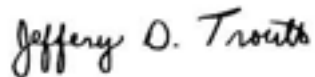
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Certificate of Service

I certify that on August 16, 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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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 KRISTIN CA- DIGAN-MCADOO and UNKNOWN PARTIES, Third-Party Defendants.	Case No. 1JU-24-00681 CI ORDER GRANTING MOTION TO DISMISS, DENYING MOTION FOR SUMMARY JUDGMENT, GRANTING CROSS-MOTION FOR SUMMARY JUDGMENT, AND DENYING MOTION TO COMPEL

Plaintiff Resurrection Lutheran Church (“RLC”), Counter-Defendant/Third-Party Defendant Lisa Brendle, and Third-Party Defendant Kristin Cadigan-McAdoo (collectively, the plaintiffs or RLC), seek dismissal of any claims arising from Defendant Karen Perkins’ employment by RLC.¹

¹ Case motion 10.

Perkins opposes the motion to dismiss, and she, Karen Lawfer, and Brad Perkins (collectively, the defendants) move for summary judgment.²

The defendants have also filed a motion to compel discovery.³

The plaintiffs oppose summary judgment and cross-move for summary judgment.⁴

1. BACKGROUND AND PROCEDURAL HISTORY

After the initiation of this litigation between church factions, the court, *sua sponte*, raised the ecclesiastical abstention doctrine and directed the parties to brief which claims and counterclaims are subject to the court's civil jurisdiction.

RLC identifies three broad categories of claims. First, there are claims by RLC seeking validation of the election of its officials necessary to conduct the organizational needs and financial affairs of the church.⁵ RLC argued that the court has jurisdiction to adjudicate these issues, *but may need to defer to church authority with respect to the proper election of church officials and practical issues related to the use of church facilities and assets*.⁶ Second, there are doctrinal matters over which the court plainly lacks jurisdiction.⁷ Finally, there are employment claims over which, RLC argues, the court lacks jurisdiction.

Defendants also break down the claims into three categories. First, matters related to the election of officers to the church council, including claims of illegal notice and of bullying that affected the outcome.⁸ Second, the ending of Pastor Karen Perkins' call.⁹ Finally, missing funds from a church bank account.¹⁰ Defendants argue that the court has jurisdiction over all these claims.

² Case motion 17.

³ Case motion 14.

⁴ Case motion 19.

⁵ RLC's *Brief on Jurisdiction (RLC Brief)*, pp. 2-3. *See also Verified Complaint for Declaratory Relief and Potential Equitable Relief ("Complaint")*, ¶¶ 1, 2, 13-15, 20-24.

⁶ *RLC Brief*, p. 3 (emphasis added). RLC's concession of jurisdiction was half-hearted, at best, and is at least somewhat at odds with the position it now takes.

⁷ *Id.* *See also Answer, Counterclaim and Third-Party Complaint ("Answer")*, 1 ("This dispute is fundamentally about disagreements in doctrine and the application of the applicability [sic] of Christian ethics and codes of behavior to intra-church relationships, elections, and the broader mission of the Church in the World.").

⁸ Defendants' *Brief on Ecclesiastical Abstention Doctrine ("Defendants' Brief")*, 7-10.

⁹ *Id.* at 10-12.

¹⁰ *Id.* at 12.

2. FACTS

Resurrection Lutheran Church of Juneau, Alaska (“the church”) has been a worshipping congregation since 1926.¹¹

The church is incorporated under the laws of Alaska.¹² It is governed by its Constitution and Bylaws (“Constitution”), which were last amended on February 25, 2024.¹³ It is an “interdependent part of the Evangelical Lutheran Church in America (“ELCA”), and of the Alaska Synod of the Evangelical Lutheran Church in America (“Alaska Synod”).”¹⁴

The church constitution specifically addresses disagreements within the congregation:

When there is a disagreement between or among factions within this congregation on a substantive issue which cannot be resolved the parties, members of this congregation may petition the synod bishop for consultation after information the president of this congregation of their intent to do so. The synod bishop shall seek a timely resolution of the dispute. If the issue relates directly to the pastor, the bishop may begin the process in †S14.18.d. In all other matters, the bishop shall refer the matter to the Consultation Committee of the Synod, which shall undertake efforts to find an appropriate solution. If the Consultation Committee’s efforts fail to resolve the dispute, the entire matter shall be referred to the Synod Council for adjudication by whatever process the Council deems necessary. The Synod Council’s decisions shall be final.¹⁵

The congregation is presently riven by substantive disagreements that led to this litigation and which underlie the factions’ competing motion practice: who controls the operations of the church, including its religious and ministerial practices, and who controls the church facilities and finances?

¹¹ Declaration of Kendall D. Koelsch (“Koelsch”), ¶ 4; Declaration of Timothy Oslovich (“Oslovich”), ¶ 3.

¹² Exhibit 1, C1.03. Neither the Constitution nor the parties specify the church’s status. While counsel referred to it as a “creature of the state” during oral argument, it is unclear if the church is a religious corporation under AS 10.40 or a different entity type. While this distinction does not matter for purposes of this order, certain important consequences follow entity choice. For instance, AS 10.40 does not authorize proxy voting, the issue addressed in *Herning v. Eason*, 739 P.2d 167 (Alaska 1987).

¹³ *Motion for Summary Judgment*, Exhibit 1.

¹⁴ Exhibit 1, *C6.01.

¹⁵ Exhibit 1, *C15.11.

On February 4, 2024, the church elected 10 church members to 3-year terms on the Congregation Council.¹⁶ On March 7, 2024, that new Council met and elected new officers.¹⁷ Lawfer describes the election of these “minority-side” members as a “surprising turn of events” and alleges that the election was tainted by “bullying, harassment and swarming” of a council member.¹⁸

On May 3, 2024, Alaska Synod Bishop Shelly Wickstrom, concerned about the church’s ability to financially support a full-time pastoral ministry, requested a congregational meeting for June 9, 2024.¹⁹ The issues to be addressed in this meeting came in large part from a March 21, 2023 Assessment and Recommendations document from Bishop Wickstrom, including a decline in active membership, financial challenges, struggles to make decisions about “their congregational life,” and the need for “clarity of vision and purpose.”²⁰ The assessment characterized the growing disagreement in the congregation: “There is a false dichotomy festering between those who are energized by social ministry and those who hunger for more reverent worship who are assumed to be the bigger financial donors. This is unhealthy for the congregation and reveals a lack of spiritual grounding.”²¹

On May 16, 2024, eleven Council members attended a meeting regarding conflict resolution and bullying with Rev. Laurin Vance, a Lutheran Conflict Mediation Facilitator.²² As Brendle called the meeting to order, Lawfer interrupted, declared the current Council illegitimate, reclaimed the presidency and identified new officers.²³

Lawfer presented corrected minutes of the March 7, 2024 meeting, which declared that “Due to election violations of Resurrection Lutheran Church’s (RLC) Meeting Code of Conduct) that changed the outcome of the election, all acts of the illegitimately elected officers and, therefore, the council, are null and void as being tainted from the date of this meeting to May 16, 2024.”²⁴ Lawfer alleges that Brendle was ineligible to serve because, based on Lawfer’s review of prior council minutes, she had already served for six

¹⁶ Koelsch at ¶ 12.

¹⁷ *Id.* at ¶ 14.

¹⁸ Affidavit of Karen Lawfer (“Lawfer”) ¶ 2.c. *See also* Exhibit 4.

¹⁹ Koelsch at ¶ 19.

²⁰ *Id.* at ¶ 20. *See also* Attachment 3.

²¹ *Id.*

²² *Id.* at ¶ 21.

²³ *Id.* at ¶ 25. *See also* Lawfer at ¶ 2.c.

²⁴ Lawfer, Exhibit 4.

consecutive years.²⁵ Seven of the voting council members, including Perkins and Lawfer, subsequently claimed that they would have voted differently had they “not been unduly influenced in violation of the Basic Rules of the RLC Meeting Code of Conduct.”²⁶

The following day, Lawfer notified the congregation by email that she was now the Council president. In the interim, the ostensibly ousted members sought the assistance of the Alaska Synod.²⁷

Lawfer attempted to cancel Bishop Wickstrom’s June 9, 2024 congregational meeting, denying access to the church sanctuary. The meeting was held in the library.²⁸

Thirty members, a quorum, attended physically or by Zoom.²⁹ They voted to reduce the full-time pastoral ministry to half-time and voted against continuing the call of Perkins.³⁰

On September 10, 2024, the Synod Council met to adjudicate disagreements among members of the church.³¹ The adjudication followed the petition of two congregation members.³²

On September 12, 2024, the Synod Council notified the church Councilmembers and Perkins of its decisions. The Synod Council determined that the officers of the church were the people elected at the March 7, 2024 Church Council Meeting (Brendle as President, Dolores Graver as Vice President, Cadigan-McAdoo as Treasure, Koelsch as Secretary). It determined that the June 9, 2024 Congregation Meeting was “legally called and conducted and that the decisions made at that meeting [were] valid.” Finally, it determined that Perkins’ “call to serve Resurrection Lutheran Church ended on June 30, 2024.” The Synod Council called on Perkins and all members of the church to abide by these decisions.³³

²⁵ Lawfer at ¶¶ 1.c., 7. The prior council minutes do not accompany the defendants’ motion or Lawfer’s affidavit.

²⁶ Exhibit 3.

²⁷ *Id.* at ¶¶ 31, 33.

²⁸ *Id.* at ¶¶ 34-38.

²⁹ *Id.* at ¶¶ 39-41. *See also* Exhibit 1, C10.04.

³⁰ *Id.* at ¶¶ 42-45.

³¹ Koelsch, Attachment 6.

³² *Id.* *See also* Lawfer at ¶ 8.

³³ Koelsch, ¶ 70 and Attachment 6. *See also*, generally, Oslovich.

On September 21, 2024, Bishop Tim Oslovich, Bishop of the Alaska Synod of the Evangelical Lutheran Church of Alaska, confirmed the Synod Council’s decisions in his own letter to the church community.³⁴

3. LAW

3.1. Motion to Dismiss

Lack of jurisdiction, unless the court orders otherwise, must be determined before trial.³⁵ “Whenever it appears by suggestion of the parties or otherwise that the court lacks jurisdiction of the subject matter the court shall dismiss the action.”³⁶

Motions to dismiss are viewed with disfavor and should rarely be granted.³⁷

3.2. Motions for Summary Judgment

Summary judgment is proper if the moving party establishes that there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law.³⁸ All reasonable inferences are drawn in favor of the non-moving party.³⁹ The non-moving party must “demonstrate that a genuine issue of fact exists to be litigated by showing that it can produce admissible evidence reasonably tending to dispute the movant’s evidence.”⁴⁰ Unsupported assumptions and speculations are not sufficient to establish a genuine issue of material fact.⁴¹

³⁴ Koelsch, ¶ 71 and Attachment 7. *See also* Oslovich at ¶ 17a-f, which provides a detailed account of the efforts to resolve the dispute, including the adjudication process, from the request for consultation, to the referral to the Alaska Synod Consultation Committee, to arbitration before the Alaska Synod Council. *See also* Oslovich, generally, for the interplay between the church Constitution and the Alaska Synod Constitution.

³⁵ Ak. R. Civ. P. 12(d). Lack of subject matter jurisdiction

³⁶ Ak. R. Civ. P. 12(h)(3).

³⁷ *Kollodge v. State*, 757 P.2d 1024 (Alaska 1988). *Neese v. Lithia Chrysler Jeep of Anchorage, Inc.*, 210 P.3d 1213 (Alaska 2009).

³⁸ *Christensen v. Alaska Sales & Serv., Inc.*, 335 P.3d 514, 517 (Alaska 2014).

³⁹ *Greywolf v. Carroll*, 151 P.3d 1234, 1240 (Alaska 2007).

⁴⁰ *French v. Jadon, Inc.*, 911 P.2d 20, 23 (Alaska 1996).

⁴¹ *Id.* at 26 (stating that once an employer has provided admissible evidence that an employee was terminated for legitimate reasons, the employee must offer more than inadmissible personal guesses, assumptions, opinions, and speculations in order to raise a genuine issue of material fact); *Christensen*, 335 P.3d at 520 (citing *Peterson v. State, Dep't of Natural Res.*, 236 P.3d 355, 367 (Alaska 2010) and *Mahan v. Arctic Catering, Inc.*, 133 P.3d 655, 661 (Alaska 2006)).

3.3. Ecclesiastical Abstention and the Ministerial Exception

3.3.1 *The ecclesiastical abstention doctrine*

More than one hundred fifty years ago, the Supreme Court “began to place matters of church government and administration beyond the purview of civil authorities.”⁴² Under the ecclesiastical abstention doctrine, civil courts cannot delve into matters that focus on “theological controversy, church discipline, ecclesiastical government, or the conformity of the members of a church to the standard of morals required of them....”⁴³

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.⁴⁴ The dissident faction appealed a state court’s decision that it was bound by the ecclesiastical ruling.⁴⁵ 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.⁴⁶

Nearly a century 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.⁴⁷ 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 rights, are accepted in litigation before the secular courts as conclusive, because the parties in interest made them so by contract or otherwise.⁴⁸

⁴² *McClure v. Salvation Army*, 460 F.2d 553, 559 (5th Cir. 1972).

⁴³ *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)).

⁴⁴ 80 U.S. 679 (1871).

⁴⁵ *Id.* at 687.

⁴⁶ *Id.* at 727.

⁴⁷ 280 U.S. 1 (1929).

⁴⁸ *Id.* at 16.

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.”⁴⁹ In *Kreshik v. St. Nicholas Cathedral*,⁵⁰ 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.”⁵¹

Alaska has embraced the general tenor of this line of cases. “[N]o value has a higher place in our constitutional system of government than that of religious freedom.”⁵²

3.3.2 *The ministerial exception*

From this general principle stems the “ministerial exception,” which precludes the application of “laws governing the employment relationship between a religious institution and certain key employees.”⁵³ “[It] is impermissible for the government to contradict a church’s determination of who can act” in these critical roles.⁵⁴ “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.”⁵⁵

“By its terms, the rule permits no exceptions. It is categorical.”⁵⁶

“Delineating a religious organization’s decisions between religious and secular would create excessive entanglement between the church and state, given the coercive

⁴⁹ 344 U.S. 94, 107 (1952).

⁵⁰ 363 U.S. 190, 191 (1960).

⁵¹ *Kedroff*, 344 U.S. at 116.

⁵² *Frank v. State*, 604 P.2d 1068, 1070 (Alaska 1979)

⁵³ *Our Lady of Guadalupe Sch. V. Morrissey-Berru*, 591 U.S. 732, 737, 140 S.Ct. 2049, 207 L.Ed.2d 870 (2020).

⁵⁴ *Hosanna-Tabor Evangelical Lutheran Church and Sch. V. EEOC*, 565 U.S. 171, 185, 132 S.Ct. 694, 181 L.Ed.2d 650 (2012).

⁵⁵ *McClure*, 460 F.2d at 558-59.

⁵⁶ *Markel v. Union of Orthodox Jewish Congregations of America*, 124 F.4th 796, 803 (9th Circuit 2024), cert. denied, 145 S.Ct. 2822 (2025).

nature of the discovery process.”⁵⁷ “A religious institution’s decisions, even if facially secular, are often intertwined with religious doctrine.”⁵⁸

4. ANALYSIS

4.1. The Plaintiffs’ Motion to Dismiss

4.1.1 *The church is hierarchical, not congregational. The ecclesiastical abstention doctrine and the ministerial exception apply.*

Defendants asserts that the church Constitution vests authority in the congregation and its elected council, not in any higher ecclesiastical body.⁵⁹ Defendants attach and refer to that Constitution but ignore its plain language.⁶⁰

The church is “interdependent” with ELCA and the Alaska Synod.⁶¹ It is subject to ELCA discipline.⁶² Its pastor must be a member of the roster of Ministers of Word and Sacrament of ELCA.⁶³ If the church ceases to exist, its undisposed property passes to the Alaska Synod.⁶⁴

And, most telling, and essentially dispositive, it accepts the final authority of the Alaska Synod with respect to the adjudication of congregational disagreements.⁶⁵

Perkins argues that she simply challenges the legal authority of one congregational faction to terminate her employment, “not the church’s religious reasons for doing so.”⁶⁶ She argues that the court can resolve this matter by applying neutral principles of law: “the [court] only needs to interpret the church’s bylaws and state statutes.”⁶⁷

In *St. Paul Church, Inc. v. Board of Trustees of the Alaska Missionary Conference of the United Methodist Church*, the Alaska Supreme Court adopted the “neutral principles”

⁵⁷ *Markel*, 124 F.4th at 808.

⁵⁸ *Id.*

⁵⁹ *Defendants’ Motion for Summary Judgment*, 7.

⁶⁰ “[T]o attempt to so interfere through a *C15.11/S17.11 adjudication, would be a constitutional travesty. Lawfer at ¶ 2.d. The defendants cannot choose which portions of their Constitution to follow and which to decry as a travesty. The document must be read as a whole.

⁶¹ Exhibit 1, *C6.01.

⁶² *Id.*

⁶³ *Id.* at *C9.02.

⁶⁴ *Id.* at *C7.01.

⁶⁵ *Id.* at *C15.11.

⁶⁶ *Opposition to Motion to Dismiss*, p. 8.

⁶⁷ *Opposition to Motion to Dismiss*, 7.

approach “when resolving property disputes between religious organizations.”⁶⁸ The principle requires courts to examine the deeds to the property, the charter of the church, the “book of order or discipline” of the general church, and the “applicable state statutes.”⁶⁹

While the governance issues in this dispute incidentally involve property, the court has already reviewed the “charter of the church.” The defendants vaguely reference a single state statute,⁷⁰ requiring corporate directors to act in accordance with governing documents, to argue that Brendle’s *ultra vires* actions were void.

As noted above, the court has interpreted the church’s bylaws, which mandate precisely the actions that the Alaska Synod has taken, consistent with the church’s Constitution. The respective powers of the feuding factions, including their power to terminate Perkins’ call, have been determined by ecclesiastical authority

In *Herning v. Eason*, the Supreme Court rejected a “free exercise” claim and held that a church’s bylaws did not prohibit proxy voting.⁷¹ This limited holding does not control here, where the aggrieved defendants seek to overturn a church election and install a substitute slate of officers. The court will not declare Brendle ineligible to serve after the Alaska Synod has determined that she is.

Any purportedly “neutral principle” in this context could only inappropriately entangle the court in the church’s mission.

There is clearly a substantive disagreement between congregational factions, “an unfortunate schism ... about the mission and policies of the church and the ministry of ... Perkins,” in the words of Bishop Oslovich.⁷² The Synod Council has adjudicated the dispute.

The defendants effectively seek to appeal the decision of an ecclesiastical adjudicative body to this secular court. The court will not accept that call. No neutral principle permits the court to ignore the procedure set out in the church’s own governing documents, and no conceivable conception of this court’s power allows it to regulate the mission and policies of this church in crisis.

Because it lacks jurisdiction over Perkins’ claims regarding employment, the court will grant the plaintiffs’ *Motion to Dismiss*.

⁶⁸ 145 P.3d 541, 553 (Alaska 2006).

⁶⁹ *Id.*

⁷⁰ AS 10.06.483. *Opposition to Motion to Dismiss*, 9.

⁷¹ 739 P.2d 167, 168 (Alaska 1987).

⁷² Oslovich at ¶ 16.

4.2. The Defendants' Motion for Summary Judgment

The court cannot grant summary judgment in favor of the defendants.

All, or nearly all, of the facts in their Statement of Facts⁷³ are either explicitly contested, or unsupported speculation.⁷⁴

The defendants assert that Brendle's tenure on the council and her actions as council president are void because she exceeded a six-year limitation for service in the church Constitution. The only source for this allegation is Lawfer's self-serving affidavit, and it is directly disputed by the Synod Council's determination that the March 7, 2024 election was properly conducted and that the officers elected thereby were properly elected. On that basis, alone, summary judgment is inappropriate.

The defendants assert that a Meeting Code of Conduct prohibiting, among other behavior, "yelling, screaming, bullying, harassing or swarming" was adopted and enforceable.⁷⁵ The plaintiffs directly dispute this contention.⁷⁶ The only details of the alleged bullying, and of other outrageous and shocking behavior, are buried in an unsupported footnote.⁷⁷ The court can no more enforce a disputed vaguely worded anti-bullying provision than it can require the parties to follow the golden rule.⁷⁸

Similarly, the defendants' briefing refers in a footnote to Brendle's resignation and a letter explaining it, and speculates about her inner thoughts, while conceding that they "cannot vouch for the validity of the letter."⁷⁹ The passionate arguments of counsel will not support summary judgment.

Because there are multiple genuine issues of material fact, the court cannot grant the defendants' *Motion for Summary Judgment*.

4.3. The Plaintiffs' Cross-Motion for Summary Judgment

The court has already determined that the ecclesiastical abstention doctrine bars Perkins' employment claims, but the same analysis applies to all remaining claims.

⁷³ *Defendants' Motion for Summary Judgment*, 3-6.

⁷⁴ Compare Koelsch at ¶¶ 12-15, 17-32 with Lawfer and Exhibit 3. *See also* Affidavit of Kristin Cadigan-McAdoo, ¶ 5; *see also* Oslovich at ¶ 17.

⁷⁵ Lawfer, Exhibit 2.

⁷⁶ Koelsch at ¶¶ 22-23 and Attachment 4.

⁷⁷ *Defendants' Motion for Summary Judgment*, p. 9, fn. 7.

⁷⁸ "Therefore all things whatsoever ye would that men should do to you, do ye even so to them: for this is the law and the prophets." Matthew 7:12 (King James Version).

⁷⁹ *Id.* at 6, fn. 5. *See also* Lawfer, ¶ 1.d. & Ex. 1.

Because the ecclesiastical abstention doctrine applies, and because there are no neutral principles that would allow the court to decide this dispute without impermissibly intruding into the church's mission and policies, the court lacks jurisdiction over the defendants' remaining claims. No disputed material facts can overcome this legal determination, and the court will grant the plaintiffs' *Cross-Motion for Summary Judgment*.

4.4. Defendants' Motion to Compel Discovery

Because the court has granted the motion to dismiss Perkins' employment claims, and granted summary judgment to the plaintiffs on all remaining claims, the defendants' motion to compel discovery is DENIED AS MOOT.

5. CONCLUSION

For the reasons stated above, the plaintiffs' *Motion to Dismiss* is GRANTED.

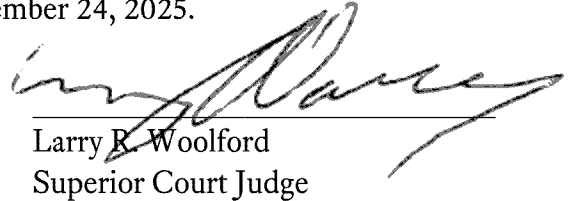
The defendants' *Motion for Summary Judgment* is DENIED.

The plaintiffs' *Cross-Motion for Summary Judgment* is GRANTED.

The defendants' *Motion to Compel Discovery* is DENIED AS MOOT.

The parties must now follow the abiding and eternal commands of their shared faith, not the fleeting, worldly demands of this secular court.

SO ORDERED at Juneau, Alaska, on November 24, 2025.


Larry R. Woolford
Superior Court Judge

Alaska Trial Courts

Certificate of Distribution

Case Number: 1JU-24-00681CI

Case Title: RESURRECTION LUTHERAN CHURCH ALASKA VS. LAWFER, KAREN

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**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)
KRISTIN CADIGAN-)
McADOO and **UNKNOWN**)
PARTIES,)
Third-Party Defendants.)

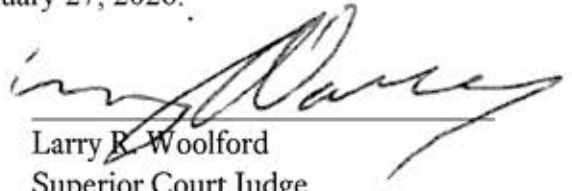
FINAL JUDGMENT and DECREE

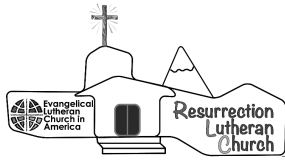
By the *Order Granting Motion to Dismiss, Denying Motion for Summary Judgment, Granting Cross-Motion for Summary Judgment, and Denying Motion to Compel* dated November 24, 2025, this Court has addressed the substantive merits of the various claims advanced by the parties in this case.

Accordingly, **JUDGMENT** and a **FINAL DECREE IS HEREBY ENTERED** in this dispute in favor of the plaintiff as the prevailing party.

Plaintiff shall file a motion for recovery of allowable costs and allowable fees within 10 days of entry of this judgment.

SO ORDERED, at Juneau, Alaska, on January 27, 2026.


Larry R. Woolford
Superior Court Judge



One-Page Constitutional Overview

Why This Is a Governance Dispute – Not an Ecclesiastical One

This dispute arises from efforts by a small faction within Resurrection Lutheran Church (RLC) – backed by former Bishop Shelley Wickstrom and, more recently, Bishop Timothy Oslovich—to bypass RLC’s constitutionally defined governance by unlawfully removing Pastor Karen Perkins and reasserting control over ministries and finances.

Key Constitutional Violations

1. Unauthorized Congregational Meeting (June 9, 2024)

- **Violation:** Called by bishop without council authorization; used a **51% vote threshold** to “end call” (C9.05 requires **2/3**).
- **Status:** Actions taken at this meeting are **void** under RLC’s constitution.

2. Improper Reappointment of Council Officers

- **Violation:** The bishop cannot appoint or reappoint council officers (C11.01.01 requires council election of officers).
- **Result:** Lisa Brendle’s “reappointment” as president had **no legal basis**.

3. Term Limit Breach

- **Violation:** Lisa Brendle exceeded the six-year term limit for council service in 2024 (C12.02).
- **Result:** She was **ineligible to serve** or preside over meetings; all subsequent actions taken under her authority are **void**.

4. Interference with Ministry Programs and Grants

- Over \$205,000 in **restricted grants** (Rasmuson Foundation, Alaska Food Network, CBJ Youth Activities Board) were **unlawfully removed** from RLC accounts.
- Ministries such as food services, shelter support, and broadcast programs were endangered—contradicting the church’s mission.

Why This Is a Legal (Not Ecclesiastical) Dispute

- The Alaska Superior Court accepted this case under **neutral principles of law**, not ecclesiastical abstention.
- The dispute centers on **constitutional compliance**, fiduciary responsibility, and non-profit governance.
- Neither the **RLC Constitution** nor the **Alaska Synod Constitution** authorizes the bishop to override congregational officer elections or ignore term limits.

What RLC Seeks

- Restoration of constitutional governance, financial accountability, and rightful leadership.
- Public acknowledgment from the Synod that constitutional processes were violated.
- A commitment to reconciliation through the rule of law and congregational autonomy.

[Visit our website reference documents and position papers](#) or email: office@rlcjuneau.org.

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.



Addendum

Helpful Summaries to the RLC Council Position Statements

The Congregational Council of Resurrection Lutheran Church (RLC), Juneau, Alaska, conflict can be summarized:

*A small group of detractors at RLC, who sat on council 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 (with less than an announced 2/3 vote threshold) 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 Karen. This apparently prompted Bishop Oslovich to continue pursuing the pastor's removal (possibly allowing Bishop Wickstrom to covertly participate) through a distorted *C15.11 / †S17.11 adjudication process. This culminated in the wrongful removal of Pastor Karen 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.*

To help those interested in learning more about this conflict, the RCL Council has broken out the issues and explanations in separate "positions statements." This addendum has what are intended to be "helpful summaries" of these position statements. As to where to start:

- If you are most motivated by our call to work for justice with humility and integrity, the position statement [Challenge to Act Justly, Seek Truth and Fulfill Fiduciary Duty](#) may speak to you.
- If your highest priority is commitment to the covenants of baptism, ordination and election to other offices, position statement [Authoritarianism, Secrecy and Complicity](#) is where you may want to start.
- If you are most concerned about the "financial crisis" and believe RLC can't afford to focus on mission right now, or if you want to know what is happening with the congregation's money and why the budget the congregation passed for 2024 was neither followed nor reported, see the addendum *Money Over Mission* to the position statement [Authoritarianism, Secrecy and Complicity](#).
- If you care about the constitutional norms, we agree to share in the ELCA, or if you want this to go away, you would have to go back in time and prevent Bishop Wickstrom from violating our constitutions, allowing personal connections to substitute for complete and accurate information, and involving more people in the wrongs with subsequent smokescreens, please look at position statement [Understanding Constitutional Violations](#).
- If you want to know why we are bothering you, please look at the daily reality at our church and its mission and programs that affect the most vulnerable people in Juneau, or if you care about legal exposure, and the associated costly risks to the image of RLC, please start with position statement [What Happens Next and Your Involvement](#).

It is profoundly challenging to confront the possibility that those we have entrusted with our church's leadership may have betrayed that trust. Many within RLC's congregation, including its council, officers, and Pastor Karen, have grappled with this painful realization. Some members still place their trust in these leaders, despite the unconstitutional, unjust, and at times shameful actions of former and current bishops, as well as long-time congregation members—some of whom were once friends. These leaders have exploited such trust to shield their actions. However, past righteous deeds and reputations do not provide immunity to commit wrongs.

The actions of Bishop Wickstrom, Bishop Oslovich, Vice-President Swenson, and Attorney Manzella could expose them and the Alaska Synod to legal and ecclesiastical liabilities for fraud, gross misrepresentation, and misconduct. This includes facilitating others' improper behavior, which significantly undermines the ethical foundations of our church governance.

Fiduciary duty for members of the synod council is defined by an expectation to act in good faith and in the best interests of the synod and the wider church community. Similarly, fiduciary duty for a Presiding Bishop entail acting in good faith and in the best interests of the ELCA. This shared responsibility includes a commitment to uphold the church's mission, adhere to its constitutions, and manage its resources responsibly and ethically.

Such fiduciary obligations leave no quarter for covering for, nor turning a blind eye to malfeasance for the sake of a friend's reputation, to protect the office, the synod, or the ELCA, nor does it allow shying away from involvement or not stepping up in challenging times. Those who cannot accept such responsibility often resort to resignation when faced with significant malfeasance by their leadership because failure to act may lead to complicity.

The unjust actions of both bishops, the small group at RLC, your fiduciary obligations, and the risks of turning a blind eye are detailed in RLC Council's Position Statement [Challenge to Act Justly, Seek Truth and Fulfill Fiduciary Duty](#).

What Happens Next and Your Involvement

The bishops' support for a dissenting faction and the improper appointment of an interim pastor are an attempt to manipulate governance through unconstitutional meetings, and the deliberate exclusion of loyal congregation members from decision-making. The dissenting faction uses tactics such as gerrymandering membership lists, scheduling a rushed and unprepared annual meeting, and undermining the legitimate RLC Council.

The RLC Council is poised to initiate extensive outreach, engaging all Alaska Synod congregations and councils, other ELCA churches beyond the synod, and the wider community of partners who rely on RLC's ministries and programs. Many have repeatedly asked, "What can we do?" We have diligently pursued every possible avenue that would be more discrete. RLC now has the focus of the state on our church body. RLC has prepared draft letters and petitions, ready to circulate, which highlight the ongoing harm caused by the degradation within RLC. Plans include exposing the involvement of those complicit in covering up the malfeasance committed by bishops.

RLC will also proceed with discovery, depositions, and other preparatory legal actions scheduled during a conference with the judge overseeing the Brendle lawsuit. 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. Additionally, the RLC Council is filing with the court a motion regarding their “staged annual meeting” on January 26, 2025, which the council considered unconstitutional, invalid and did not attend. As the Plaintiffs rushed this meeting after the conference with the judge, the council is asking the court for an expedited hearing in the coming weeks to nullify the illegitimate actions taken at their “staged annual meeting.”

Should Bishop Oslovich continue his uncritical support of former Bishop Wickstrom’s actions (and possibly continued secret involvement)—potentially enabled by his non-involvement—a dedicated group of RLC members is prepared to use their resources to visit every congregation and council. 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. This group is expected to seek support in advocating for censure of Bishop Oslovich at both the synod council and 2025 Assembly for willful disregard or violation of the church’s constitutions and bylaws.

The forthcoming events and the potential impact of your involvement (or lack thereof) are detailed in RLC Council’s Position Statement [What Happens Next and Your Involvement](#).

Call to Action

Please urge Bishop Oslovich to reflect on and address the wrongs of the past two years. Specifically, request Bishop Oslovich declare, upon further 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 that Pastor Karen 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.



Resurrection Lutheran Church Community Outreach Programs

Resurrection Lutheran Church (RLC) offers a range of community outreach programs designed to meet the holistic needs of individuals, encompassing physical, mental, and spiritual well-being:

RLC Food Pantry: As Juneau's largest food pantry, it serves over 300 individuals and families weekly. Patrons are invited to choose their own food items from a 100-foot mobile food line, designed for food safety. This initiative is supported by Rasmuson Foundation and Alaska Food Network grants.

RLC Cafeteria and Dining Room: This program offers a welcoming, low-barrier approach to food assistance. It provides 500 hot and cold nutritious community meals, available for on-site dining or take-away, specifically catering to those experiencing food insecurity and homelessness.

RLC Shelter Services: This program offers a welcoming, low-barrier approach to overnight transitional housing, following evidence-based best practices for dealing with mental-wellness challenges.

Juneau Live! Studio: Focused on mental enrichment, this studio addresses the challenges of isolation and seclusion. It engages the wider community and those feeling marginalized through live entertainment, cultural, educational, and informational programming.

Juneau Live! Studio TV Program Program: The studio's TV production program has taught hundreds of 1st to 12th grade students and adults TV production in a renowned 15-hour program taught by licensed teachers, broadcast professionals and studio staff in a live working studio, culminating in a live concert broadcast.

RLC Nourishes Educational Services: A comprehensive educational program dedicated to fostering community development and personal growth offering training in diverse fields such as TV production, food pantry and shelter operation, meal and customer service inspired by Disney Institute teaching and mentoring.

These programs reflect RLC's commitment to fostering spiritual growth in Christ and serving the broader community.



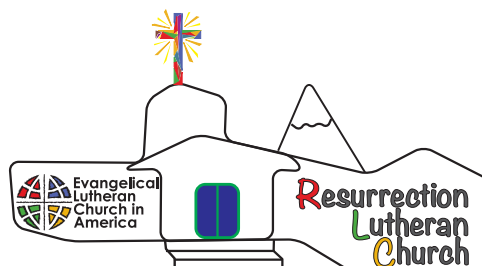
Recent Grants and Partners

Juneau Community Foundation
State of Alaska
City and Borough of Juneau
CBJ Youth Activity Board
Rasmuson Foundation
ELCA (Churchwide Grant)
Alaska Food Bank (Federal Grant)

For More Information

Bradley Perkins
Programs and Grants Manager
Producer, Juneau Live! Studio
Director, TV Production Programs
Counsel to RLC Council and President
Alaska ELCA Synod Council Member

Resurrection Lutheran Church
740 W 10th Street, Juneau, AK 99801
producer@producerlive.org | 808 782 5795 direct

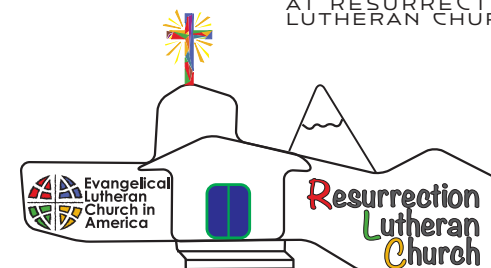


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HTTPS://WWW.YOUTUBE.COM/C/JUNEAU.LIVE

rlcjuneau.org | juneaulive.org | showrunnercamp.org
https://www.youtube.com/c/JuneauLive



Feed the Body. Nourish the Soul.
Resurrection Lutheran Church
Juneau, Alaska





RLC Food Pantry
AT RESURRECTION
LUTHERAN CHURCH

Juneau's largest food pantry.
Serves 300+ individuals & families weekly.
100-foot mobile food line with safe, client-choice model.
Supported by Rasmuson Foundation & Alaska Food Bank.



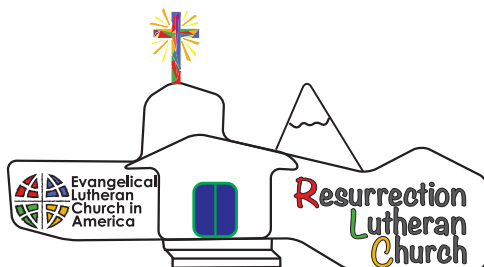
**RLC Cafeteria
and Dining Room**
AT RESURRECTION
LUTHERAN CHURCH

Welcoming, low-barrier meal service.
Provides 500+ hot and cold Community meals weekly for on-site or takeaway.
Critical support for neighbors facing food insecurity & homelessness.

New educational program promoting
personal & community growth.
Training offered in:
TV production
Pantry & shelter operations
Guest service & hospitality (Disney Institute model)
Teaching & mentoring



RLC Shelter Services
Transitional, low-barrier overnight housing.
Evidence-based approach for guests
with mental-wellness challenges.

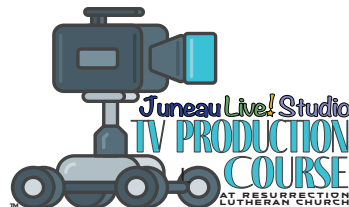


740 W 10TH ST., JUNEAU, AK 99801
RLCJUNEAU.ORG | JUNEALIVE.ORG | SHOWRUNNERCAMP.ORG
HTTPS://WWW.YOUTUBE.COM/C/JUNEALIVE

Our Commitment

At Resurrection Lutheran Church, our mission is simple yet profound: *"To promote spiritual growth in Christ and service to all people."*

Through food, shelter, education, and cultural engagement, we are building a community where everyone is valued and nourished — body, mind, and spirit.

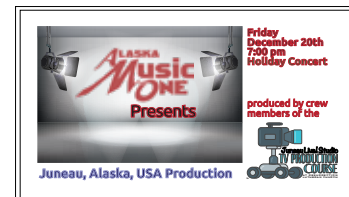


Professional Instruction and hands-on experience in a working TV studio
Designed for 1st to 12th grade students and adults, that educates and entertains.
Final live broadcast concert showcase new skills to a live studio audience.



Multi-camera broadcast studio in RLC sanctuary.
Provides cultural, educational, and entertainment programming.
Reduces isolation and connects the community.
Streams live on YouTube & KINY Radio.

Feed the Body. Nourish the Soul.
Resurrection Lutheran Church
Juneau, Alaska



Contact producer@juneaulive.org or 808-782-5795.

rlcjuneau.org | juneaulive.org | showrunnercamp.org | <https://www.youtube.com/c/JuneauLive>

***Resurrection Lutheran
Church***

***740 W. Tenth Street
Juneau, AK 99801***

***Please RSVP with number
attending by September 10 to:
RLCJuneauAK@gmail.com
907 586-2380***

***There will be a silent auction
at the dinner to assist with
expenses.***

Weekend Events

Friday, September 18

Registration at the Church

***Meet and Greet 5-7 p.m.
(appetizers & punch provided)***

Saturday, September 19

Dinner, Juneau Yacht Club 5 p.m.

A Turkey Thanksgiving dinner

***Chefs: Laraine Derr, Randy Sutek
(Donations gladly accepted)***

Sunday, September 20

Centennial Worship Service 9:30 a.m.

Presiding: Pastor Mark Holman

Pastor Mark Griffith, Confirmed at RLC

Bishop Tim Oslovich, AK Synod

Coffee Hour Following Service

Centennial Year
1926 - 2026



740 W. 10th Street
P.O. Box 20022
Juneau, Alaska 99802

This is the 100th year Resurrection Lutheran Church has been serving citizens of Juneau. To celebrate, over the last couple months we have been recognizing baptisms, confirmations, marriages, funerals and other important events in people's lives. Centennial recognitions will culminate with a week-end celebration September 18-20th.

As with all celebrations, there is the fund-raising aspect. We have work to do inside and outside our walls. There are three areas of immediate need for Resurrection Lutheran Church:

- a) Reroofing. Major leaks the past three years in the sanctuary, the library/chapel and the fireplace area need attention.
- b) Upgrading other parts of our physical building and exterior are in need of improvement.
- c) Outreach to the Juneau community and promotion of outreach ministry through worship, education, and connection must be continued.

Please consider a pledge or donation as we begin this goal of raising \$100,000 to satisfy those three needs. Your donation will honor the individuals and families who helped build and sustain Resurrection Lutheran Church over 100 years of promoting spiritual growth in Christ and service to Juneau. Each donation, small and large, assists in our goal.

There are several options for giving:

- A) Pledges: we have secured 2 matching pledge challenges of \$10,000. When \$40,000 is reached, the first pledge will be activated to total \$50,000. At the \$90,000 level, the second pledge will be activated to reach the \$100,000 goal. Additional challenges could be the first \$10,000 – or a designated amount -- toward the roof, evangelism, celebration or an issue of your choice.
- B) Monetary gifts earmarked for our needs in the coming century, or
- C) Donations to a specific area of ministry.

For those who will be taking required minimum distributions from a retirement account, this is the perfect opportunity to make a non-taxable withdrawal. You can either make a pledge to donate later this year, or have your financial advisor arrange for a check to be mailed to the church at the address listed above.

Use the form attached to this letter to designate your gift – Celebrate the Centennial!

If you have questions or concerns, please contact either one of us or Pastor Mark. We'd be glad to assist you in your decision to donate.

God's work is in our hands,

Ken Koelsch

Laraine Derr

Rejoice, Reconnect, Reboot, Renew, Resurge