

CAUSE NO. _____

EVANGELIST TEMPLE CHURCH OF GOD
IN CHRIST

Plaintiff,

vs.

RUFUS KYLES, JR.

Defendant.

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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

____ JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION
AND APPLICATION FOR TEMPORARY RESTRAINING ORDER**

TO THE HONORABLE JUDGE OF SAID COURT:

A. Discovery Control Plan

Plaintiff, EVANGELIST TEMPLE CHURCH OF GOD IN CHRIST
intends to conduct discovery under level 2 Texas Rule of Civil Procedure 190

B. Parties

2. Plaintiff, Evangelist Temple Church of God In Christ, is a member of the Church of God in Christ which is an international Religious Organization which is a hierarchical organization governed by a 12 member General Board. Evangelist Temple (COGIC) conducts its religious activities in Houston, Harris County, Texas.

3. Defendant, RUFUS KYLES, JR., is an individual who is a resident of Pearland, Brazoria County, Texas and is currently on suspension from the position of PASTOR by the governing board of the Church of God in Christ. Defendant may be served with process at 3495 Parkside Dr., Pearland, Texas 77584

C. Jurisdiction

4. This court has jurisdiction because the cause of action arose in Harris County.

D. Facts

5. The Church of God in Christ (COGIC) is an international Religious organization.

COGIC is a hierarchical organization governed by a 12 member General Board

Within a given State, the pointed by the Church to lead each jurisdiction, and has oversight over the member churches and pastors.

6. It is the responsibility of the Jurisdictional Bishop to appoint pastors to fill vacancies in the pastorate of churches within his jurisdiction.
In the event of a vacancy in the pastorate of a church within a jurisdiction, the Jurisdictional Bishop serves as pastor of the church until he appoints a pastor of that church.
7. Evangelist Temple COGIC is a member church located in Houston, Texas and is a part of Texas Southeast 1st Jurisdiction.
8. Rufus Kyles was appointed pastor of Evangelist Temple COGIC, and later appointed Bishop of Texas Southeast 1st Jurisdiction.
While serving as Pastor and Bishop, Rufus Kyles was charged with sexual misconduct.
9. Kyles eventually admitted to the charges against him and was removed from the office of Bishop and suspended from his role as pastor of Evangelist Temple.
10. I have been appointed as the interim Jurisdictional Bishop of Texas Southeast 1st Jurisdiction of the Church of God in Christ, and as such, I serve as interim Pastor of Evangelist Temple.
11. Despite his admissions and suspension, Rufus Kyles has continued to make threats of taking possession of Evangelist Temple COGIC.
Recently, he went as far as having someone change the locks on the Church during the night.
12. As Interim Jurisdictional Prelate and Interim Pastor of Evangelist Temple COGIC, I have advised Rufus Kyles that due to his actions, he needs to seek to have his suspension lifted by the governing board that instituted and enforced it.
13. Rufus Kyles continues to make threats of taking possession of the church building and property and encouraging members of his family to participate in the same.

E. Cause of Action

Count 1 Private Nuisance

14. The premises on which Evangelist Temple COGIC holds its religious services and other gatherings is private property and wholly owned by Evangelist Temple COGIC. Defendant has interfered with and/or evaded the Plaintiff's interest by conduct that was intentional and unreasonable. Defendant has continuously contacted members of the church, which has created dissention and is destroying the church body.

15. Defendant's conduct has resulted in a condition that substantially interferes with Plaintiff's private use and enjoyment of the premises, Plaintiff is unable to conduct church business in a peaceful manner without disruption caused by Defendant. Defendant's conduct has made it difficult in not impossible to carry on normal church activities.

Count 2 Trespass

16. The premises on which Evangelist Temple COGIC holds its religious services and other gatherings is private property and wholly owned by Evangelist Temple COGIC. Though the defendant has not conducted any functions as Pastor of Evangelist Temple COGIC, Defendant has made intentional and voluntary physical entries on Plaintiff's property after being informed that he was not welcomed on the premises. Defendant's trespass on to the church premises caused disruption to the church body and undermined the integrity of the ministry.

F. Application for Temporary Restraining Order

17. Plaintiff is seeking injunctive relief to prevent Defendant from coming on or with 500 feet of its premises where Plaintiff's church facilities are located.
18. It is probable Plaintiff will recover from Defendant because the facts stated earlier on in this lawsuit are true and correct.
19. If plaintiff's application is not granted, harm is imminent because Defendant has already shown that he has not intent of leaving quietly. There is a strong possibility of violence because of verbal threats by members of Defendants family which would destroy the church body.
20. The harm that will result if the temporary restraining order is not issued is irreparable because the church body will divide causing a break up in the congregation which would devastate an already fragile situation.
21. Plaintiff has no adequate remedy at because the damages are incalculable and defendant is insolvent.
22. There is not enough time to serve notice on the Defendant and hold a hearing on the application.
23. Plaintiff is willing to post bond.

G. Request For Temporary Injunction

24. Plaintiff seeks the court to set its application for temporary injunction for a hearing and, after the hearing, issue a temporary injunction against defendant.

H. Request for Permanent Injunction

25. Plaintiff asks the court to set its request for a permanent injunction for a full trial and, after the trial, issue a permanent injunction against defendant.

I. Affidavit

26. An affidavit that proves the allegations in the application for injunctive relief is attached and incorporated by reference.

J. Prayer

27. For these reasons, Plaintiff asks that Defendant be cited to appear and answer and, on final trial, that Plaintiff have judgment against Defendant for:

- a. Permanent injunctive relief
- b. Attorney fees
- c. Prejudgment and post judgment
- d. All other relief, in law and in equity, to which Plaintiff may be entitled

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kurt L. Thompson', is written over a solid horizontal line.

Bishop Kurt L. Thompson
Interim Pastor
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Unofficial Copy Office of Marilynn S. District Clerk

