

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT
IN AND FOR ESCAMBIA, COUNTY, FLORIDA
CIVIL DIVISION**

CHURCH OF GOD IN CHRIST, INC.,
NORTHWEST FLORIDA JURISDICTION
CHURCH OF GOD IN CHRIST, INC.,
WEST SIDE CHURCH OF GOD IN CHRIST,

Plaintiffs/Counter-Defendants

v.

Case Number.: 2021 CA 2561

Division: F

ELDER KENNETH WATTS,
INDIVIDUALLY AND AS PASTOR AND
AS CHARIMAN OF THE BOARD OF
TRUSTEES, WESTSIDE COGIC,
WESTSIDE MINISTRY, INC., WESTSIDE
CHURCH OF GOD IN CHRIST OF
ESCAMBIA COUNTY, WESTSIDE
MINISTRY, INC., COSTON HUFF, and
FRANKIE LEE HUFF,

Defendants/Counter-Plaintiffs.

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ORDER OF DISMISSAL OF ALL REMAINING CLAIMS

THIS CAUSE having come before this Court for hearing on August 29, 2024 upon the Defendants/Counter-Plaintiffs' Motion for Limited Relief From Stay filed on February 15, 2024, Plaintiffs/Counter-Defendants' Motion to Lift Stay to Consider Ecclesiastical Determination filed on June 14, 2024 and a Case Management Conference. The Court, having reviewed the motions, the court file, heard argument of counsel and in consideration thereof finds as follows:

1. Plaintiffs, Church of God in Christ, Inc., (hereinafter "COGIC") Northwest Florida Jurisdiction Church of God in Christ, Inc., (hereinafter "NWFJ") and West Side Church of God in Christ (hereinafter "WESTSIDE") filed a five-count complaint alleging fraud, breach of fiduciary

duty and civil conspiracy on September 3, 2021 and further sought temporary injunctive relief and reconveyance of the three properties subject to the complaint.

2. An evidentiary hearing took place before the predecessor judge and an Order Granting Petition for Temporary Injunction was entered on November 19, 2021. After that hearing, the Defendants/Counter-Plaintiffs' filed their Answer, Affirmative Defenses and an eight-count Counterclaim on December 8, 2021, seeking to quiet title or for declaratory relief to the three previously referenced properties, ejectment, unjust enrichment and common law unconscionability.

3. Defendants/Counter-Plaintiffs' filed their Motion to Dissolve or Vacate Temporary Injunction and to Dismiss all Remaining Claims and Counterclaims with Prejudice on August 3, 2022. Both parties had an opportunity to brief the issues raised in the motion and a hearing on the motion commenced on February 6, 2023, and was continued on February 14, 2023.

4. The Defendants/Counter-Plaintiffs' argued that the issues raised in this lawsuit are ecclesiastical matters and that the ecclesiastical abstention doctrine governs the disposition of this case and all issues should be resolved through the Church and not the court.

5. On April 6, 2023, this Court entered an Order Denying Motion to Dissolve or Vacate Temporary Injunction and Dismiss all Remaining Claims. Additionally, an Order Denying the Defendants/Counter-Plaintiffs' Motion for Reconsideration was entered on May 22, 2023. At the time these orders were entered neutral principles of law could be applied without requiring this Court to interpret the internal policies, procedures and/or practices of the COGIC and ruling on matters of internal church discipline as the collective defendants were no longer members of or affiliated with the COGIC, NWFJ or WESTSIDE.

6. This litigation moved forward with discovery and was scheduled for jury trial beginning on March 11, 2024. Counsel for Defendants/Counter-Plaintiffs' filed a Motion to Abate or for a Stay Pending Ecclesiastical Determination on February 7, 2024. Similarly, Plaintiffs/Counter-Defendants' filed an Emergency Motion to Stay Proceedings on February 9, 2024. Based upon the agreement of the parties, an order was entered on February 12, 2024 staying these proceedings until further order of the Court and removing the case from the March 11, 2024 jury trial docket.

7. For many years courts have been faced with balancing constitutional guarantees regarding religion found in the First Amendment with the need for judicial intervention in the resolution of interchurch disputes.

8. The ecclesiastical abstention doctrine, also known as the church autonomy doctrine, is based on the Free Exercise Clause of the First Amendment. *Malichi v. Archbishop of Miami*, 945 So.2d 526, 529 (Fla. 1st DCA 2006). The First Amendment and the ecclesiastical abstention doctrine prevents civil courts from deciding matters that require adjudication of theological controversy, church discipline, ecclesiastical government, or the conformity of the members of the church to the standard of morals required of them. *See Auguste v. Hyacinthe*, 346 So.3d 67 (Fla. 4th DCA 2022). Courts may not consider employment disputes between a religious organization and its clergy because such matters necessarily involve questions of internal church discipline, faith and organization that are governed by ecclesiastical rule, custom or law. *See Conference Ass'n of Seventh Day Adventist, Inc. v. Dennis*, 862 So.2d 842, 843-44 (Fla. 4th DCA 2003).

9. A court thus must determine whether the dispute is an ecclesiastical one about discipline, faith, internal organization, or ecclesiastical rule, custom or law, or whether it is a case in which [it] should hold religious organizations liable in civil courts for purely secular disputes

between third parties and a particular defendant, albeit a religiously affiliated organization.”
Malicki v. Doe, 814 So.2d 347, 357 (Fla. 2002)

10. The parties have never disputed that the COGIC is hierarchical in structure and governed by ecclesiastical rules. Plaintiffs/Counter-Defendants’ position has been that their claims concern deeds to three pieces of property and because the Defendants/Counter-Plaintiffs’ are no longer affiliated with the COGIC, NWFJ or WESTSIDE and are not subject to the ecclesiastical rules that govern the COGIC, there is no other means but to come to the court for resolution of this matter.

11. As previously stated in the April 6, 2023 order, it not within this court’s purview to make determinations as to the Defendants/Counter-Plaintiffs’ membership within the COGIC or whether Elder Kenneth Watts can return to his position as a pastor at WESTSIDE or remain affiliated with the NFJ or any other jurisdiction or congregation within the COGIC.

12. The stay was requested in this cause because the COGIC General Assembly Mediation & Reconciliation Committee (hereinafter “MRC”) Chair had granted a request to have the issues raised in the complaint and counterclaim assigned to the MRC and that the matter before the court cease until the General Assembly rendered a decision.

13. The MRC met with the involved parties on April 9, 2024 to discuss resolving **all** issues in this case and entering into a joint stipulation to dismiss all claims. On or about April 10, 2024 the MRC issued their Report, Findings and Recommendations to COGIC’s General Assembly that resolved all issues in the above styled case including all issues with the three involved properties. The General Assembly voted to approve and adopt those recommendations and findings into law and required all parties to abide by such or face discipline through the COGIC.¹

¹ See Exhibit C, COGIC Joint Order dated April 24, 2024, attached to Plaintiffs/Counter-Defendants’ Amended Motion to Dismiss for Lack of Jurisdiction filed June 14, 2024.

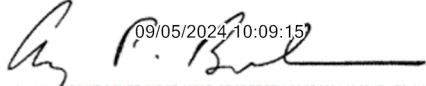
14. As the COGIC now recognizes all parties as members of the COGIC and the Defendants/Counter-Plaintiffs' have taken the position through their court filings and argued before this Court they are members of COGIC and by their actions submitted to the ecclesiastical authority of the COGIC.

15. Although not specifically noticed for a hearing but raised and argued at the Case Management Conference on August 29, 2024, based on the posture of this case within the ecclesiastical government and structure of the COGIC, this matter cannot be resolved without requiring the court to interpret the internal policies, procedures and/or practices of the COGIC and ruling on matters of internal church discipline and is therefore barred by the abstention doctrine from proceeding any further.

Accordingly, it is hereby,

ORDERED AND ADJUDGED that having reconsidered the Defendants/Counter-Plaintiffs' Motion to Dissolve or Vacate Temporary Injunction and Dismiss all Remaining Claims and finding the motion well taken at this stage in the proceedings, the Plaintiffs/Counter-Defendants' Complaint filed on September 3, 2021 and the Defendants/Counter-Plaintiffs' Counterclaims filed on December 8, 2021 are hereby dismissed without prejudice and the Temporary Injunction entered on November 19, 2021 is hereby dissolved.

DONE AND ORDERED in Chambers at Escambia County, Florida.


09/05/2024 10:09:15
signed by CIRCUIT COURT JUDGE AMY P. BRODERSEN 09/05/2024 10:09:15 mZhzWIV
CIRCUIT JUDGE

Copies furnished to:

Fredrick J. Gant, Esq., Counsel for Plaintiffs/Counter-Defendants
Christopher R. Johnson, Esq. and Sharon Regan, Esq., counsel for Defendants/Counter-Plaintiffs

In cases wherein one party is unrepresented (pro se), it is the responsibility of the sole attorney in the case to serve within five business days this [order or judgment] upon any pro se party who does not have access to and is not a registered user of the Florida Courts e-Filing Portal.