

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

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**STATE OF WEST VIRGINIA EX REL. TRUSTEES OF THE WEST VIRGINIA
CONFERENCE OF THE UNITED METHODIST CHURCH, *et al.*,**

Petitioners,

v.

**THE HONORABLE MARK WILLS;
TRUSTEES OF MADISON UNITED METHODIST CHURCH, *et al.*,
*Respondents.***

**Honorable Mark Wills, Judge
Circuit Court of Mercer County
Civil Action No. CC-28-2024-C-272**

VERIFIED PETITION FOR WRIT OF PROHIBITION

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I. QUESTION PRESENTED

Whether the First Amendment of the U.S. Constitution and Article III, Section 15 of the West Virginia Constitution deprive the Circuit Court of Mercer County of subject matter jurisdiction to review decisions of a religious nature made by the United Methodist Church and its highest judicial tribunal, the UMC Judicial Council.

II. STATEMENT OF THE CASE

The United Methodist Church (“UMC”) recently resolved a long-debated issue of conscience by ending universal bans on performing same sex marriage ceremonies and allowing self-professed homosexuals to serve as ordained clergy, deciding instead to allow those decisions to be made by local churches.¹ In response, certain local churches in West Virginia have sought to “disaffiliate” from the UMC and to use UMC property to form new churches.²

These efforts to disaffiliate over issues of human sexuality have resulted in several cases in the circuit courts of West Virginia.³ In almost every instance, West Virginia circuit courts judges have followed longstanding precedent by the United States Supreme Court and this Court and have found that the U.S. Constitution and the West Virginia Constitution deprive secular courts of jurisdiction over these deeply religious issues. Specifically, the Honorable Robert Ryan (Tucker County), Honorable Greg Howard (Cabell County) and Honorable Ryan Flanigan (Mercer County) all found that decisions by the UMC on whether and how a local church may disaffiliate over issues regarding human sexuality are, by their very nature, decisions of a religious nature that may not be reviewed or overturned by any secular West Virginia court.⁴

¹ Jan. 21, 2025 Defs.’ Mem. Law to Mot. Dismiss (Appx. 074).

² See generally Oct. 28, 2024, Compl. (Appx. 026-055).

³ See Jan. 21, 2025, Defs.’ Mem. Law to Mot. Dismiss, at Ex. F (Appx. 128-142); Oct. 28, 2025 Flanigan Order granting Defs.’ Mot to Dismiss (Appx. 005-025).

⁴ *Id.* (Note: Judge Howard issued his ruling in the case styled *Beverly Hills Methodist Church, Inc & Trustees of Beverly Hills Methodist Church v. The West Virginia Annual Conference, et al.* (Cir. Ct. Cabell Co.) (Civil Action No. 25-C-357); however, Judge Howard has only issued his oral order granting Petitioners’ Rule 12(b)(1) Motion to

However, in the Circuit Court of Mercer County (“Circuit Court”), the Honorable Mark Wills (“Respondent Judge”) reached a different result.⁵ After Judge Flanigan granted motion to dismiss by the UMC for lack of subject matter jurisdiction under Rule 12(b)(1) of the West Virginia Rules of Civil Procedure, Plaintiffs below (“Respondent Trustees”) sought reconsideration of Judge Flanigan’s dismissal order pursuant to Rule 59(e) of the West Virginia Rules of Civil Procedure.⁶ After the Rule 59(e) motion was fully briefed and only two (2) days prior to the noticed hearing, Judge Flanigan recused himself and transferred this matter to Respondent Judge.⁷ The specific reason for Judge Flanigan’s recusal was not provided. The Respondent Judge subsequently granted Respondent Trustees’ Rule 59(e) motion, finding that accusations of “fraud” and “collusion” presented a jury question that prohibited dismissal of the Complaint.⁸

As demonstrated more fully below, and as found initially by Judge Flanigan, Respondent Trustees do not seek to remedy fraud or collusion in any decision made by the UMC; instead, Respondent Trustees simply disagree with the UMC’s interpretation and application of its ecclesiastical laws and ask a secular court to overturn the UMC’s decisions concerning the same.⁹ It is clear, however, that the circuit courts of West Virginia lack subject matter jurisdiction to grant such relief, as it would violate the First Amendment. As such, Petitioners seek a Writ of Prohibition prohibiting enforcement of the Respondent Judge’s unconstitutional order granting Respondents Trustees’ Rule 59(e) Motion and exercising jurisdiction over the matter below.

A. BACKGROUND

1. *The Discipline*

Dismiss, and while a proposed order granting Petitioners’ Rule 12(b)(1) motion has been submitted, it has not been formally entered.

⁵ March 13, 2026, Respondent Judge Order Granting Plaintiffs’ Rule 59(e) Motion, (Appx. 001-004).

⁶ March 13, 2026, Respondent Judge Order Granting Plaintiffs’ Rule 59(e) Motion, (Appx. 001-004).

⁷ January 21, 2026, Judge Flanigan Order of Recusal (Appx. 437-438).

⁸ March 13, 2026, Respondent Judge Order Granting Plaintiffs’ Rule 59(e) Motion, (Appx. 001-004).

⁹ See Oct. 28, 2024, Compl. at ¶65-97 (Appx. 035-040).

The UMC is governed by The Book of Discipline (“*Discipline*”).¹⁰ “The Discipline is the instrument for setting forth the laws, plan, polity, and processes by which United Methodist govern themselves to remain constant.”¹¹ It “governs all facets of administration and polity, including the ownership of property.”¹²

Under the *Discipline*’s Trust Clause, “all properties of the UMC local churches and other United Methodist agencies and institutions are held, in trust, for the benefit of the entire denomination, and ownership and usage of the church property is subject to the *Discipline*.”¹³ Importantly, “[t]he trust is and always has been irrevocable.”¹⁴ “The Trust Clause is a legal concept predating the founding of The United Methodist Church in 1968 and tracing back to its Wesleyan origins and ensures that the property will be used solely for purposes consonant with the mission of the entire denomination as set forth in the Discipline.”¹⁵ The Trust Clause has been a foundational “element of the bedrock principle of United Methodist constitutional polity of United Methodist constitutional polity” – connectionalism.¹⁶ Disaffiliation, on the other hand, which is the subject of this suit, “is a radical departure from connectionalism.”¹⁷

2. The UMC Hierarchy

The *Discipline* also establishes the constitutional organization of the UMC, including the General Conference, the Annual Conferences, and the Judicial Council. “The General Conference

¹⁰ The sections of the *Discipline* referenced herein are included in the Appendix, as the entire *Discipline* is over 900 pages. A complete copy of the *Discipline* is available at: <https://storage2.snappages.site/Q7QBQR/assets/files/20202024-Book-of-Discipline.pdf1> (last accessed 4.13.26).

¹¹ *Discipline*, Episcopal Greetings (Appx. 444-445).

¹² *Id.*; see also *Discipline* ¶¶2501.1; 2501.2 (Appx. 476-477); Oct. 28, 2025 Flanigan Order granting Defs.’ Mot to Dismiss (Appx. 006).

¹³ *Discipline* ¶2501.1 (Appx.476); Oct. 28, 2025 Flanigan Order granting Defs.’ Mot to Dismiss (Appx. 006).

¹⁴ *Discipline* ¶2501.2 (Appx. 476); Oct. 28, 2025 Flanigan Order granting Defs.’ Mot to Dismiss (Appx. 006).

¹⁵ See Jan. 21, 2025, Defs.’ Mem. Law to Mot. Dismiss, at Ex. A (Decision 1512) (Appx. 096-097); Oct. 28, 2025 Flanigan Order granting Defs.’ Mot to Dismiss (Appx. 006).

¹⁶ Jan. 21, 2025, Defs.’ Mem. Law to Mot. Dismiss, at Ex. A (Decision 1512) (Appx. 096-097); Oct. 28, 2025 Flanigan Order granting Defs.’ Mot to Dismiss (Appx. 006).

¹⁷ Jan. 21, 2025, Defs.’ Mem. Law to Mot. Dismiss, at Ex. A (Decision 1512) (Appx. 096-097); Oct. 28, 2025 Flanigan Order granting Defs.’ Mot to Dismiss (Appx. 006).

oversees the entire church” and has “full legislative power over all matters distinctively connectional, including sole responsibility for enacting or amending the provisions of the Discipline.”¹⁸ The Annual Conferences oversee local churches operating as UMC congregations within the Annual Conference’s jurisdiction.¹⁹ Petitioner, West Virginia Annual Conference, is the Annual Conference with oversight over Respondent Trustees.²⁰ Finally, “the UMC Judicial Council has the sole authority to (1) determine the constitutionality of any act of the General Conference; (2) consider questions of law raised by bishops; (3) pass upon decisions of law made by bishops in Annual Conferences; and (4) make rulings in the nature of a declaratory decision as to the constitutionality, meaning, application, or effect of the *Discipline* or any portion thereof.”²¹ Critically, “the Discipline expressly provides that “[a]ll decisions of the Judicial Council shall be final.”²²

3. *Reasons of Conscience Regarding Human Sexuality*

A conflict emerged within the UMC regarding the issues of same-sex marriage and/or allowing self-professed homosexuals to act as ordained clergy. The UMC hierarchy addressed this conflict. Specifically, in 2019, the General Conference passed a temporary amendment to the *Discipline*, known as Section 2553.²³ Section 2553 “recognized there was a deep conflict within [the] UMC around issues of human sexuality, and therefore, a local church shall have a limited right to disaffiliate from the denomination for reasons of conscience.”²⁴ Section 2553 expired under its express language on December 31, 2023.²⁵

¹⁸ *Discipline*, ¶¶16, 501 (Appx. 454-455, 460); Jan. 21, 2025, Defs.’ Mem. Law to Mot. Dismiss, at Ex. A (Decision 1512) (Appx. 096-097); Oct. 28, 2024 Compl. ¶67 (Appx. 035).

¹⁹ *Discipline* ¶¶33-36, 601, 604, 609 (Appx. 455-457, 461, 466-468, 474-475)

²⁰ Oct. 28, 2024, Compl. ¶¶62-64 (Appx. 035).

²¹ *Discipline* ¶55-58, 2610.1 (Appx. 458-459, 488-489)

²² *Discipline* ¶2610.1 (Appx. 488-489).

²³ Jan. 21, 2025, Defs.’ Mem. Law to Mot. Dismiss (Appx. 074).

²⁴ *Discipline* ¶2553 (Appx. 062-064); *Discipline*, Editor Note (Appx. 441).

²⁵ *Discipline* 2553 (Appx. 062-064); *Discipline*, Editor Note (Appx. 441).

4. *UMC Judicial Council Decisions*

Shortly after the General Conference amended the *Discipline* to temporarily allow disaffiliation, the UMC Judicial Council found Section 2553 to be unconstitutional as written.²⁶ Specifically, in Decision 1379, the UMC Judicial Council found that Section 2553 was unconstitutional within the context of the *Discipline* to the extent it allowed a local church to disaffiliate from the UMC without the approval of the annual conference.²⁷ The Judicial Council expressly relied upon Section 2529.1(b)(3) of the *Discipline*, which states: “the local church cannot sever its connectional relationship to the United Methodist Church without the consent of the annual conference.”²⁸ Thus, the UMC Judicial Council concluded that the annual conference had to approve any disaffiliation under Section 2253.²⁹

Subsequently, questions were raised by annual conferences about whether sections other than 2553 of the *Discipline* could be used for disaffiliation. The UMC Judicial Council expressly ruled that neither Section 2548.2 nor Section 2549³⁰ of the *Discipline* could be used in place of Section 2553 to disaffiliate.³¹ In Decision 1512, the UMC Judicial Council explained that prior to the General Conference enacting Section 2553, the *Discipline* did not provide for disaffiliation of a local church while allowing it to maintain the UMC property as it violates connectionalism and

²⁶ Defs.’ Mem. Law to Mot. Dismiss, at Ex. D (Decision 1379) (Appx. 114-120).

²⁷ Defs.’ Mem. Law to Mot. Dismiss, at Ex. D (Decision 1379) (Appx. 114-120); Oct. 28, 2025 Flanigan Order granting Defs.’ Mot to Dismiss (Appx. 008).

²⁸ Defs.’ Mem. Law to Mot. Dismiss, at Ex. D (Decision 1379) (Appx. 114); *Discipline* ¶2529.1(b)(3) (Appx. 478-479); Oct. 28, 2025 Flanigan Order granting Defs.’ Mot to Dismiss (Appx. 008).

²⁹ Defs.’ Mem. Law to Mot. Dismiss, at Ex. D (Decision 1379) (Appx. 119-120); Oct. 28, 2025 Flanigan Order granting Defs.’ Mot to Dismiss (Appx. 008).

³⁰ *Discipline* ¶¶2549, 2548.2 (Appx. 481-485).

³¹ Defs.’ Mem. Law to Mot. Dismiss, at Ex. A, Ex. B (Appx. 094-108); Oct. 28, 2025 Flanigan Order granting Defs.’ Mot to Dismiss (Appx. 009-010).

the Trust Clause.³² Of course, had Section 2549 allowed for disaffiliation in such a manner, the General Conference would have had no reason to amend the *Discipline* to temporarily allow disaffiliation through Section 2553.³³ Thus, the UMC Judicial Council held in Decision 1512, that Section 2549 “cannot be construed or used as legislation permitting the ‘gracious exit’ of local churches because it applies to church closure and the sale of property, not disaffiliation. Any application of [section] 2549 to that end would be a misapplication of Church law.”³⁴

Similarly, in Decision 1449, the UMC Judicial Council stated that Section 2548.2 provided a specific process by which an annual conference may direct a local church to transfer church property to another denomination but does not apply to the membership of a local church, and any other use of Section 2548.2 would be unconstitutional, null and void, and of no legal force or effect.³⁵ Thus, the UMC Judicial Council held that Section 2548.2 could not be used as a pathway for local churches to disaffiliate from the UMC.³⁶

B. UNDERLYING MOTION PRACTICE

1. Rule 12(b)(1) Motion to Dismiss

Through their Complaint, Respondent Trustees asserted various causes of action, namely, fraud/fraudulent inducement; breach of fiduciary duty; constructive fraud; breach of contract/good faith and fair dealing; collusion/conspiracy; promissory estoppel; equitable estoppel; judicial modification, termination, or reformation of the trust; and unjust enrichment against Petitioners.³⁷

³² Defs.’ Mem. Law to Mot. Dismiss, at Ex. A (Decision 1512) (Appx. 094-097); Oct. 28, 2025 Flanigan Order granting Defs.’ Mot to Dismiss (Appx. 022-0024)

³³ Defs.’ Mem. Law to Mot. Dismiss, at Ex. A (Decision 1512) (Appx. 094-097); Oct. 28, 2025 Flanigan Order granting Defs.’ Mot to Dismiss (Appx. 022-023).

³⁴ Defs.’ Mem. Law to Mot. Dismiss, at Ex. A (Decision 1512) (Appx. 094); Oct. 28, 2025 Flanigan Order granting Defs.’ Mot to Dismiss (Appx. 022).

³⁵ Defs.’ Mem. Law to Mot. Dismiss, at Ex. B (Decision 1449)(Appx. 102-103); Oct. 28, 2025 Flanigan Order granting Defs.’ Mot to Dismiss (Appx. 023)

³⁶ Defs.’ Mem. Law to Mot. Dismiss, at Ex. B (Decision 1449) (Appx. 108); Oct. 28, 2025 Flanigan Order granting Defs.’ Mot to Dismiss (Appx. 023)

³⁷ See Oct. 28, 2024, Compl. ¶¶104-205 (Appx. 041-053)

In an effort to disaffiliate from the UMC as a matter of right with the UMC's property, Respondent Trustees alleged Petitioners lied about how the application of Sections 2553, 2548.2, and 2549 of the *Discipline* affected Respondent Trustees' ability to disaffiliate.³⁸

Because the First Amendment prohibits secular courts from inserting themselves into the internal governance and decision-making of hierarchical churches, Petitioners moved to dismiss Respondent Trustees' Complaint for lack of subject matter jurisdiction.³⁹ Notably, the relevant sections of the *Discipline* and the UMC Judicial Council Decisions interpreting the same were attached to and thoroughly discussed in Petitioners' initial memorandum of law and their reply brief supporting their Motion to Dismiss.⁴⁰

On October 28, 2025, Judge Flanigan properly dismissed the Complaint under West Virginia Rule of Civil Procedure 12(b)(1) for lack of subject matter jurisdiction.⁴¹ In his thoughtful and thorough Order, Judge Flanigan discussed the relevant decisions of the United States Supreme Court and this Court, which require secular courts to accept the decisions of the highest tribunals of a hierarchical church as conclusive.⁴²

Specifically, Judge Flanigan explained that in *Brady v. Reiner*, this Court adhered to the United States Supreme Court's "commandment" that requires secular courts in West Virginia to respect and enforce the decisions of a hierarchical church.⁴³ Faithfully following *Brady*, Judge Flanigan concluded that the "UMC is a hierarchical religious organization thus, the 'rule of the [UMC], embodied as it is in the written ecclesiastical law of the church, considered in conjunction with the action of the West Virginia Annual Conference of the [UMC], constitutes a judgment of a

³⁸ Oct. 28, 2024, Compl. ¶¶104-157 (Appx. 041-047)

³⁹ See generally Defs.' Mem. Law to Mot. Dismiss (Appx. 070-090).

⁴⁰ See Defs.' Mem. Law to Mot. Dismiss at Ex. A – Ex. E (Appx. 093-127)

⁴¹ See Oct. 28, 2025 Flanigan Order granting Defs.' Mot to Dismiss (Appx. 005-025)

⁴² See Oct. 28, 2025 Flanigan Order granting Defs.' Mot to Dismiss (Appx. 010-020).

⁴³ See Oct. 28, 2025 Flanigan Order granting Defs.' Mot to Dismiss (Appx. 017).

church tribunal which is absolutely conclusive upon this Court as to the matters contained therein.’ *Brady v. Reiner*, 157 W.Va. 10, 65 (1973).”⁴⁴

Judge Flanigan correctly acknowledged that this Court has “held that ‘[w]ith regard to disputes within the hierarchical churches, civil courts should respect, and where appropriate enforce, the final adjudications of the highest church tribunals, provided that such adjudications are not procured by fraud or collusion.’ Syl. Pt. 2, *Board of Church Extension v. Eads*, 159 W. Va. 943 (1976).” (emphasis added).⁴⁵ Judge Flanigan then explained why the fraud or collusion exception did not apply, and why Respondent Trustees’ allegations therefore failed to afford subject matter jurisdiction.⁴⁶

Respondent Trustees alleged fraud and collusion solely by the Petitioners, who are agents of the West Virginia Annual Conference.⁴⁷ The alleged statements and promises made by Petitioners, however, are not a final adjudication by the UMC hierarchical tribunals. It was the UMC Judicial Council that issued a series of decisions ultimately dictating Respondent Trustees’ ability to disaffiliate. For the fraud or collusion exception to afford jurisdiction to a secular court, the final adjudication by the highest tribunal must be procured by fraud or collusion.⁴⁸ Critically, Respondent Trustees did not allege fraud or collusion by the UMC Judicial Council in rendering its decisions concerning disaffiliation.⁴⁹ Judge Flanigan ultimately concluded that the UMC Judicial Council decisions deprived the circuit court of jurisdiction over Respondent Trustees’ claims.⁵⁰

⁴⁴ Oct. 28, 2025 Flanigan Order granting Defs.’ Mot to Dismiss (Appx. 019).

⁴⁵ Oct. 28, 2025 Flanigan Order granting Defs.’ Mot to Dismiss (Appx. 019).

⁴⁶ See Oct. 28, 2025 Flanigan Order granting Defs.’ Mot to Dismiss (Appx. 020-024).

⁴⁷ See Oct. 28, 2024, Compl. (Appx. 026-054).

⁴⁸ See Oct. 28, 2024, Compl. (Appx. 026-054).

⁴⁹ See Oct. 28, 2024, Compl. (Appx. 026-054).

⁵⁰ Oct. 28, 2025 Flanigan Order granting Defs.’ Mot to Dismiss (Appx. 021-023)

First, Respondent Trustees argued that “[i]n or around August 2022, [Petitioners] informed [Respondent Trustees] that they did not qualify for disaffiliation under [section] 2553 because nothing had yet changed in the Discipline and the Conference had not taken any actions that would give [Respondent Trustees] the ability to utilize that Paragraph which was an alternate interpretation than utilized across the majority of the conferences in the United States.”⁵¹ Judge Flanigan, however, explained that UMC Judicial Council Decision 1379 held no absolute right to disaffiliate under section 2553 ever existed because the annual conference’s consent is required for disaffiliation.⁵² Because the UMC Judicial Council held disaffiliation was contingent upon the approval by the annual conference and not an absolute right, the statements allegedly made by Petitioners were within their approval authority and could have been appealed by the Respondent Trustees to the UMC Judicial Council.⁵³

Similarly, Respondent Trustees argued that the Petitioners promised that they could disaffiliate after the 2024 General Conference under provisions other than Section 2553 of the *Discipline*, such as Section 2549, if they wished to do so.⁵⁴ Judge Flanigan, however, explained that regardless of Petitioners’ alleged promises, UMC Judicial Council Decisions 1512 and 1449 established that no sections of the *Discipline* except for Section 2553 ever allowed for disaffiliation.⁵⁵

As explained in Judge Flanigan’s Order, these decisions by the UMC Judicial Council are “absolutely conclusive upon civil courts,” and must be enforced by the courts of this State.⁵⁶ Accordingly, Judge Flanigan concluded that he lacked jurisdiction over Respondent Trustees’

⁵¹ Oct. 28, 2024, Compl. ¶83 (Appx. 038).

⁵² Oct. 28, 2025 Flanigan Order granting Defs.’ Mot to Dismiss (Appx. 021).

⁵³ Oct. 28, 2025 Flanigan Order granting Defs.’ Mot to Dismiss (Appx. 021).

⁵⁴ Oct. 28, 2024, Compl. ¶¶86, 93, 107 (Appx. 038, 039, 041).

⁵⁵ Oct. 28, 2025 Flanigan Order granting Defs.’ Mot to Dismiss (Appx. 022-024).

⁵⁶ Oct. 28, 2025 Flanigan Order granting Defs.’ Mot to Dismiss (Appx. 023-024).

claims because they did not allege that the UMC Judicial Decisions were procured by fraud or collusion.⁵⁷

2. *Rule 59(e) Motion*

Rather than appealing Judge Flanigan's decision to the West Virginia Intermediate Court of Appeals, Respondent Trustees returned to Judge Flanigan asking that he amend or clarify his October 28, 2025 Order under Rule 59(e) of the West Virginia Rules of Civil Procedure.

After Respondent Trustees' Rule 59(e) motion was fully briefed and set for hearing, Judge Flanigan entered an Order on January 21, 2026, transferring this action to Respondent Judge due to a conflict. The Respondent Judge heard argument on Respondent Trustees' Rule 59(e) motion on January 23, 2026. Unlike the three other Circuit Courts to decide the issue, the Respondent Judge concluded that whether the Petitioners engaged in fraud or collusion was a jury question. Despite the fact that Judge Flanigan's thoughtful and thorough October 28, 2025 Order expressly rejected Respondent Trustees' allegations of fraud and collusion by Petitioners when considered in conjunction with the UMC Judicial Council's decisions, the Respondent Judge strangely concluded that he needed "to remedy a clear error of law: that the possibility of fraud or collusion [was] not considered when the previous Judge made his ruling." Through a four-page order relying only on the Respondent Trustees' allegations of fraud and collusion by Petitioners, the Respondent Judge granted an extraordinary remedy under Rule 59(e) and amended Judge Flanigan's prior decision to afford subject matter jurisdiction over Respondent Trustees' Complaint.

III. SUMMARY OF ARGUMENT

Both the United States Supreme Court and this Court have long recognized that secular courts are constitutionally forbidden from interfering with a hierarchical church's decisions on

⁵⁷ Oct. 28, 2025 Flanigan Order granting Defs.' Mot to Dismiss (Appx. 025).

questions relating to ecclesiastical laws or church doctrine. While this Court has found that secular courts do have jurisdiction to review final adjudications of church tribunals that are procured by “fraud or collusion,” Respondent Trustees do not allege any fraud or collusion by the UMC Judicial Council, the highest tribunal that made the final adjudications on disaffiliation under the *Discipline*.⁵⁸ As a result, Respondent Judge was wrong to conclude that Respondent Trustees’ simply alleging fraud and collusion by Petitioners in the complaint provided the circuit court with subject matter jurisdiction. And, because the circuit court lacked subject matter jurisdiction, a writ of prohibition lies as a matter of right or, at a minimum, should be issued as a matter of discretion.

IV. STATEMENT REGARDING ORAL ARGUMENT AND DECISION

Oral argument is appropriate pursuant to Rule 18(a) of the West Virginia Rules of Appellate Procedure to aid in the Court’s understanding of the facts and consideration of the legal issues in this case. This matter should be set for oral argument under Rule 19, as the Circuit Court’s decision presents a legal question concerning the application of settled law or an unsustainable exercise of discretion where the law governing that discretion is settled. While Petitioners believe oral argument is appropriate to aid in the Court’s understanding and consideration of the factual and legal issues presented, should the Court find the facts and legal arguments are sufficiently briefed, this case may also be appropriate for memorandum decision.

V. ARGUMENT

A. SECULAR COURTS ARE CONSTITUTIONALLY FORBIDDEN FROM INTERFERING WITH A HIERARCHICAL CHURCH’S DECISIONS ON ECCLESIASTICAL LAWS AND CHURCH DOCTRINE.

⁵⁸ See Oct. 28, 2024, Compl. ¶83 (Appx. 026-054)

For over 150 years, the United States Supreme Court⁵⁹ has held that “civil courts exercise no jurisdiction” over matters of “church discipline, ecclesiastical government, or the conformity of the members of the church to the standard morals required of them,” because to allow civil courts into intrude into these matters “would deprive these [religious] bodies of the right of construing their own church laws[.]” *Watson v. Jones*, 80 U.S. (13 Wall.) 679, 733–34 (1871).

In *Watson v. Jones*, the seminal case on this issue, the Supreme Court of the United States held that “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.” *Id.* at 727. The United States Supreme Court has expounded upon *Watson*, explaining it “radiates . . . 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.” *Kedroff v. Saint Nicholas Cathedral of Russian Orthodox Church*, 344 U.S. 94, 116 (1952) (emphasis added).

The First Amendment “permits hierarchical religious organizations to establish their own rules and regulations for internal discipline and government, and to create tribunals for adjudicating disputes over these matters.” *Hosanna-Tabor Evangelical Lutheran Church & Sch. v. EEOC*, 565 U.S. 171, 187 (2012) (internal alterations omitted). Accordingly, “[w]hen ecclesiastical tribunals decide such disputes . . . the Constitution requires that civil courts accept their decisions as binding upon them[;]” thus, when a civil court inquires “into whether the Church

⁵⁹ The West Virginia Supreme Court of Appeals has recognized the axiomatic constitutional principle that “the United States Supreme Court decisions in First Amendment cases are binding precedent on this Court and will be treated as such.” *Yurish v. Sinclair Broad. Grp., Inc.*, 246 W. Va. 91, 98, 866 S.E.2d 156, 163 (2021); see also *Pushinsky v. W. Va. Bd. of Law Exam'rs*, 164 W. Va. 736, 744, 266 S.E.2d 444, 449 (1980) (“the Supreme Court's interpretation of the First Amendment is binding on this Court through W.Va. Const. art. I, § 1”).

had followed its own procedures,” that civil court has “unconstitutionally undertaken the resolution of quintessentially religious controversies whose resolution the First Amendment commits exclusively to the highest ecclesiastical tribunals of the Church.” *Id.*

In the context of judicial tribunals of hierarchical churches, the United States Supreme Court pointedly set forth a “commandment” that “civil courts defer to the resolution of issues of religious doctrine or polity by the highest court of a hierarchical church organization.” *Jones v. Wolf*, 443 U.S. 595, 602 (1979). Thus, under long-standing United State Supreme Court precedent, when hierarchical churches create a tribunal and that tribunal renders a decision on an internal dispute, administration, polity, regulation, or doctrine, it is conclusive upon secular courts and cannot be disturbed per the First and Fourteenth Amendments. This principle has become known as the ecclesiastical abstention doctrine.

Directly on point here, in *Brady v. Reiner*, a local church claimed title to real property after it had purportedly separated from the UMC, while the UMC claimed it still owned the property despite the local church’s purported separation. 157 W. Va. 10, 14, 198 S.E.2d 812, 816 (1973), *overturned on other grounds*, *Bd. of Church Extension v. Eads*, 159 W. Va. 943, 945, 230 S.E.2d 911, 913 (1976). Of particular importance to this case, the holdings in *Brady* speak directly to the hierarchical structure of the UMC, the *Discipline*, and the conclusiveness of the decisions of the hierarchical tribunals of the UMC on secular courts.

In *Brady*, this Court explained that the “West Virginia Constitution, Article III, Section 15 and the First Amendment to the U.S. Constitution absolutely forbid civil governments, either through judicial decision or legislative enactment, from interfering in church doctrine or practice[.]” Syl. Pt. 1, *Brady*, 157 W.Va. 10, 198 S.E.2d 812. The *Brady* Court further explained that “[t]he form of church polity or government, the ecclesiastical law regarding property, the

discipline, customs and usages of a church, written or not, are vital integral part of doctrine, the interpretation of which is forbidden to the civil courts by the West Virginia and United States Constitutions.” *Id.* at Syl. Pt. 6. The *Brady* Court also observed that when a church is “hierarchical” in nature, “it has its own general law, procedure, and organs for the authoritative resolution of internal disputes.” *Id.* at 157 W. Va. at 36, 198 S.E.2d at 827. As such, in “a hierarchical church, the ecclesiastical law of that church determines the ownership of church property.” *Id.* at 157 W. Va. at 65, 198 S.E.2d at 842–43.

Consequently, secular courts are constitutionally forbidden from interfering with a hierarchical church’s decisions since such questions are predicated on ecclesiastical laws and church doctrine. In Syllabus Point 8 of *Brady*, this Court held that “[t]he polity of The United Methodist Church, and predecessor Methodist church organizations, is connectional in structure and identifiable as a hierarchical form of church government as defined in its ecclesiastical laws prescribed in The Book of Discipline of The United Methodist Church[.]” *Id.* at Syl. Pt. 8. Thus, the “rule of the [UMC], embodied as it is in the written ecclesiastical law of the church, considered in conjunction with the action of the West Virginia Annual Conference of The United Methodist Church, constitutes a judgment of a church tribunal which is absolutely conclusive upon this Court as to the matters contained therein.” *Id.* at 157 W. Va. at 65, 198 S.E.2d at 842–43. Thus, decisions by the UMC’s Judicial Council must be respected and enforced by this Court as conclusive under not only United States Supreme Court precedent, but also precedent set forth by this Court.

B. THE EXCEPTION FOR DECISIONS PROCURED BY FRAUD OR COLLUSION IS NOT APPLICABLE AND DOES NOT VEST THE CIRCUIT COURT WITH SUBJECT MATTER JURIDICTION.

The *Brady* Court noted an exception to its holding that secular courts must accept as conclusive the decisions of hierarchical churches. Syl. Pt. 9, *Brady*, 157 W.Va. 10, 198 S.E.2d

812. This exception, adopted from *Gonzalez v. Roman Cath. Archbishop of Manila*, provided that “[i]n 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.” 280 U.S. 1, 16 (1929). Subsequently, this Court explicitly overturned the “arbitrary” exception, overruling *Brady* to the extent that it incorporated the arbitrary portion of *Gonzalez* exception into West Virginia jurisprudence. *Bd. Of Church Extension v. Eads*, 159 W. Va. 943, 955 n.6, 230 S.E.2d 911, 918 (1976). Specifically, in Syl. Pt. 2 of *Eads*, this Court held “[w]ith regard to disputes within hierarchical churches, civil courts should respect, and where appropriate enforce, the final adjudications of the highest church tribunals, **provided that such adjudications are not procured by fraud or collusion.**” Syl. Pt. 2, *Eads*, 159 W. Va. 943, 230 S.E.2d 911 (1976) (emphasis added).

Here, the Respondent Judge’s Order recognized that there is a “limited exception” to the ecclesiastical abstention doctrine that allows court review only when adjudications by the highest church tribunals are procured by fraud or collusion.⁶⁰ As the basis for affording relief under Rule 59(e), the Respondent Judge stated, “In the instant case, the Court feels it necessary to remedy a clear error of law: that the possibility of fraud or collusion were not considered when the previous Judge made his ruling.”⁶¹ In support of his conclusion, the Respondent Judge stated that Petitioners “argue that Respondent Trustees made no allegations of fraud or collusion of the UMC Judicial Council in reaching it[sic]s decisions on disaffiliation. However, Plaintiffs clearly alleged fraud and collusion in their initial complaint and at no time did they retract those allegations.”⁶² The Respondent Judge ultimately concluded that, “As there are, indeed, allegations of fraud and

⁶⁰ March 13, 2026, Respondent Judge Order Granting Rule 59(e) Motion (Appx. 002-003).

⁶¹ March 13, 2026, Respondent Judge Order Granting Rule 59(e) Motion (Appx. 003).

⁶² March 13, 2026, Respondent Judge Order Granting Rule 59(e) Motion (Appx. 003-004).

collusion, the Court believes that those are questions of fact for a jury.”⁶³ The Respondent Judge’s effort to apply the “fraud and or collusion” exception, however, was wrong in several respects.

First, the mere incantation of the words “fraud” or “collusion” by a plaintiff does not automatically vest a secular court with subject matter jurisdiction. Instead, under *Brady*, a plaintiff must allege that the “final adjudication” by the “highest church tribunal” was procured by fraud or collusion. Syl. Pt. 2, *Eads*, 159 W. Va. 943, 230 S.E.2d 911. As Judge Flanigan recognized, “[t]here must be a final adjudication . . . by the highest church tribunal . . . procured by fraud or conclusion for this Court to find subject matter jurisdiction.”⁶⁴ Here, however, Respondent Trustees’ allegations of fraud and collusion are directed *solely* at the Petitioners and not the UMC Judicial Council,⁶⁵ which is the “highest church tribunal” that made the “final adjudications” concerning disaffiliation under the *Discipline* about which Respondent Trustees complain.⁶⁶ As described above, the UMC Judicial Council, not the Petitioners, issued a series of decisions dictating Respondents Trustees’ ability to disaffiliate. As detailed by Judge Flanigan in the October 28, 2025 Order, the UMC Judicial Council decisions establish: (1) there is no absolute right to disaffiliation as it is contingent upon the approval of the annual conference and (2) no section of the *Discipline* except section 2553 provides for disaffiliation.⁶⁷ The UMC Judicial Council decisions refute the Respondent Trustee’s allegations of fraud and collusion against the Petitioners. *See, supra*, at 5-6. Accordingly, it is the UMC Judicial Council decisions that Respondent Trustees ask the Circuit Court to overturn to obtain the remedy that they seek – disaffiliation as a matter of

⁶³ March 13, 2026, Respondent Judge Order Granting Rule 59(e) Motion (Appx. 004).

⁶⁴ Oct. 28, 2025 Flanigan Order granting Defs.’ Mot to Dismiss (Appx. 023-024)

⁶⁵ Under the *Discipline*, the UMC Judicial Council has the sole authority to (1) determine the constitutionality of any act of the General Conference; (2) consider questions of law raised by bishops; (3) pass upon decisions of law made by bishops in annual conferences; and (4) make rulings in the nature of a declaratory decision as to the constitutionality, meaning, application, or effect of the *Discipline* or any portion thereof. Moreover, the *Discipline* expressly provides that “[a]ll decisions of the Judicial Council shall be final.” *Discipline*, ¶2609.11 (Appx. 486-488).

⁶⁶ *See* Oct. 28, 2024, Compl. ¶83-94 (Appx. 038-039)

⁶⁷ Oct. 28, 2025 Flanigan Order granting Defs.’ Mot to Dismiss (Appx. 020-024).

right with the UMC's property. However, in the absence of "fraud or collusion" in the "final adjudications" of that "highest church tribunal," the Circuit Court lacks subject matter jurisdiction to do what Respondent Trustees are asking. Syl. Pt. 2, *Eads*, 159 W. Va. at 945, 230 S.E.2d at 913.

Second, the Respondent Judge was wrong to conclude that "the possibility of fraud or collusion were not considered when the previous Judge made his ruling."⁶⁸ Plainly, this is untrue. Judge Flanigan carefully considered the "fraud or collusion" exception throughout his October 28, 2025 Order.⁶⁹ Applying Rule 12(b)(1), Judge Flanigan considered the alleged false statements and promises made by the Petitioners to the Respondent Trustees about disaffiliation under Section 2553 and 2549 of the *Discipline* in conjunction with the UMC Judicial Council's decisions interpreting the *Discipline* as to disaffiliation.⁷⁰ As correctly explained in Judge Flanigan's Order, in the absence of fraud or collusion in the procurement of the decisions by the UMC Judicial Council, such decisions are "absolutely conclusive upon civil courts," and must "be enforced by the courts of this State."⁷¹

Third, the Respondent Judge was wrong to conclude that issues of subject matter jurisdiction "are questions of fact for a jury."⁷² The opposite is true. Under Rule 12(b)(1), courts—not juries—must decide issues of subject matter jurisdiction. As this Court has explained:

The court's role on jurisdictional motions allows the judge "[t]o resolve disputed jurisdictional-fact issues, which distinguishes these motions from summary judgment proceedings where the judge simply determines whether any issues of material fact exist that require trial."

Elmore v. Triad Hospitals, Inc., 220 W. Va. 154, 157 n.7, 640 S.E.2d 217, 220 (2006) (emphasis added); *see also* Palmer, Louis, J., *Litigation Handbook on West Virginia Rules of Civil Procedure*,

⁶⁸ March 13, 2026, Respondent Judge Order Granting Rule 59(e) Motion (Appx. 003).

⁶⁹ Oct. 28, 2025 Flanigan Order granting Defs.' Mot to Dismiss (Appx. 019-024).

⁷⁰ Oct. 28, 2025 Flanigan Order granting Defs.' Mot to Dismiss (Appx. 019-024).

⁷¹ Oct. 28, 2025 Flanigan Order granting Defs.' Mot to Dismiss (Appx. 019-024).

⁷² March 13, 2026, Respondent Judge Order Granting Rule 59(e) Motion (Appx. 003, 004).

333–36 (5th ed. 2017) (Rule 12(b)(1) “permits the court to consider a range of material in resolving the motion. The courts are not bound to the pleadings in making a subject matter determination.”). Here, Petitioners relied upon sections of the *Discipline* and, more importantly, the UMC Judicial Council’s decisions interpreting the *Discipline*, to challenge the allegations of fraud and collusion in the Complaint. Therefore, the Respondent Judge was required but failed to resolve the jurisdictional fact issues by considering the allegations made in the Complaint in conjunction with the UMC Judicial Council’s decisions provided by Petitioners. Reserving this threshold issue of jurisdiction for the jury was improper.⁷³ Respondent Judge simply failed to apply the proper Rule 12(b)(1) standard of review when reversing Judge Flanigan and exercising subject matter jurisdiction over the Complaint.

In summary, the “fraud or collusion” exception to the ecclesiastical abstention doctrine does not apply here. Respondent Trustees are upset that they cannot disaffiliate but their allegations of “fraud or collusion” are not aimed at the “highest church tribunal” that made the “final adjudication” that upsets them. As such, the circuit court lacks subject matter jurisdiction over this matter and Respondent Judge’s ruling under Rule 59(e) was improper. The Respondent Judge’s exercise of subject matter jurisdiction over the Complaint violates the First Amendment of the U.S. Constitution and Article III, Section 15 of the West Virginia Constitution as recognized by long-standing precedent of United States Supreme Court and this Court as set forth in *Brady* and *Eads*.

⁷³ “[S]ubject-matter jurisdiction must exist as a matter of law for the court to act.” *State ex rel. Dale v. Stucky*, 232 W. Va. 299, 303, 752 S.E.2d 330, 334 (2013) (alterations and internal quotes omitted). This Court has emphasized the urgency of addressing jurisdictional defects, nothing that any decree or judgment made by a court lacking jurisdiction is void. *State ex re. Universal Underwriters Insurance Company v. Wilson*, 239 W. Va. 338, 346, 801 S.E.2d 216, 224 (2017); *see also State ex rel. Barden & Robeson Corp. v. Hill*, 208 W. Va. 163, 166, 539 S.E.2d 106, 109 (2000). Accordingly, the Rule 12(b)(1) standard requires that courts dismiss an action whenever they determine they lack subject-matter jurisdiction, and this determination can be made at any time during the proceedings, even *sua sponte* by the court. *Elmore v. Triad Hospitals, Inc.*, 640 S.E.2d 217, 220 W. Va. 154 (2006).

C. BECAUSE THE CIRCUIT COURT LACKED SUBJECT MATTER JURISDICTION, A WRIT OF PROHIBITION LIES AS A MATTER OF RIGHT OR, AT A MINIMUM, SHOULD BE ISSUED AS A MATTER OF DISCRETION.

As explained above, the circuit court lacked jurisdiction over Respondent Trustee's Complaint. As a result, a writ of prohibition should issue as a matter of right. A "writ of prohibition shall lie as a matter of right in all cases of usurpation and abuse of power, when the inferior court has no jurisdiction of the subject matter in controversy, or, having such jurisdiction, exceeds its legitimate powers." W. Va. Code § 53-1-1; Syl. Pt. 2, *State ex rel. Peacher v. Sencindiver*, 160 W. Va. 314, 233 S.E.2d 425 (1977). "When a court is attempting to proceed in a cause without jurisdiction, prohibition will issue as a matter of right regardless of the existence of other remedies." Syl. Pt. 2, *State ex rel. Farber v. Mazzone*, 213 W. Va. 661, 663, 584 S.E.2d 517, 519 (2003) (quoting Syl. Pt. 10, *Jennings v. McDougale*, 83 W. Va. 186, 98 S.E. 162 (1919)). This Court has issued writs of prohibition where circuit courts proceed without subject matter jurisdiction. *See, e.g., State ex rel. PrimeCare Med. of W. Va., Inc. v. Faircloth*, 242 W. Va. 335, 338, 835 S.E.2d 579, 582 (2019). Because the Respondent Judge's March 13, 2026 Order allows the underlying action to proceed in the absence of subject matter jurisdiction, a writ of prohibition should issue as a matter of right.⁷⁴

Alternatively, a discretionary writ of prohibition should be issued because Respondent Judge's March 13, 2026 Order is clearly erroneous as a matter of law. When deciding whether to issue a Writ of Prohibition, this Court considers five factors:

1. Whether the party seeking the writ has no other adequate means, such as direct appeal, to obtain the desired relief;
2. Whether the petitioner will be damaged or prejudiced in a way that is not correctable on appeal;
3. Whether the lower tribunal's order is clearly erroneous as a matter of law;

⁷⁴ March 13, 2026, Respondent Judge Order Granting Rule 59(e) Motion (Appx. 001-004).

4. Whether the lower tribunal's order is an oft repeated error or manifests persistent disregard for either procedural or substantive law; and
5. Whether the lower tribunal's order raises new and important issues of law or first impression.

Syl. Pt. 4, *State ex rel. Hoover v. Berger*, 199 W. Va. 12, 483 S.E.2d 12 (1996). “These factors are general guidelines that serve as a useful starting point for determining whether a discretionary writ of prohibition should issue. Although all five factors need not be satisfied, it is clear that the third factor, the existence of clear error as a matter of law, should be given substantial weight.” *Id.* at 21; *see also State ex rel. W. Va. Univ. Hosps., Inc. v. Gaujot*, 242 W. Va. 54, 61, 829 S.E.2d 54, 61 (2019) (“While we need not find that all factors are present, we attach ‘substantial weight’ to the factor that asks ‘whether the lower tribunal’s order is clearly erroneous as a matter of law[.]’”).

Because the Respondent Judge granted a Rule 59(e) Motion to reverse Judge Flanigan’s dismissal of this action and improperly exercised subject matter jurisdiction, Petitioners have no other adequate means, such as direct appeal, to obtain relief where the lower court is acting without subject matter jurisdiction. Petitioners will be irreparably damaged if forced to litigate and engage in discovery on issues which the lower court has no subject matter jurisdiction, and such damage and prejudice is not correctable on appeal. Moreover, the Respondent Judge made a clear legal error when it granted Respondents Trustees’ Rule 59(e) Motion, violating the First Amendment of the U.S. Constitution and Article III, Section 15 of the West Virginia Constitution by allowing the Respondent Judge to proceed in the absence of subject matter jurisdiction and improperly interpret and apply the ecclesiastical laws and interfere with the internal governance, doctrine, and practices of the UMC, a hierarchical church.

VI. CONCLUSION

The Respondent Judge’s exercise of subject matter jurisdiction over the Complaint violates the First Amendment of the U.S. Constitution and Article III, Section 15 of the West Virginia

Constitution. Specifically, the Respondent Judge failed to perform the proper Rule 12(b)(1) standard of review and make the necessary jurisdictional findings of fact to invoke the fraud and collusion exception to the ecclesiastical abstention doctrine. Because the Respondent Judge failed to perform the required jurisdictional analysis like Judge Flanigan did in his October 28, 2025 Order, the Respondent Judge failed to see that decisions of the UMC Judicial Council are conclusive on the lower court and deprive it of subject matter jurisdiction over the Complaint. To find otherwise, would improperly allow state secular courts to interfere with the ecclesiastical doctrine, policies, and practice of the UMC. Judge Ryan Flanigan's October 28, 2025 Order granting the Petitioner's Rule 12(b)(1) motion to dismiss for lack of subject-matter jurisdiction should be reinstated. Accordingly, a writ should be issued to prohibit enforcement of the Respondent Judge's March 13, 2026 Order and the Circuit Court's exercise of jurisdiction over the Complaint.

/s/ Wendy G. Adkins

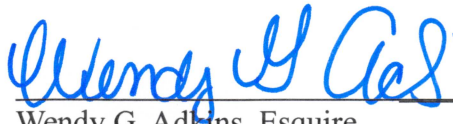
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VII. VERIFICATION

I, Wendy G. Adkins, counsel for the Petitioner, Trustees of the West Virginia Annual Conference of the United Methodist Church and individual Defendants, verify that the factual and legal arguments discussed herein are accurate and true to the best of my belief.


Wendy G. Adkins, Esquire
(WV State Bar No. 9412)

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

DOCKET NO. 26-

**STATE OF WEST VIRGINIA EX REL. TRUSTEES OF THE WEST VIRGINIA
CONFERENCE OF THE UNITED METHODIST CHURCH, *et al.*,**

Petitioners,

v.

**THE HONORABLE MARK WILLS;
TRUSTEES OF MADISON UNITED METHODIST CHURCH, *et al.*,
*Respondents.***

**Honorable Mark Wills, Judge
Circuit Court of Mercer County
Civil Action No. CC-28-2024-C-272**

CERTIFICATE OF SERVICE

I, Wendy G. Adkins, counsel for the Petitioners Trustees of the West Virginia Conference of the United Methodist Church and individual defendants, certify that on April 13th, 2026, I have served the foregoing *Verified Petition for Writ of Prohibition* and *Appendix* on all counsel of record via electronic mail:

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