IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

September 2026 Term

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SUPREME COURT OF APPEALS
OF WEST VIRGINIA

No. 26-198

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, Judge of the Circuit Court of Mercer County, TRUSTEES OF MADISON UNITED METHODIST CHURCH, et al.
Respondents.

PETITION FOR WRIT OF PROHIBITION
WRIT GRANTED

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JUSTICE TRUMP delivered the Opinion of the Court.

SYLLABUS BY THE COURT

1. "'The writ of prohibition will issue only in clear cases where the inferior tribunal is proceeding without, or in excess of, jurisdiction.' Syl., *State ex rel. Vinyard v. O'Brien*, 100 W. Va. 163, 130 S.E. 111 (1925)." Syl. Pt. 1, *State ex rel. Johnson v. Reed*, 219 W. Va. 289, 633 S.E.2d 234 (2006).

2. "The West Virginia Constitution, Article III, Section 15 and the First Amendment to the United States Constitution absolutely forbid civil governments, either through judicial decision or legislative enactment, from interfering in church doctrine or practice – a matter of religious freedom, or from 'establishing' a church or form of church government to the detriment of another religious belief or organization." Syl. Pt. 1, *Brady v. Reiner*, 157 W. Va. 10, 198 S.E.2d 812 (1973), *overruled in part on other grounds by Board of Church Extension v. Eads*, 159 W. Va. 943, 230 S.E.2d 911 (1976).

3. "The power of the civil courts to interfere with the internal operations of churches is severely limited by the First Amendment to the Constitution of the United States as applied to the states by the Fourteenth Amendment, and by W. Va. Const. art. III, § 15; therefore, the separation of church and state dictates two distinct approaches to church litigation depending upon whether a given church conforms to a hierarchical church structure where the local churches are connected with and subordinate to the laws, procedures and organs established by the constitution and bylaws of the general church, or alternatively whether the church is congregational in nature with authority vested in local

congregations." Syl. Pt. 1, *Board of Church Extension v. Eads*, 159 W. Va. 943, 230 S.E.2d 911 (1976).

4. "With 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, *Board of Church Extension v. Eads*, 159 W. Va. 943, 230 S.E.2d 911 (1976).

5. "The 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 (1968)." Syl. Pt. 8, *Brady v. Reiner*, 157 W. Va. 10, 198 S.E.2d 812 (1973), *overruled in part on other grounds by Board of Church Extension v. Eads*, 159 W. Va. 943, 230 S.E.2d 911 (1976).

6. "The form of church polity or government, the ecclesiastical law regarding property, the discipline, customs and usages of a church, written or not, are vital [and] integral parts of doctrine, the interpretation of which is forbidden to the civil courts by the West Virginia and United States Constitutions." Syl. Pt. 6, *Brady v. Reiner*, 157 W. Va. 10, 198 S.E.2d 812 (1973), *overruled in part on other grounds by Board of Church Extension v. Eads*, 159 W. Va. 943, 230 S.E.2d 911 (1976).

7. "In the absence of an express trust conditioning the use of property contrary to the rule of the church, a rule of the church resolving a church property dispute is conclusive upon the civil courts so long as such adjudicated disposition of the property was not abstained by fraud [or] collusion[.]" Syl. Pt. 9, in part, *Brady v. Reiner*, 157 W. Va. 10, 198 S.E.2d 812 (1973), *overruled in part by Board of Church Extension v. Eads*, 159 W. Va. 943, 230 S.E.2d 911 (1976).

8. "Whenever it is determined that a court has no jurisdiction to entertain the subject matter of a civil action, the forum court must take no further action in the case other than to dismiss it from the docket." Syl. Pt. 1, *Hinkle v. Bauer Lumber & Home Building Center, Inc.*, 158 W. Va. 492, 211 S.E.2d 705 (1975).

9. "Lack of jurisdiction of the court rendering a judgment makes the judgment void and subject to attack in any jurisdiction wherein it is relied upon." Syllabus, *Perkins v. Hall*, 123 W. Va. 707, 17 S.E.2d 795 (1941).

10. "A motion under Rule 59(e) of the West Virginia Rules of Civil Procedure should be granted where: (1) there is an intervening change in controlling law; (2) new evidence not previously available comes to light; (3) it becomes necessary to remedy a clear error of law or (4) to prevent obvious injustice." Syl. Pt. 2, *Mey v. Pep Boys – Manny, Moe & Jack*, 228 W. Va. 48, 717 S.E.2d 235 (2011).

TRUMP, Justice:

The petitioners are Trustees of the West Virginia Conference of the United Methodist Church and the individuals who served as trustees of the West Virginia Annual Conference of the United Methodist Church during the relevant period (collectively, "the Conference"). They invoke this Court's original jurisdiction and seek a writ of prohibition prohibiting enforcement of the order of the Circuit Court of Mercer County granting the respondents' motion to alter or amend the court's prior judgment. In that prior judgment, the circuit court determined that, pursuant to the ecclesiastical abstention doctrine, it lacked subject matter jurisdiction to consider the civil action brought by the respondents, thirty-three local United Methodist churches acting through their respective trustees (collectively, "the Local Churches"). In granting the Local Churches' motion to alter or amend, the court found that their allegations of fraud and collusion presented questions of fact for a jury, determined that its prior dismissal constituted clear legal error, and ordered that the case be reopened.

In its petition for a writ of prohibition, the Conference asserts that the First Amendment to the United States Constitution and article III, section 15 of the West Virginia Constitution deprive the court of subject matter jurisdiction to adjudicate claims the resolution of which requires review of decisions of the United Methodist Church ("the Church") concerning its doctrine, discipline, governance, or ecclesiastical law. The Local Churches contend that the "fraud-or-collusion exception" to ecclesiastical abstention applies to their action against the Conference and permits the circuit court to exercise

subject matter jurisdiction over their claims. We conclude that the circuit court correctly determined in the first instance that the constitutional limitations on civil-court review of ecclesiastical decisions prohibited it from adjudicating this dispute. The fraud and collusion alleged in the Local Churches' complaint did not concern the procurement of a final ecclesiastical adjudication. Instead, the allegations challenge the Conference's interpretation and application of the Church's governing law and its conduct in connection with the efforts of the Local Churches to disaffiliate. Those allegations therefore do not bring this case within the narrow exception to ecclesiastical abstention recognized in our law. Because the circuit court initially determined correctly that it lacked subject matter jurisdiction, West Virginia Rule of Civil Procedure 59(e) could not properly be used to reopen the case. Thus, the subsequent order amending the jurisdictional judgment and reinstating the case constituted error and a usurpation of power beyond the court's legitimate jurisdiction. Accordingly, we grant the requested writ of prohibition.

I. FACTS AND PROCEDURAL HISTORY

The issue at the core of the underlying civil action is a property dispute between the Local Churches and the Church, acting through the Conference. Based on a doctrinal disagreement within the Church concerning the ordination of homosexual clergy and the performance of same-sex weddings, the Local Churches sought to disaffiliate from the Church while retaining church property. The Conference maintains that under the Church's governing authorities, property held by the Local Churches is subject to the denomination's Trust Clause and may not be retained by a local church upon disaffiliation

except as authorized by Church law. The Local Churches' complaint in the Circuit Court of Mercer County followed, alleging *inter alia* that the Conference engaged in fraudulent and collusive conduct to prevent the Local Churches from disaffiliating with the disputed property.

The history of the United Methodist Church and its internal operations has been recognized by prior opinions of this Court. We recount the portions necessary to place the present dispute in context. The Church operates under a connectional and hierarchical governance structure, meaning that local churches are not autonomous, but are part of an interconnected system of Church bodies subject to the governance of established Church authorities. This structure is established by the Church's constitution and administered by *The Book of Discipline of the United Methodist Church* ("the Discipline"), which together set forth the Church's polity, doctrine, organizational structure, procedures, and the powers and duties of its governing bodies. According to these authorities, the General Conference is the Church's highest legislative body and has the exclusive authority to write and revise the statutory provisions of the Discipline. The Judicial Council is the Church's highest legal body. It determines the constitutionality of acts of the General Conference, hears certain appeals, and determines the legality of actions taken by Church authorities. The Church's constitution provides that all decisions of the Judicial Council are final.

The annual conferences, including the petitioner in this case, are designated by the Church's constitution as its fundamental bodies. They serve as the principal

organizational link between local churches within their bounds and the Church's jurisdictional and General conferences and exercise substantial authority over Church affairs within their respective regions, including the ordination of clergy, conference relations of clergy, the election of delegates to the Church's higher conferences, and the administration of conference ministries and finances. They also participate in the Church's constitutional governance because amendments adopted by the General Conference do not become part of the Church's constitution or the Discipline until ratified by the annual conferences in accordance with the constitution's prescribed voting requirements.

Within this structure, local churches retain authority over their property through their trustees, but local churches are not independent entities; they must operate in accordance with the Discipline and may not sever their connectional relationship with the Church without the consent of the annual conference. The annual conferences accordingly exercise substantial authority over local churches, including the authority in specified circumstances to direct the disposition of local church property. Their actions, however, remain subject to the Church's constitution and the Discipline and, where applicable, the decisions of the Judicial Council.

Part VI of the Discipline governs "Organization and Administration" of the Church, and Chapter 6 of this part addresses "Church Property." Its first provision states:

> All properties of United Methodist 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 church property is subject to the *Discipline*. This trust requirement is an essential element of the historic polity of The United Methodist Church or its predecessor denominations or communions and has been a part of the *Discipline* since 1797. It reflects the connectional structure of the Church by ensuring that the property will be used solely for purposes consonant with the mission of the entire denomination as set forth in the *Discipline*. The trust requirement is thus a fundamental expression of United Methodism whereby local churches and other agencies and institutions within the denomination are both held accountable to and benefit from their connection with the entire worldwide Church.

¶ 2501.1 (italics in original). Paragraph 2501.2 provides that "[t]he trust is and always has been irrevocable, except as provided in the *Discipline*." Paragraph 2503 prescribes trust language for deeds and provides that:

> the absence of a trust clause . . . in deeds and conveyances executed previously or in the future shall in no way exclude a local church . . . from or relieve it of its connectional responsibilities to The United Methodist Church. Nor shall it absolve a local church . . . of its responsibility and accountability to The United Methodist Church, including the responsibility to hold all of its property in trust for The United Methodist Church[.]

Id. at ¶ 2503.6. These provisions are known collectively as "the Trust Clause."

Against this background, the Church adopted ¶ 2553 in February 2019. The temporary enactment gave local churches a limited right to disaffiliate from the denomination for reasons of conscience and retain church property subject to specified conditions. Among other requirements, a local church was required to obtain a two-thirds vote of its professing members to disaffiliate; satisfy specified apportionment, pension, debt, and other obligations; and enter into a disaffiliation agreement with its annual

conference. Upon satisfaction of those obligations, and the absence of outstanding liabilities or claims, the annual conference would release its claims under the Trust Clause. The provision also instructed local churches to make the choice about disaffiliation "in sufficient time for the process for exiting the denomination to be complete prior to December 31, 2023[,] [because t]he provisions of ¶ 2553 expire on December 31, 2023 and shall not be used after that date."

The passage of ¶ 2553 in 2019 generated several requests for declaratory decisions from the Judicial Council concerning its meaning and use, as well as the applicability of several other provisions of the Discipline to a local church's disaffiliation. Three such decisions are pertinent to our discussion. First, shortly after its passage, the Judicial Council considered the constitutionality, meaning, application, and effect of ¶ 2553 and found the amendment to be unconstitutional as drafted because it lacked a provision stating that disaffiliation agreements were subject to ratification by the governing annual conference. However, in deference to the legislative branch of the Church, and reading ¶ 2553 in pari materia with other relevant provisions of the Discipline, particularly ¶ 2529.1(b)(3), which provides that "the local church cannot sever its connectional relationship to The United Methodist Church without the consent of the annual conference," the Judicial Council concluded that ¶ 2553 was constitutional. Judicial Council Decision No. 1379 (Apr. 25, 2019). Next, in May 2022, the Church's Council of Bishops in essence certified eight questions to the Judicial Council, the crux of which was the propriety of some annual conferences' proposals to use other provisions of the

Discipline as a method of disaffiliation with property. The Judicial Council determined that ¶ 2553 provided the only means for local churches to disaffiliate with property. It concluded that ¶ 2548.2, which establishes a procedure for transferring church property to another denomination, could not be used as a means of disaffiliation. Judicial Council Decision No. 1449 (Aug. 22, 2022). Finally, in June 2024, the Judicial Council considered whether ¶ 2549, which establishes procedures for closing a local church under specified circumstances, could provide a means for a local church to disaffiliate. The Judicial Council held:

> Connectionalism is a bedrock principle of United Methodist constitutional polity, and the Trust Clause is its foundational element. Disaffiliation is a radical departure from connectionalism, and, therefore, church property can be released from the trust clause only to the extent authorized by Church law.
>
> With the expiration and deletion of ¶2553, the postponed 2020 General Conference effectively removed from The Book of Discipline, 2016, [hereinafter Discipline] the only pathway for the disaffiliation of local churches. Except for the General Conference, no body or entity in the Church has the power to reinstate or replicate ¶2553 or adopt legislation, policies, guidelines, rules, or regulations authorizing the departure of local churches. Any such action, plan, or attempt to do so intrudes upon the exclusive prerogative of the General Conference and is unconstitutional, null, and void.
>
> Further, ¶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 ¶2549 to that end would be a misapplication of Church law.

Judicial Council Decision No. 1512 (Oct. 26, 2024).

The Local Churches thereafter filed the civil action underlying this proceeding. According to their complaint, in or around August 2022, the Conference advised them that they did not qualify to disaffiliate under ¶ 2553 because the General Conference had not amended the Discipline or otherwise acted or failed to act in a manner that would permit disaffiliation under that paragraph. Conference representatives allegedly advised the Local Churches that they need not make a disaffiliation decision before the May 2024 General Conference[1] and represented that, if they thereafter wished to disaffiliate with church property, they could do so under ¶ 2549. The Local Churches allege that they relied on those representations and waited until after the May 2024 General Conference. They then decided to disaffiliate based on the changes to the Discipline that they found objectionable. When they again sought to disaffiliate, however, the Conference advised them that they could not leave the denomination without surrendering the real and personal property used by the Local Churches. The Local Churches further allege that they later learned Conference representatives had been working to effect changes to the Discipline that they sought to avoid by disaffiliating. They assert that, despite knowing that the Local Churches intended to disaffiliate, the Conference made false representations and promises that induced them to delay disaffiliation until after the sunset of ¶ 2553 and the 2024 General Conference. According to the Local Churches, the Conference knew that the Local Churches did not disaffiliate because they had relied in good faith on the Conference's representations. The Local Churches characterize the Conference's

[1] The Church uses the term "General Conference" to refer both to the legislative body and to its quadrennial meeting (or session).

representations and conduct as fraud and collusion intended to prevent them from disaffiliating with "their" property and to require them instead to surrender that property to the Conference. The Local Churches then filed suit in circuit court, asserting: fraud and fraudulent inducement; breach of fiduciary duty; constructive fraud; breach of contract and the implied covenant of good faith and fair dealing; collusion and conspiracy; promissory estoppel; equitable estoppel; modification of trust; and unjust enrichment.

The Conference moved to dismiss the complaint pursuant to West Virginia Rule of Civil Procedure 12(b)(1), arguing that subject matter jurisdiction did not lie in the circuit court because the dispute, which at its core constitutes objections to ecclesiastical governance, is inherently religious in nature and thus not subject to scrutiny in the secular courts. In a detailed and well-reasoned decision, the Circuit Court of Mercer County agreed and dismissed the complaint. The court recognized that the Church is hierarchical and that its governing bodies' decisions concerning disaffiliation and church property are ecclesiastical matters entitled to deference. The court also rejected the Local Churches' reliance on claims of fraud and collusion because the alleged misconduct did not concern the procurement of a final adjudication by a church tribunal. The court concluded that the Local Churches had no absolute right to disaffiliate, giving deference to the adjudication under ecclesiastical law made by the Judicial Council, and that their challenge to the Trust Clause presented an ecclesiastical matter beyond the court's authority to adjudicate.

Thereafter, the Local Churches filed a motion pursuant to West Virginia Rule of Civil Procedure 59(e) asking the court to alter or amend its judgment, arguing among other things that the court had misapprehended the history of disaffiliation in West Virginia and erred in its consideration of their allegations of fraud and collusion. The Local Churches argued that the allegations in their complaint required the court to exercise jurisdiction over the case. After receiving the briefs and hearing the arguments of counsel, the circuit court concluded that it had committed a clear error of law by failing to consider the Local Churches' allegations of fraud and collusion. The court rejected the Conference's contention that the Local Churches had not alleged fraud or collusion of the Judicial Council in reaching its decisions on disaffiliation, finding that the complaint plainly included allegations of fraud and collusion and that the Local Churches had not withdrawn them. Because the court determined that the allegations presented factual questions for a jury, it vacated its prior judgment dismissing the case and directed the clerk to reopen the case on its active docket.[2] It is the enforcement of this order that the Conference seeks to prevent through its petition for writ of prohibition.

II. STANDARD FOR ISSUANCE OF WRIT OF PROHIBITION

Our review in this original jurisdiction proceeding is governed by the principles applicable to a writ of prohibition, which "shall lie as a matter of right in all

[2] The initial order dismissing the action pursuant to Rule 12(b)(1) and the subsequent order granting relief per Rule 59(e) were entered by different judges because the case was reassigned.

cases of usurpation and abuse of power, when the inferior court has not jurisdiction of the subject matter in controversy, or, having such jurisdiction, exceeds its legitimate powers." W. Va. Code § 53-1-1. Consistent with the statute, this Court has long held that "'[t]he writ of prohibition will issue only in clear cases where the inferior tribunal is proceeding without, or in excess of, jurisdiction.' Syl., *State ex rel. Vinyard v. O'Brien*, 100 W. Va. 163, 130 S.E. 111 (1925)." Syl. Pt. 1, *State ex rel. Johnson v. Reed*, 219 W. Va. 289, 633 S.E.2d 234 (2006).

III. DISCUSSION

In his 1785 *Memorial and Remonstrance against Religious Assessments*, a petition addressed to the General Assembly of Virginia opposing a bill before it that would have established state funding for "Teachers of the Christian Religion," James Madison argued that such a law "[would] be a dangerous abuse of power . . . Because the Bill implies either that the Civil Magistrate is a competent Judge of Religious Truth; or that he may employ Religion as an engine of Civil policy." James Madison, "Memorial and Remonstrance against Religious Assessments, [ca. 20 June] 1785," *Founders Online*, National Archives, https://founders.archives.gov/documents/Madison/01-08-02-0163 (last visited Sept. 25, 2026).[3] Thereafter, Madison contributed substantially to the crafting of the First Amendment to the Constitution of the United States, which provides, in part, that

[3] Original source: *The Papers of James Madison*, vol. 8, 10 March 1784 – 28 March 1786, ed. Robert A. Rutland and William M.E. Rachal. Chicago: The University of Chicago Press, 1973, pp. 295-306.

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof[.]" U.S. Const. amend. I. This restriction is made applicable to government action by the states through the Fourteenth Amendment, which states,

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

U.S. Const. amend. XIV, in part. The United States Supreme Court recognized that the doctrine of ecclesiastical abstention is applicable to the states through the Fourteenth Amendment in *Kedroff v. St. Nicholas Cathedral of Russian Orthodox Church in North America*, 344 U.S. 94, 100 (1952).

The West Virginia Constitution also guarantees to its citizens the right of religious freedom, providing that:

> No man shall be compelled to frequent or support any religious worship, place or ministry whatsoever; nor shall any man be enforced, restrained, molested or burthened, in his body or goods, or otherwise suffer, on account of his religious opinions or belief, but all men shall be free to profess and by argument, to maintain their opinions in matters of religion; and the same shall, in nowise, affect, diminish or enlarge their civil capacities; and the Legislature shall not prescribe any religious test whatever, or confer any peculiar privileges or advantages on any sect or denomination, or pass any law requiring or authorizing any religious society, or the people of any district within this state, to levy on themselves, or others, any tax for the erection or repair of any house for public worship, or for the support of any church or ministry, but it shall be left free for every person to select his religious instructor, and to make for his support, such private contracts as he shall please.

W. Va. Const. art. III, § 15.[4] Thus, the strict limitations on governmental involvement or interference in matters of religion have been woven into the constitutional history of both our nation and State from their respective foundings.

Upon this constitutional foundation, both the United States Supreme Court and this Court have long recognized that civil courts must refrain from deciding disputes that require them to interpret or resolve matters of religious doctrine, church discipline, internal governance, the qualifications or conduct of church members or leaders when those questions are committed to the church's own ecclesiastical authority, or ecclesiastical law. *See Venable v. Coffman*, 2 W. Va. 310, 311 (1867) (holding that determination by church's authorized governing body "is conclusive" as to ecclesiastical affiliation question); Syl. Pt. 10, *Watson v. Jones*, 80 U.S. 679, 681 (1871) (holding that when a civil property right depends on a question of church doctrine, discipline, ecclesiastical law, or church government, civil courts will accept as conclusive, and be governed by, the determination of church's highest tribunal); Syl. Pts. 1 and 10, in part, *Brady v. Reiner*, 157 W. Va. 10, 198 S.E.2d 812 (1973), *overruled in part on other grounds by Bd. of Church Extension v. Eads*, 159 W. Va. 943, 230 S.E.2d 911 (1976) (holding that West Virginia and U.S. constitutions "absolutely forbid civil governments" from interfering with church doctrine

[4] This constitutional provision echoes from Madison, as well. It was reproduced verbatim from the second Virginia Constitution of 1830, which incorporated the 1786 Virginia Statute for Religious Freedom that had been drafted by Thomas Jefferson and was shepherded through the Virginia General Assembly by Madison, who was then a member of the Virginia House of Delegates.

or practice and that judgment of church tribunal is "absolutely conclusive upon this Court"); Syl. Pt. 2, *Eads*, 159 W. Va. at 943, 230 S.E.2d at 912 (holding that civil courts should defer to final adjudications of highest tribunals of hierarchical churches, absent fraud or collusion). It is important here to note that none of these authorities holds that secular courts lack general subject matter jurisdiction over civil actions involving property rights and religious institutions, as the power and duty to hear and decide civil actions has been vested in the judiciary by both the West Virginia Constitution and statute. Rather, these authorities establish a constitutional limitation on the exercise of that power: when resolution of a civil dispute depends upon matters committed to ecclesiastical determination, the civil courts may not independently resolve those matters but must accept as conclusive the determinations reached by the churches' highest tribunals. Thus, the constitutional protections of religious freedom do not eliminate the judiciary's general authority to hear civil actions; they limit the courts' authority to adjudicate disputes when their resolution would require the courts to intrude upon matters reserved to ecclesiastical authorities.

Indeed, we have recognized that churches are not categorically immune from civil litigation. *Gillespie v. Elkins Southern Baptist Church*, 177 W. Va. 88, 91, 350 S.E.2d 715, 718 (1986) (observing that "courts have not hesitated to find jurisdiction to protect property and contractual rights, even when one of the parties is a church or religious society") (citations omitted); *Our Lady of Guadalupe School v. Morrissey-Berru*, 591 U.S. 732, 746 (2020) (holding that religious institutions do not enjoy general immunity from

secular laws, but that the First Amendment protects their autonomy with respect to internal management decisions that are essential to the institution's central mission). Thus, the mere involvement of a church in a case does not place a dispute beyond the reach of the civil courts. Conversely, the presence of a secular claim does not allow a civil court to resolve an ecclesiastical question merely because doing so would affect the outcome of a civil case. Courts may resolve secular disputes involving religious organizations when doing so does not require the court to determine religious questions and it can resolve the dispute by applying neutral principles of law. Syl. Pt. 3, *Eads*, 159 W. Va. at 943, 230 S.E.2d at 912 (holding that, with regard to disputes within a congregational church, a civil court may intervene only if it can apply completely neutral principles of law that do not require inquiry into church doctrine or practice; where it cannot do so, it must decline to intervene); *Jones v. Wolf*, 443 U.S. 595, 602-03 (1979) (holding that a state is constitutionally entitled to adopt neutral principles of law as a means of adjudicating church property disputes). The relevant inquiry is therefore not the label attached to a claim but the nature of the question that must be resolved to adjudicate it.

Another factor central to this Court's analysis of church property disputes brought to the civil courts is the polity of the church at issue. *Eads* holds that:

> The power of the civil courts to interfere with the internal operations of churches is severely limited by the First Amendment to the Constitution of the United States as applied to the states by the Fourteenth Amendment, and by W. Va. Const. art. III, § 15; therefore, the separation of church and state dictates two distinct approaches to church litigation depending upon whether a given church conforms to a

> hierarchical church structure where the local churches are connected with and subordinate to the laws, procedures and organs established by the constitution and bylaws of the general church, or alternatively whether the church is congregational in nature with authority vested in local congregations.

Syl. Pt. 1, *Eads*, 159 W. Va. at 943, 230 S.E.2d at 912. The Court further held: "With 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." *Id*. at syl. pt. 2. If the dispute is within a congregational church, "a civil court may intervene only if it may apply a completely neutral principle of law . . . and the [c]ourt is not required to inquire into church doctrine or practice; where a court cannot apply a completely neutral principle to resolve the dispute, it must . . . decline to intervene[.]" *Id*. at syl. pt. 3. We long ago recognized that:

> The polity of The United Methodist Church, and predecessor Methodist church organizations, is connectional in structure and identifiable as a hierarchal form of church government as defined in its ecclesiastical laws prescribed by The Book of Discipline of The United Methodist Church (1968).

Syl. Pt. 8, *Brady*, 157 W. Va. at 12, 198 S.E.2d at 815.

The highest church tribunal for purposes of this rule need not always be the Judicial Council; it is rather "the highest church judicatory passing on the question." *Brady*, 157 W. Va. at 65, 198 S.E.2d at 843. *See also Church of God of Madison v. Noel*, 173 W. Va. 589, 592, 318 S.E.2d 920, 923 (1984) (recognizing that hierarchical churches may vest ultimate decision-making authority in ecclesiastical officers or representative bodies but

reaffirming that when "the proper hierarchical authority has decided a question of church doctrine, practice or government, the courts must decline to intervene"). In the case before us now, the questions concerning the meaning and application of provisions of the Discipline governing disaffiliation were ultimately addressed by the Judicial Council, whose decisions are final under the Church's constitution.

The Local Churches' claims arise from the Church's rules governing disaffiliation and the disposition of church property. Adjudicating those claims would require the circuit court to determine what the Discipline permitted, what procedures it made available to congregations seeking to disaffiliate, and whether the Conference properly interpreted and applied the Church's governing law. Those are questions of ecclesiastical law committed exclusively to the Church's own governing structure. We have held 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 parts of doctrine, the interpretation of which is forbidden to the civil courts by the West Virginia and United States Constitutions." Syl. Pt. 6, *Brady*, 157 W. Va. at 12, 198 S.E.2d at 815. *See also Eads*, 159 W. Va. at 957, 230 S.E.2d at 919 (explaining that church property dispute must be resolved by church authority, not this Court, which also cannot inquire into propriety of authority's decision); *Serbian Eastern Orthodox Diocese for United States and Canada v. Milivojevich*, 426 U.S. 696, 720 (1976) (holding that a civil court examining a hierarchical church's compliance with its own procedures "unconstitutionally under[takes] the resolution of quintessentially religious controversies

whose resolution the First Amendment commits exclusively to the highest ecclesiastical tribunals" of the church); *Kedroff*, 344 U.S. at 116 (holding that churches have a fundamental right "to decide for themselves, free from state interference, matters of church government as well as those of faith and doctrine"). That a dispute has consequences for ownership of property does not negate the constitutional imperative that the civil courts are forbidden from intruding upon matters committed to a church's ecclesiastical authority.

The Local Churches' complaint itself illustrates the problem. The Local Churches alleged that in 2022, Conference representatives advised them that ¶ 2553 did not permit disaffiliation because the General Conference had not made any changes necessary to trigger the provision. They acknowledge that this interpretation was shared by a minority of conferences in this country, but they contend that it constitutes a false statement that induced them to delay disaffiliation. However, whether that interpretation was correct or not is a question of Church law beyond the review of the civil courts. Characterizing a difference of opinion over the meaning of the Discipline's provisions as a false statement does not confer jurisdiction upon a secular court to decide the underlying ecclesiastical question.

The same is true of the Local Churches' allegations concerning ¶ 2549. They allege that Conference representatives promised that they could use that provision's closure procedure to disaffiliate after the 2024 General Conference despite knowing when they made the representation that it was false. Whether that procedure authorized disaffiliation

was ultimately addressed by the Judicial Council, which issued its decision five months after the 2024 General Conference, holding that ¶ 2549 did not provide a means of disaffiliation. The Local Churches do not allege that this decision was procured by fraud, nor do they allege that Conference representatives colluded with the Judicial Council to obtain that decision. To adjudicate their claims, however, the circuit court would necessarily have to determine whether the Conference's interpretation of the Discipline was correct. That question implicates the Church's interpretation and application of its own ecclesiastical law and therefore cannot be independently determined by the Circuit Court of Mercer County.

The Local Churches contend that their allegations of fraud and collusion act as an exception to the constitutional constraint on civil courts' authority to adjudicate ecclesiastical matters and require the court to consider their claims. We decline to apply the exception so broadly.

The Local Churches contend the "fraud or collusion exception" is a well-established legal principle, but we could find no case, and the Local Churches cite to none, in which a trial or appellate court in any jurisdiction in this country has applied the "fraud or collusion" language to exercise jurisdiction over a dispute involving a church or other religious institution. Instead, while many courts have acknowledged the "fraud or collusion exception," every court that has squarely confronted the issue has declined to apply it on the facts presented, held that applying it would itself require impermissible inquiry into

religious doctrine, or rejected it as legally untenable. *See Smith v. White*, 7 N.E.3d 552, 568 (Ohio App. 2014) (collecting cases).

The exception established in *Brady* and revised slightly in *Eads* is narrow: a church's ruling on a property dispute "is conclusive" and will be respected by the civil courts unless the "adjudication[] [is] procured by fraud or collusion." Syl. Pt. 9, in part, *Brady*, 157 W. Va. at 12, 198 S.E.2d at 815; Syl. Pt. 2, in part, *Eads*, 159 W. Va. at 943, 230 S.E.2d at 912. The operative phrase is "procured by," which anchors the allegedly fraudulent or collusive misconduct to the ecclesiastical adjudication itself. Thus, the limited inquiry a court is permitted to make is whether the final church decision was obtained "without fraud or coercion," *Eads*, 159 W. Va. at 957, 230 S.E.2d at 919, it does not extend to an analysis of whether the decision was correct, arbitrary, justified, wise, or fair. *See id.* Similarly, the exception does not encompass alleged misconduct that did not procure the final decision; accompanied an interpretation of church law by a church authority not empowered to issue binding interpretations; or otherwise contributed to the underlying dispute. This distinction is dispositive here. The Local Churches allege that Conference representatives made false statements about the meaning and availability of provisions of the Discipline to induce them to delay their efforts to disaffiliate so that they could not separate from the Church with "their" property. They do not allege that fraud or collusion procured a final adjudication of the Judicial Council or any other church tribunal

empowered to render a determinative decision on the matter. Their allegations therefore do not invoke the *Brady-Eads* exception.[5]

Likewise, the Local Churches' argument that the very existence of allegations of "fraud" or "collusion" itself requires the circuit court to exercise jurisdiction is too broad and without merit. That construction creates a linguistic workaround that swallows the rule by transforming an ecclesiastical dispute into a justiciable civil action merely by alleging a church official misrepresented, misinterpreted, concealed, or improperly applied church law. That is not the "marginal civil court review" contemplated by relevant authorities. *See Presbyterian Church v. Hull Church*, 393 U.S. 440, 447 (1969); *Milivojevich*, 426 U.S. at 713 (noting that the "marginal civil court review" under the "rubrics of 'fraud' or 'collusion'" is narrow); *Brady*, 157 W. Va. at 47, 198 S.E.2d at 833 (recognizing that "civil tribunals may narrowly examine church rulings alleged to be the product of fraud [or] collusion. . . ."). Thus, whatever the precise scope of the exception,[6] it does not authorize the circuit court to decide whether the Conference incorrectly

[5] The United States Supreme Court itself recognized that the "fraud or collusion exception" arose as dictum in *Gonzales v. Archbishop*, 280 U.S. 1 (1929), and acknowledged that, although referenced in several cases since, "no decision of this Court has given concrete content to or applied the 'exception.'" *Milivojevich*, 426 U.S. at 712. This Court noted as much in *Eads*. 159 W. Va. at 956 n.6, 230 S.E.2d at 918 n.6 (observing that "*Serbian Orthodox Diocese* correctly points out, however, that the exception suggested in *Gonzales* to permit marginal civil court review of ecclesiastical decisions was only dictum.").

[6] Because the complaint below does not allege fraud or collusion in the procurement of a final adjudication, we need not address this question.

interpreted the Discipline or improperly applied that interpretation to the Local Churches' efforts to disaffiliate.

The Local Churches also argue that the provisions of the Discipline are neutral principles of law that the circuit court could apply without impermissibly entering the ecclesiastical sphere. That argument does not resolve the problem presented here. Paragraph 2553 had expired on its own terms before the Local Churches filed their complaint, and the Judicial Council had issued decisions addressing the use of other provisions of the Discipline as means of disaffiliation. The circuit court could not resolve the Local Churches' claims without determining the meaning, effect, and proper application of those disciplinary provisions and the Judicial Council's decisions interpreting them. Doing so would invite the court to substitute its interpretation of Church law for that of the Church's own governing authorities, which it is prohibited from doing. Syl. Pt. 6, *Brady*, 157 W. Va. 12, 198 S.E.2d at 815; Syl. Pt. 2, *Eads*, 159 W. Va. at 943, 230 S.E.2d at 912; *Milivojevich*, 426 U.S. at 709.

Accordingly, the circuit court's original determination in the case below was correct. The Local Churches' claims, regardless of the labels assigned to them, require adjudication of questions that are committed exclusively to the Church's ecclesiastical authority. The allegations of fraud and collusion do not alter that conclusion because they concern the Conference's alleged conduct in the underlying dispute, not the procurement of the final ecclesiastical adjudications by the Judicial Council. The circuit court's authority

to adjudicate the action was therefore precluded by the constitutional guarantees of religious freedom.

That conclusion resolves the central jurisdictional question, and it also establishes why the circuit court acted outside its jurisdiction when it granted the Local Churches' Rule 59(e) motion.[7] A court that has determined it lacks subject matter jurisdiction may take no further action in the case other than dismissing it. Syl. Pt. 1, *Hinkle v. Bauer Lumber & Home Bldg. Ctr., Inc.*, 158 W. Va. 492, 211 S.E.2d 705 (1975). Rule 59(e) provides a procedure for seeking alteration or amendment of a judgment; it does not confer subject matter jurisdiction that the court otherwise lacks. Once the circuit court correctly determined that it lacked jurisdiction over the underlying dispute, it had no authority to reopen the case and reconsider that determination through Rule 59(e). Its March 13, 2026, order therefore exceeded its jurisdiction. *Hinkle*, 158 W. Va. at 495, 211 S.E.2d at 707; Syllabus, *Perkins v. Hall*, 123 W. Va. 707, 711, 17 S.E.2d 795, 799 (1941) (holding that "the proceedings in any court are void if it wants jurisdiction of the case in which it has assumed to act") (internal citation omitted).

The circuit court also erred in determining that allegations that may present questions of fact for a jury also provided it with subject matter jurisdiction over the case.

[7] We have held that "Rule 59(e) of the West Virginia Rules of Civil Procedure provides the procedure for a party who seeks to change or revise a judgment entered as a result of a motion to dismiss or a motion for summary judgment." Syl. Pt. 4, *James M.B. v. Carolyn M.*, 193 W. Va. 289, 456 S.E.2d 16 (1995).

Rule 59(e) relief is appropriate only where "(1) there is an intervening change in controlling law; (2) new evidence not previously available comes to light; (3) it becomes necessary to remedy a clear error of law or (4) to prevent obvious injustice." Syl. Pt. 2, *Mey v. Pep Boys – Manny, Moe & Jack*, 228 W. Va. 48, 717 S.E.2d 235 (2011). Such relief is extraordinary and should be used sparingly. *Id.* at 57, 717 S.E.2d at 244. The court did not identify an intervening change in law or newly discovered evidence, and its conclusion that the allegations presented a jury question did not establish a clear legal error in the original jurisdictional ruling. Instead, the court committed a clear legal error by applying a Rule 12(b)(6) pleading sufficiency standard to the threshold question presented by the Rule 12(b)(1) motion before it – whether it had the authority to adjudicate the dispute at all.

Although Rule 12(b)(1) and Rule 12(b)(6) both permit dismissal of a complaint at the pleading stage, they ask fundamentally different questions and implicate different judicial functions. Rule 12(b)(6) tests the legal sufficiency of a plaintiff's complaint by asking whether the plaintiff has "state[d] a claim upon which relief can be granted[.]" In conducting that inquiry, a court generally confines itself to the four corners of the complaint, accepts the well-pleaded factual allegations as true, and draws reasonable inferences in the plaintiff's favor. *See Mountaineer Fire & Rescue Equip., LLC v. City Nat'l Bank of W. Va.*, 244 W. Va. 508, 520, 854 S.E.2d 870, 882 (2020) (citation omitted). By contrast, when a defendant attacks the court's subject matter jurisdiction under Rule 12(b)(1), the court must determine for itself whether it possesses the power to hear the case. It therefore is not required to accept the jurisdictional allegations as true and may consider

evidence beyond the pleadings and weigh the parties' submissions. *See Alley Cat Allies Incorporated v. Berkeley County Animal Control*, No. 22-744, 2024 WL 2973086, at *4 (W. Va. June 13, 2024) (memorandum decision) (explaining that "the deference afforded a plaintiff's complaint [under Rule 12(b)(6)] does not extend to motions to dismiss brought under Rule 12(b)(1)") (citations omitted).

Here, the jurisdictional challenge presented a question of law: whether the constitutional protections of religious liberty permitted the circuit court to exercise its adjudicatory authority over the dispute alleged in the Local Churches' complaint. *See* Syl. Pt. 1, *Eads*, 159 W. Va. at 943, 230 S.E.2d at 912 (holding that the courts' general jurisdiction over civil actions is tempered by the "severe" constitutional limitations on their authority to intercede in cases involving church governance). The answer required the circuit court to examine the substance and nature of the Local Churches' claims and determine whether adjudicating them would necessitate an impermissible inquiry into church governance, administration, doctrine, or ecclesiastical law. The constitutional limits on the civil courts' authority cannot be avoided by recasting an ecclesiastical dispute as a factual question for a jury. The inquiry turns on "the substance and effect of [the] plaintiffs' complaint, not its emblemata. Howsoever a suit may be labelled, once a court is called upon to probe into a religious body's [decision], the First Amendment is implicated." *Natal v. Christian & Missionary Alliance*, 878 F.2d 1575, 1577 (1st Cir. 1989). Thus, the circuit court's Rule 59(e) analysis did not establish a clear legal error in the original jurisdictional determination and dismissal order. The circuit court instead erred by determining the legal

sufficiency of the complaint's allegations of fraud and collusion before determining whether it had constitutional authority to adjudicate the dispute in which those allegations were made.

The circuit court correctly determined in its original order that the Local Churches' complaint presented an ecclesiastical dispute beyond the court's authority to adjudicate, as the fraud alleged in the complaint did not concern the procurement of a final ecclesiastical adjudication. The court therefore lacked jurisdiction to entertain the Local Churches' Rule 59(e) motion after dismissing the action on that ground. Even if the court had retained authority to reconsider its initial judgment, it committed clear legal error by treating the allegations of fraud and collusion as factual issues for a jury rather than determining whether, as a matter of law, those allegations permitted its review under *Watson*, *Brady*, *Eads*, and their progeny. The March 13, 2026, order thus exceeded the circuit court's jurisdiction.

IV. CONCLUSION

For the foregoing reasons, we grant the requested writ of prohibition and prohibit enforcement of the circuit court's March 13, 2026, order granting the Local Churches' motion to alter or amend its earlier judgment. The circuit court had initially correctly determined that the First Amendment to the United States Constitution and West Virginia Constitution article III, section 15 precluded it from considering the Local Churches' case. Because the alleged fraud and collusion did not concern the procurement

of a final ecclesiastical adjudication, those allegations do not permit the circuit court to adjudicate the Local Churches' claims, and the Circuit Court of Mercer County lacks authority to proceed.

Writ granted.