

**NOT TO BE PUBLISHED IN OFFICIAL REPORTS**

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

EPISCOPAL CHURCH CASES.

G036730

(JCCP No. 4392)

O P I N I O N

Appeals from two judgments of the Superior Court of Orange County,  
David C. Velasquez, Judge. Both judgments reversed.

Holme Roberts & Owen, John R. Shiner, Horvitz & Levy, Frederic D.  
Cohen and Jeremy B. Rosen for Plaintiffs and Appellants.

Law Offices of Lynn E. Moyer, Lynn E. Moyer, Law Offices of Kent M.  
Bridwell and Kent M. Bridwell for Defendants and Respondents.

\* \* \*

This appeal, G036730, arises out of the same basic facts as set forth in the  
opinion we publish concurrently, *Episcopal Church Cases* (June \_\_, 2007, G036096,

G036408, G036868) \_\_\_ Cal.App.4th \_\_\_. The published opinion involves a Newport Beach parish. This case involves two local parishes from Los Angeles County (also of the Los Angeles Diocese of the Episcopal Church) who have also chosen to disaffiliate themselves from the Diocese and national church. The two parishes are in Long Beach (All Saints) and North Hollywood (St. David's). In each instance the Los Angeles Diocese filed suit to establish that the property held by the local parish corporations was held in trust for the Diocese. Normally, the two cases would have been considered by the Superior Court of Los Angeles County, but one of the directors of All Saints in Long Beach is Justice Fred Woods of the Second Appellate District, so the two cases were transferred to the Superior Court of Orange County, where they were considered together with the case involving the Newport Beach parish considered in the published opinion.

As we note in the published opinion, Justice Woods authored *Korean United Presbyterian Church v. Presbytery of the Pacific* (1991) 230 Cal.App.3d 480 (*Korean United*), a case which, ironically, supports the position of the Diocese as against the local parish. To the credit of the *Korean United* court generally, that opinion was the first opinion in decades from the intermediate appellate court to actually follow established California Supreme Court precedent (see *id.* at pp. 500-503).

There is very little to add regarding the two Los Angeles County parishes that is factually different from the Newport Beach parish considered in the published opinion, except perhaps for the interesting, but ultimately irrelevant, historical detail that at a 1979 annual convention of the Los Angeles Diocese, representatives of both churches had a say in the adoption of a diocesan canon declaring that all parish property would revert to the Diocese upon dissolution of a parish. As we show in the published opinion, however, the dispositive fact is that the "general" Episcopal church *expressly* provided, in a "governing instrument" (specifically Canon I.7(4)) for a trust in the property of local parish corporations who were, *at that time*, clearly "members" of the general church. Under section 9142, subdivision (c)(2) of the Corporations Code, that is enough to enforce a trust against the local parish property. Moreover, even without section 9142, subdivision (c)(2), the common law of California as established by the California

Supreme Court was that the courts should *defer* to the organizational structure of a church (be it hierarchical *or* non-hierarchical) in deciding questions of the *use* of church property.

This case, like that pertaining to the Diocese's complaint in the published opinion, comes to this court after judgments of dismissal based on an anti-SLAPP suit motion, judgments that are incorrect both as a matter of anti-SLAPP law (this is not a lawsuit where the diocese is suing because of the *expression* of the defendants' beliefs, but because they are asserting control over given property) and the merits. The judgments are reversed. Further proceedings shall be consistent with the published opinion. Appellants shall recover their costs on appeal.

SILLS, P. J.

WE CONCUR:

MOORE, J.

FYBEL, J.