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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

EPISCOPAL CHURCH CASES.

G037084

(JCCP No. 4392)

O P I N I O N

Appeals from a judgment and an order of the Superior Court of Orange County, David C. Velasquez, Judge. Both judgment and order reversed.

Holme Roberts & Owen and John R. Shiner for Plaintiffs and Appellants
Thelma M. Adair, et al. and Patti A. O'Halloran, et al.

Goodwin Procter, David Booth Beers and Heather H. Anderson for Plaintiff
in Intervention and Appellant The Episcopal Church.

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

* * *

This is the appeal from an attorney fee order following a successful anti-SLAPP suit motion against (basically) the Los Angeles Diocese of the Episcopal Church. The Diocese sought to impose, through various property-related causes of action, control over the use of the property held by two local parish corporations in Los Angeles County, one in Long Beach and the other in North Hollywood. After the motion was granted, the winning local parishes (that is, the boards of trustees of the corporations holding title to the parish property) successfully obtained an attorney fee order against the Diocese (see Code Civ. Proc., § 425.16, subd. (c) [prevailing defendant in SLAPP motion “entitled” to fees].) Most of this appeal concerns the Diocese’s challenge to this attorney fee order.

Also, for some reason this appeal (G037084) also includes the challenge by the national Episcopal Church, who intervened in the cases brought by its Los Angeles Diocese, but whose complaint-in-intervention was the object of a sustained demurrer without leave to amend. That is, this appeal includes The Episcopal Church’s challenge to the *merits* of the dismissal of its complaint-in-intervention on demurrer.

In both cases, the issues raised are dispositively addressed in the lead opinion which we file for this set of cases, *Episcopal Church Cases* (June __, 2007, G036096, G036408, G036868) __ Cal.App.4th __, which involves a parallel disaffiliating parish in Newport Beach. As we explain there, it was error to grant the anti-SLAPP motion and dismiss the suits of *both* the Diocese *and* the national Episcopal Church. There are no material differences involving the Los Angeles County parishes, both of which were incorporated long before the Episcopal Church promulgated Canon I.7(4) in 1979, which, under section 9142, subdivision (c)(2) of the Corporations Code, allows a trust to be impressed against the property of the local parish corporations. All Saints in Long Beach was incorporated in 1928. St. David’s in North Hollywood was incorporated in 1943. There is no dispute that as of 1979 each corporation was a “member” of the general Episcopal Church.

Accordingly, the attorney fee orders against the Diocese, and the judgment of dismissal against the national Episcopal Church, are reversed. All 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.