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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

THE PRESBYTERY OF SEATTLE, a
Washington nonprofit corporation, et al.,

Plaintiffs,

v.

JEFF SCHULZ and ELLEN SCHULZ, as
individuals and as the marital community
comprised thereof, et al.,

Defendants.

No. 16-2-03515-9 SEA

ORDER GRANTING PLAINTIFFS'
MOTION FOR PARTIAL
SUMMARY JUDGMENT;
DECLARATORY JUDGMENT

[PROPOSED]

This matter came before the Court on Plaintiffs' Motion for Partial Summary Judgment. Plaintiffs requested summary judgment on the first cause of action in the complaint that they filed on February 17, 2016, which seeks a declaratory judgment. The Court has considered the motion and the following materials submitted with the motion:

Declaration of Heidi Husted Armstrong in Support of Plaintiffs' Motion for Partial Summary Judgment;

Declaration of Shelley M. Dahl in Support of Plaintiffs' Motion for Partial Summary Judgment, with exhibits;

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1 Declaration of Doug Kelly in Support of Plaintiffs' Motion for Partial Summary
2 Judgment, with its exhibit;

3 Declaration of William A. Longbrake in Support of Plaintiffs' Motion for Partial
4 Summary Judgment, with exhibits;

5 Declaration of Scott Lumsden in Support of Plaintiffs' Motion for Partial
6 Summary Judgment, with exhibits; and

7 Declaration of Robert B. Mitchell.

8 The Court has also considered defendants' responsive papers filed in opposition to the
9 motion, and the following evidence submitted with defendants' responsive papers:

10 _____
11 _____
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15 The Court has considered as well plaintiffs' reply papers, and the following evidence
16 submitted with plaintiffs' reply papers:

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22 The Court has considered the following additional materials:

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24 _____

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1 The Court held oral argument in open court on April 15, 2015.

2 Based upon the foregoing, the Court GRANTS the motion. There exists no
3 genuine issue of fact that is material to the first cause of action, which seeks a declaratory
4 judgment, and plaintiffs are entitled to judgment as a matter of law. The Court therefore
5 enters the following declaratory judgment:

6 1. The Presbyterian Church (U.S.A.) is a hierarchical church in which the
7 determinations of Seattle Presbytery, through its Administrative Commission, are
8 conclusive and binding on the session, trustees, and congregation of First Presbyterian
9 Church of Seattle (FPCS).

10 2. The findings and rulings of the Administrative Commission adopted on
11 February 16, 2016, are conclusive and binding in all determinations of church policy and
12 governance related to FPCS.

13 3. The amendments to the bylaws that the defendants purported to adopt in
14 October 2015 and to have the FPCS congregation ratify in November 2015, as well as the
15 amendments to the articles of incorporation that the FPCS congregation purported to
16 adopt in November 2015, are void and without effect. FPCS is governed by the Restated
17 Articles of Incorporation of the First Presbyterian Church of Seattle dated June 18, 1985,
18 and the Bylaws of the First Presbyterian Church of Seattle dated May 8, 2005.

19 4. Any interest that FPCS has in church property is held in trust for the
20 benefit of the Presbyterian Church (U.S.A.).

21 5. The current governing body of FPCS is the Administrative Commission for
22 First Presbyterian Church of Seattle. This Administrative Commission, appointed by
23 Seattle Presbytery in November 2015, assumed original jurisdiction on February 16, 2016,
24 and now acts as the session of FPCS. The duly appointed trustees and ruling elders of
25 FPCS are Steve Aeschbacher, Heidi Husted Armstrong, Shelley Dahl, J.P. Kang, William

1 Longbrake, Jonathan Siehl, Kathy Smith, and Robert Wallace. The duly elected officers
2 of FPCS are Robert Wallace (President), Shelley Dahl (Vice President), and William
3 Longbrake (Secretary/Treasurer).

4
5 SO ORDERED this 15th day of April, 2016.

6
7 _____
8 Patrick Oishi
KING COUNTY SUPERIOR COURT JUDGE

9 Presented by:

10 K&L GATES LLP

11
12 By _____
13 Robert B. Mitchell, WSBA #10874
Peter A. Talevich, WSBA #42644
14 Attorneys for Plaintiffs

15 MILLS MEYERS SWARTLING

16
17 By _____
18 David D. Swartling, WSBA #6972
Attorneys for Plaintiffs

19
20 Approved to Form; Notice of
presentation waived:

21
22 LANE POWELL P.C.

23
24 By _____
25 Bruce W. Leaverton, WSBA #15329
Randall P. Beighle, WSBA #13421
Attorneys for Defendants

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[PROPOSED] - 4

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