

FILED

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CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

NO. 2008-6079 DIVISION "N" Sect. 8 DOCKET NO.

PRESBYTERY OF SOUTH LOUISIANA

VERSUS

WOODLAND PRESBYTERIAN CHURCH, M. SCOTT LUCKEY, AND  
PAUL E. ATKINSON

FILED: \_\_\_\_\_

DEPUTY CLERK

PETITION FOR TEMPORARY RESTRAINING ORDER, PRELIMINARY  
INJUNCTION AND PERMANENT INJUNCTION

The Petition of Presbytery of South Louisiana (the "Presbytery"), a Louisiana non-profit corporation, formed in 1973 and domiciled in East Baton Rouge Parish, State of Louisiana, respectfully represents:

1.

Defendant, Woodland Presbyterian Church ("Woodland"), is a particular church of the Presbyterian Church (U.S.A.) (the "PCUSA") and is a non-profit corporation domiciled in Orleans Parish at 5824 Berkley Drive, New Orleans, Louisiana.

2.

Defendant, M. Scott Luckey ("Luckey") is the pastor of Woodland, an ordained minister of the Word and Sacrament for the PCUSA and the moderator of the governing body of Woodland known as the Session. He is domiciled in Orleans Parish at 3509 Silver Maple Court, New Orleans, Louisiana.

3.

Defendant, Paul E. Atkinson ("Atkinson") is the clerk of the Session of Woodland, the governing body of the particular church and an ordained Elder of the PCUSA. He is domiciled in Orleans Parish at 3018 Hudson Place, New Orleans, Louisiana.

4.

In the governmental structure of the PCUSA, the Presbytery is the governing body in relation to Woodland and its Session, including the moderator of the Session and its Clerk.

## JURISDICTION AND VENUE

5.

This court has jurisdiction to hear and decide this church matter under *LeBlanc v. Davis*, 432 So. 2d 239 (La. 1983)(district court was empowered to decide validity of church election and to enjoin pastor's conduct).

6.

Venue is proper in Orleans Parish, as all defendants are domiciled in the Parish of Orleans. (La. C.C.P. art. 42).

## THE CONTROVERSY

7.

Woodland has been a particular church of the PCUSA since the formation of the PCUSA in 1983 by the organic union of the former Presbyterian Church in the United States ("PCUS" or the "southern church"), of which Woodland was a member church, and the United Presbyterian Church in the United States of America (hereinafter the "UPCUSA" or the "northern church").

8.

The controversy in this case involves the constitutional authority of the Presbytery of South Louisiana under the Book of Order as the governing body in relation to Woodland and its Session.

9.

It has just recently come to the attention of the Presbytery that, without notice to the Presbytery as required, the Session of Woodland, acting through its moderator and clerk, has called a special meeting of the congregation for June 8, 2008 for the purpose of asking the congregation to vote to "disaffiliate" from the PCUSA. A copy of a letter dated May 27, 2008 from Defendant Luckey to the congregation calling for the meeting and reflecting that the session had voted to seek to "disaffiliate" is attached hereto as Exhibit 1.

10.

The Presbytery has not been notified by the Moderator or the Clerk of this proposed action by the Session and came to understand that this improper action had been taken within just the last few days. In response, the Presbytery sent a letter reminding Woodland, its moderator

and the Clerk of Session of the obligations under the Book of Order and requested that they agree to refrain from this improper conduct. A copy of the Presbytery's letter is attached here to as Exhibit 2. Since the meeting was scheduled for this Sunday June 8, 2008, the Presbytery requested that Woodland respond by noon today, June 6, 2008 as to whether they would abide by the agreed upon process to seek to be dismissed from the PCUSA. The Presbytery received a non-committal response from Defendant Luckey shortly before noon today. A copy of that response is attached hereto as Exhibit 3. A call to Woodland's counsel resulted in further delay and no resolution. Unable to wait any longer, the Presbytery was forced bring this action to seek protection in advance of the scheduled Sunday meeting.

11.

As noted more fully below, such a meeting is out of order and unconstitutional under the PCUSA form of government because the Presbytery has not been included in the process. Given the lack of notice and quickly approaching date for the meeting, it is necessary for the Presbytery to seek to enjoin the meeting from occurring.

#### **THE BOOK OF ORDER AND ADMINSTRATIVE PROCEDURE**

12.

The Constitution of the PCUSA consists of two parts, the Book of Confessions (Part I) and the Book of Order (Part II). The Book of Confessions is a collection of the creeds, confessions, catechisms, and declarations respecting the religious doctrine of the PCUSA. The Book of Order contains the form of government, the directory of worship, and the rules of discipline of the PCUSA. Excerpts from the Book of Order are attached hereto as Exhibit 4.

13.

Under the PCUSA form of governance, the Presbytery "is a corporate expression of the church consisting of all the churches and ministers of the Word and Sacrament within a certain district." Book of Order G-11.0101. The Presbytery is responsible for the mission and government of the church throughout its geographical district. It therefore has the responsibility and power:

\* \* \*

- i. to divide, dismiss, or dissolve churches in consultation with their members;
- j. to control the location of new churches and of churches desiring to move;

\* \* \*

BOOK OF ORDER G-11.0103 (Emphasis added). The Presbytery's responsibilities, therefore, expressly include the power to dismiss particular churches in consultation with their members and to consider and act on requests by particular churches to be dismissed from the denomination. A particular church may not dismiss itself or "disaffiliate" from the PCUSA. This decision making responsibility over dismissal from the PCUSA is, as established in the Constitution, given to the Presbytery and is necessary for the functioning of the PCUSA as a whole.

14.

The Book of Order also provides that: "[t]he relationship to the Presbyterian Church (U.S.A.) of a particular church can be severed only by constitutional action on the part of the presbytery. (G-11.0103i)." BOOK OF ORDER G-8.0601. As a particular church of the PCUSA, Woodland is bound by the provisions of the Constitution. If Woodland's Session wishes to seek dismissal from the denomination, it must first petition the Presbytery of South Louisiana to do so. Such a petition would trigger certain administrative actions by the Presbytery designed to determine the possibility of reconciliation, a division into separate churches and/or the existence of a loyal remnant.

15.

At its Stated Meeting held on October 13, 2007, the Presbytery established a specific procedure to be followed in all instances in which any particular church might seek dismissal from the PCUSA. The specific procedure is entitled "A Pastoral Response to a Potential Consideration of Request for Dismissal," a copy of which is attached hereto as Exhibit 5 and incorporated herein by this reference (hereinafter referred as the "Administrative Procedure" or the "Admin. Proc."). It is by this Administrative Procedure that the Presbytery and any particular church, including Woodland, may constitutionally consider and resolve a request by any local congregation to be dismissed from the denomination.

## IMPROPER CONDUCT OF WOODLAND, THE MODERATOR AND THE CLERK

16.

Woodland has not yet petitioned the Presbytery for dismissal from the denomination nor officially notified the Presbytery of its desire to do so. Instead, as noted above, the Presbytery has recently received information that Defendant, Luckey, and Defendant, Atkinson, along with other members of the Session of Woodland have secretly called a congregational meeting for June 8, 2008 to request that the congregation vote on whether to "disaffiliate from the Presbyterian Church (USA) and affiliate with the Evangelical Presbyterian Church."

17.

As noted above, only the Presbytery has the power to sever the relationship of any particular church with the PCUSA.

18.

When the Presbytery adopted the Administrative Procedure, it was approved and endorsed by representatives of Woodland at the Stated Meeting of October 13, 2007 with the understanding that they were intended to apply to Woodland in order to establish the specific procedure that the parties would undertake to resolve any future request for dismissal from the denomination.

19.

The Administrative Procedure requires that, among other things, upon any determination by the Session to present its membership with a request for dismissal, the moderator (here Defendant Luckey) and/or the Clerk of Session (here Defendant, Atkinson) are required to notify the Stated Clerk of the Presbytery immediately. See Admin. Proc. at lines 67- 69. This was not done.

20.

Once that notice is given, the Administrative Procedure requires the Presbytery, through the Presbytery Council, to appoint a representative team of presbyters known as the "Presbytery Pastoral Team" to represent the Presbytery to work with and alongside the Session of Woodland in consideration of any action on the dismissal request. See Admin. Proc. at lines 76- 81. The Presbytery Pastoral Team is to work with the Session and the congregation and serve as

advocates of the Presbytery and the PCUSA in this process. *Id.* at lines 101-103 and line 116. It is to attend all Session and congregational meetings in which the topic of the contemplated dismissal from the denomination is to be on the agenda or a vote regarding dismissal is to occur. *Id.* at lines 118-120. This was not done.

21.

Under the Administrative Procedure, the Session of Woodland is required to follow the parliamentary procedure in all decision-making leading to an open process of congregational discernment in which minority voices are heard and respected. See Admin. Proc. at lines 135-137. They are required to invite the members of the Presbytery Pastoral Team to attend and address their regular meetings. *Id.* at lines 143-144. They are required to invite the Presbytery Pastoral Team to attend the congregational meeting at which dismissal is considered. *Id.* at lines 146-149. In addition, they are to give the Presbytery Pastoral Team the opportunity to speak at that meeting. *Id.* Woodland, the moderator and the Clerk of Session have failed to comply with any of these requirements.

22.

In addition, the Administrative Procedure requires that the congregational meeting be scheduled so that the Presbytery Pastoral Team has the opportunity to send a letter to the congregation introducing the team and explaining the process. See Admin. Proc. at lines 159-162. None of this has occurred.

23.

Moreover, any time a congregation considers the question of dismissal it must be clearly communicated to the congregation that the responsibility for dismissal lies with the Presbytery in consultation with the members of the congregation. See Admin. Proc. at lines 164-167. This was not done.

24.

The Administrative Procedure requires that a written ballot be used for the voting in order that active members feel free to act based upon conscience and not upon pressure. See Admin. Proc. at lines 173-174. The tally of the vote must be attested to by both representatives from the congregation and the Presbytery Pastoral Team. *Id.* at lines 176-177. The actions of the

Moderator and the Clerk of Session have prevented any possibility for this to happen under the circumstances.

**THE LACK OF NOTICE AND OPPORTUNITY TO PARTICIPATE WILL  
IRREPARABLY HARM THE INTERESTS OF THE PRESBYTERY**

25.

In an obvious effort to avoid the process established for Woodland to seek dismissal from the PCUSA, Woodland has secretly called its meeting for June 8, 2008 without prior notice to the Presbytery and none of the above-referenced procedural protections have been put in place. No Presbytery Pastoral Team has been appointed because none was requested and none of its functions have been performed.

26.

If the congregational meeting is allowed to go forward on June 8, 2008 under the present circumstances, the Presbytery will be irreparably harmed because it has had no opportunity to perform the functions it is required to perform under the Book of Order and under the Pastoral Response. The injury that will be sustained by the Presbytery cannot be measured by a pecuniary standard and could not be adequately compensated in money damages. The issuance of a temporary restraining order is therefore proper. *See Mouton v. Rapides Parish Police Jury*, 05-721 (La. App. 3<sup>rd</sup> Cir. 4/5/06), 927 So.2d 1195.

27.

Given the lack of cooperation by Woodland and the secret attempt to avoid the agreed upon process, the Presbytery has no expectation that Woodland, its moderator, or the Session will comply with their duties under the Book of Order and allow the Presbytery to perform its constitutional function in the requested dismissal of the congregation.

28.

As noted above, the procedures require the involvement of the Presbytery Pastoral Team from the beginning of the consideration of whether to seek dismissal from the PCUSA. The purpose of the involvement of the Presbytery Pastoral Team is to determine whether there is any possibility of reconciliation, and if not, whether there is a faithful remnant that wishes to remain in the PCUSA.

29.

By secretly calling the meeting for June 8, 2008 and eliminating the Presbytery's ability to perform its constitutionally mandated functions, Woodland has negated the Presbytery's constitutional authority and, if allowed to proceed, will irreparably destroy any chance the Presbytery may have had to properly perform its functions while at the same time unfairly guaranteeing to Woodland itself the ability to obtain a vote to "disaffiliate" from the PCUSA. Since any vote taken on June 8, 2008 will be without the Presbytery's prior involvement there will be no way to determine whether and how that vote would have turned out had Woodland complied with the process. An improper congregational meeting and improperly held vote to "disaffiliate" will permanently and irreparably prejudice the future ability of the Presbytery to perform its required role in the dismissal of Woodland.

30.

As a result, the Presbytery prays for the entry of a Temporary Restraining Order prohibiting Woodland, the moderator (Defendant Luckey) and the Clerk of Session (Defendant Atkinson) from allowing the congregation to vote on any proposal to "disaffiliate" from the PCUSA at the congregational meeting scheduled for June 8, 2008 and further prays that the Temporary Restraining Order prohibit Woodland from conducting the congregational meeting until such time as the Administrative procedure has been followed.

31.

Since no property issues are involved in this matter, the Presbytery believes that no bond need be set or that any such bond be minimal as no pecuniary harm will result to Woodland since the Temporary Restraining Order is designed to, and if issued will, preserve the status quo by preventing an improper meeting.

**DECLARATORY, PRELIMINARY AND PERMANENT INJUNCTIVE RELIEF**

32.

The Presbytery is entitled to a declaratory judgment that Woodland, its Moderator and the Clerk of Session are required to comply with the Book of Order and the Administrative Procedure should it decide to continue in the request for dismissal after the Administrative procedure is implemented.

The Presbytery is further entitled, in due course, to a ruling that Woodland be preliminarily and permanently enjoined to comply with the requirements of the Book of Order and the Administrative Procedure in seeking to be dismissed from the PCUSA.

**PRAYER FOR RELIEF**

For the above and foregoing reasons, Presbytery of South Louisiana prays that this Court enter a Temporary Restraining Order prohibiting Woodland Presbyterian Church, Scott Luckey, moderator of the Session and pastor of Woodland, and Paul Atkinson, Clerk of Session from conducting the congregational meeting presently scheduled for June 8, 2008 and further to prevent any other such meetings to be called pending a hearing. Presbytery further prays that a time be set for determining whether a preliminary injunction should issue similarly restraining Woodland, Luckey and Atkinson from continuing any conduct in violation of the requirements of the Book of Order and the Administrative Procedure for any attempt to seek dismissal of the church from the PCUSA.

After due proceedings are had, the Presbytery prays for the entry of a judgment declaring that Woodland, its Moderator and the Clerk of Session are required to comply with the Book of Order and the Administrative Procedure and granting permanent injunctive relief from further violations thereof.

The Presbytery further prays for all general and equitable relief to which it is entitled.

Respectfully Submitted,

~~CARVER, DARDEN, KORETZKY, TESSIER,  
FINN, BLOSSMAN & AREAUX, L.L.C.~~

John Anthony Dunlap (# 18190)  
1100 Poydras Street, Suite 3100  
New Orleans, Louisiana 70163  
Telephone: (504) 585-3800  
Fax: (504) 585-3801

Attorney for the Presbytery of South Louisiana

Please serve:

Woodland Presbyterian Church through its agent for service of process:

D. Keith Lessig

3529 Lake Kristin Drive

Gretna, Louisiana 70056

M. Scott Luckey

3509 Silver Maple Court

New Orleans, Louisiana 70131

and

Paul E. Atkinson

3018 Hudson Place

New Orleans, Louisiana 70131

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

NO.

DIVISION " "

DOCKET NO.

PRESBYTERY OF SOUTH LOUISIANA

VERSUS

WOODLAND PRESBYTERIAN CHURCH, SCOTT LUCKEY,  
AND PAUL E. ATKINSON

FILED: \_\_\_\_\_

DEPUTY CLERK

VERIFICATION OF PETITION FOR TEMPORARY RESTRAINING ORDER,  
PRELIMINARY INJUNCTION AND PERMANENT INJUNCTION

STATE OF LOUISIANA

PARISH OF ORLEANS


Before me, the undersigned Notary Public, duly commissioned and qualified in and for the Parish of Orleans, personally came and appeared:

REVEREND DR. ALAN D. CUTTER

who, upon being first duly sworn by me, Notary, did depose and say that he is the General Presbyter of the Presbytery of South Louisiana and as such, he is familiar with the matters asserted in the foregoing Petition for Temporary Restraining Order, Preliminary Injunction and Permanent Injunction, and that he has read each and every allegation of the foregoing petition, and that all of the facts and allegations contained therein are true and correct to the best of his knowledge, information and belief.

  
Reverend Dr. Alan D. Cutter

Sworn to and subscribed before me  
this 5<sup>th</sup> day of June, 2008:

  
Notary Public

Judith E. Zimmerman

My commission expires on \_\_\_\_\_  
Notary Public

Notary ID # 5651

My commission is for life.

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

NO. 2008-6079

DIVISION "N"

DOCKET NO.

CIVIL DISTRICT COURT  
JUN 11 10 30 AM '08

PRESBYTERY OF SOUTH LOUISIANA

VERSUS

WOODLAND PRESBYTERIAN CHURCH, SCOTT LUCKEY, AND  
PAUL E. ATKINSON

FILED: \_\_\_\_\_

DEPUTY CLERK

ORDER

Appearing from the verified Petition in this case that immediate and irreparable injury, loss, or damages will result to Plaintiff, Presbytery of South Louisiana, by virtue of the threatened action of Defendants, Woodland Presbyterian Church ("Woodland"), Scott Luckey ("Luckey"), and Paul E. Atkinson ("Atkinson") before notice can be served and a hearing had on Plaintiff's Application for Preliminary Injunction;

IT IS ORDERED that a Temporary Restraining Order issue herein directed to Woodland, Luckey, and Atkinson, restraining, enjoining, and prohibiting them, their agents, employees and all persons, firms, and/or corporations acting or claiming to act on their behalf, or in concert with them, from conducting the congregational meeting called for June 8, 2008 at Woodland Presbyterian Church for the purpose of considering "disaffiliation from the PCUSA." This Temporary Restraining Order expires at the end of ten (10) days from its date, unless extended by this court prior to its expiration or by consent of Defendants or for good cause shown by Plaintiff and the reasons entered of record. *(see Reasons for Denial on pg. 2 of Order)*

IT IS FURTHER ORDERED that Defendants, Woodland Luckey and Atkinson show cause on the 16 day of June, 2008 at 9 o'clock a.m. why a preliminary injunction, in the form and substance of a Temporary Restraining Order above, should not issue, to be effective during the pendency of this proceeding. On the hearing of this Rule, proof may be adduced by verified pleadings, by supporting affidavits, or by proof as in the ordinary course, or by any or all of such methods, at the election of the party offering the proof.

08-6079

DIV "N"

This Order is signed, in the City of New Orleans, Louisiana, this 6 day of June 2008, to the hour of        o'clock a.m.

Michael Bagner  
JUDGE

A TRUE COPY  
[Signature]  
DEPUTY CLERK, CIVIL DISTRICT COURT  
PARISH OF ORLEANS  
STATE OF LA.

APPROVED  
[Signature]  
"REIGNING"  
[Signature]

The Court denies the Petitioner's request for a "TRO" based on defendants' constitutional right of free assembly and no right of the Court to grant prior restraint. Nevertheless, petitioner may be entitled to relief if the vote taken on Sunday, June 8, 2008 is in violation of the administrative procedure, should the district court find such action(s) are violative of the PCUSA's constitutions and regulations. [Signature]



**The Presbytery of South Louisiana**  
**Presbyterian Church (U.S.A.)**

12909 Old Hammond Highway • Baton Rouge, LA 70816  
225/275-1242 • 225/272-1935 (FAX)  
www.pbysouthla.org • www.pslrecovery.org

June 5, 2008

Woodland Presbyterian Church	Rev. M. Scott Luckey	Paul E. Atkinson
5824 Berkley Drive	3509 Silver Maple Court	3018 Hudson Place
New Orleans, LA 70131	New Orleans, LA 70131	New Orleans, LA 70131

Re: Woodland Presbyterian Church Congregational Meeting scheduled for  
June 8, 2008

Grace to you and peace in the Name of our Lord Jesus Christ!

It has come to the attention of The Council of the Presbytery of South Louisiana that Reverend Scott Luckey's "Pastor's Session Report of April 2008" and materials about the Evangelical Presbyterian Church have been circulated among the members of Woodland Presbyterian Church. We are also in possession of the May 27th letter sent by Reverend Luckey indicating that a congregational meeting has been called for June 8, 2008. The purpose of this meeting is to vote to "disaffiliate from the Presbyterian Church (USA) and affiliate with the Evangelical Presbyterian Church." It is not constitutionally permissible for a congregation of the PCUSA to take such action. In addition, this action would also be in conflict with the approved policy of the PSL, A Pastoral Response to a Potential Consideration of Request for Dismissal, a copy of which is included with this letter (the "Pastoral Response"). As any such meeting would violate the Book of Order and the Pastoral Response, it is out of order and the Presbytery hereby instructs you that no action should be taken at that meeting and no vote on "disaffiliation" should occur.

The Pastoral Response was adopted by the Presbytery at its stated meeting of October 13, 2007, with Woodland's Reverends Munn Hinds and Scott Luckey and Elder Gene Kaufman in attendance. The Pastoral Response was adopted by the Presbytery in conjunction with the stipulated judgment clarifying Woodland's title to property as the agreed upon means by which the presbytery and congregations could work faithfully together when any such congregation sought to be dismissed from the PCUSA to another Reformed body. This policy was adopted by the members of presbytery as a way to engage in a process that is constitutional so that all involved parties could operate in a fair and agreed upon process which we believe will bring honor to Jesus Christ. Woodland's call of a meeting on June 8, 2008 for the purposes described above violates the integrity of our common vows and calls into serious question the validity of all actions taken at the stated meeting of October 13, 2007.

All ordained ministers and elders in the PCUSA take vows (W-4.4003), one of which affirms their oath to be governed by and to support our church's polity, and to abide by its

discipline. Our polity makes no allowance in the permissive powers of the congregation for a unilateral act of "disaffiliation," nor is it in order for a session to recommend such an action.

Further, as officers of the PCUSA, you are aware that the body charged with organizing and forming congregations (G-11.0103h) and, if necessary, with responding to requests to be dissolved, dismissed or divided (G-11.0103i) is the Presbytery. "The relationship to the Presbyterian Church (U.S.A.) of a particular church can be severed only by constitutional action on the part of the presbytery." (G-8.0600).

Any vote taken at a congregational meeting that is unconstitutional and contrary to the agreed upon dismissal policy of this presbytery is invalid and shall not be recognized by the Presbytery. If you persist in this action, the presbytery will have no choice but to seek redress by other means. Of course, we would prefer that you honor your ordination vows and the agreed upon dismissal policy of the presbytery.

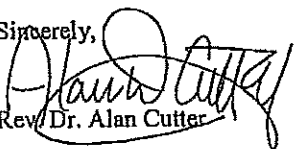
We encourage the Session of Woodland Presbyterian Church to defer all actions other than to engage with the presbytery in the agreed upon process for dismissal so that the presbytery is allowed to carry out its constitutional responsibilities. We stand ready to join you in faithfully working thorough A Pastoral Response to a Potential Consideration of Request for Dismissal.

In closing, we do not understand the sudden urge to take this abrupt action as we consider that Woodland Presbyterian Church has always been treated fairly by the Presbytery. We find that the motivations for the proposed action, as revealed in Reverend Luckey's letter, to have no bearing on your present relationship with, or past treatment by, the Presbytery of South Louisiana.

Whatever grievances you may have with the greater Presbyterian Church (U.S.A.), they do not demand or require you to seek to obtain dismissal from the denomination by stealth and intrigue. We call upon your honor and heritage as Presbyterians in asking the Session to reconsider this proposed action and together, Woodland Presbyterian Church and presbytery, prayerfully seek the guidance of the Holy Spirit to reach a consensus on dismissal.

Please let us know by noon tomorrow, Friday June 6, 2008, whether you will defer action and comply with the Pastoral Response. Contact the Reverend Dr. Alan Cutter via e-mail at [alan@pbysouthla.org](mailto:alan@pbysouthla.org) and via facsimile at 225-272-1935 by that time. If we do not hear from you by then, we will assume that you have rejected this request.

Sincerely,

  
Rev/Dr. Alan Cutter

1 A PASTORAL RESPONSE TO A POTENTIAL CONGREGATION  
2 OF REQUEST FOR DISMISSAL  
3

4 PREAMBLE  
5

6 The Presbytery of South Louisiana affirms that the first four chapters of our current Book  
7 of Order (2005/2007) do indeed reflect our understanding of what it means to be a church  
8 in the Reformed tradition. We proudly proclaim together as a Presbytery our confidence  
9 in Christ as the Head of the Church, our devotion to the Great Ends of the Church, and  
10 our adherence to the Historic Principles of Church Order and the Historic Principles of  
11 Church Government. We seek to be instructed and guided by the Confessions of the  
12 Church and to carry out the mission of the Church in such a way as to offer the good  
13 news of Christ in a faithful witness.  
14

15 INTRODUCTION  
16

17 While affirming our essential unity as the body of Christ, we recognize that there are  
18 times when separation becomes an imperative of conscience either for an individual or a  
19 congregation. Given the present discussions within our denomination and within the  
20 Presbytery of South Louisiana, we believe that it is prudent to develop principles for  
21 discussion of separation. In this way, we seek to affirm a decision making process that  
22 remains faithful to our Lord Jesus Christ and our common bond in Him.  
23

24 We acknowledge the difficulty of these issues and recognize our responsibility, whether  
25 in agreement or disagreement, to act and to treat one another in a Christian manner that  
26 honors our God. In disagreement, we must seek the good of God's Kingdom and follow  
27 the example of Jesus in setting the interests of others above our own.  
28

29 Additionally, individuals, congregations and the Presbytery should be given opportunity to  
30 discuss and prayerfully consider options without fear of sanction or punitive action. Care  
31 should be taken in such discussions to ensure that all voices are heard and that historic  
32 decisions are made cautiously and deliberately and result from seeking prayerful  
33 guidance.  
34

35 While tangible issues of property and assets enter into any real consideration of possible  
36 request for dismissal, we affirm that we are stewards of God's resources intended to be  
37 used for His honor and glory. Consequently, while we note the constitutional principle of  
38 church property "held in trust," we desire neither to make property the focal point for the  
39 congregation nor to use the threat of its seizure as a coercive instrument of the  
40 presbytery. For in the end we know that we have no ownership – it all belongs to God;  
41 we are just allowed to use it to serve Him as we work under the guidance of the Holy  
42 Spirit to build the Kingdom here on earth as it is in heaven.  
43

44 The intent of the following document is to lay out a process that is fair, clear, and easily  
45 understood. While final decisions concerning requests for dismissal must be made by the  
46 Presbytery, we believe these guidelines will prove helpful to all parties concerned, and  
47 hope that they will encourage openness and trust as we seek the will of Christ together.

48 PROPOSITIONS GUIDING THIS PROCESS

- 49
- 50 1. A prolonged dispute will do more to harm the witness of the Church of which the
- 51 PCUSA is one part than to help the witness we all wish to make to the grace of
- 52 Jesus Christ.
- 53
- 54 2. The Presbytery of South Louisiana wishes to use a process where the Church of
- 55 Jesus Christ is the only winner.
- 56
- 57 3. Everything that is done should be done in a way that is faithful to Scripture.
- 58
- 59 4. The process of dismissal is ecclesiological and does not involve the civil courts.
- 60
- 61 5. The process is completed in mutual prayer and discernment, asking for God's will for
- 62 His Church, and allowing God's Spirit to guide the process.
- 63

64

65 OVERVIEW OF PROCESS

66

67 When the session of a particular congregation votes to present its membership with a

68 request for dismissal, the Moderator and/or Clerk of session should notify the Stated

69 Clerk of the Presbytery immediately.

70

71 At this time, the Presbytery will invite the session to enter into a process with the

72 Presbytery for the purpose of prayerful discernment. During this process the session will

73 commit to scheduling a congregational meeting for consideration of dismissal within six

74 months of this initial notification.

75

76 The Presbytery through Council will appoint a representative team of presbyters (known

77 as the "Presbytery Pastoral Team") to represent the Presbytery to work with and

78 alongside the session in consideration of any action. In an effort for the Presbytery to

79 be as fair as possible and as a sign of our common goal of honoring Christ in this

80 process, the session shall have the right to reject any two members of the team upon

81 appointment without explanation and Presbytery shall appoint others.

82

83 The Presbytery Pastoral Team will be appointed by the Presbytery Council with

84 Presbytery staff (GP and/or Stated Clerk) serving as "ex-officio" members (with voice,

85 but with no vote). Membership of the Presbytery Pastoral Team is to be from the

86 Presbytery as a whole and the number of members should be based on the size of the

87 church to which they are being assigned. Routinely, the number should be between

88 three and five. Every effort will be made to assemble a team that is perceived as fair

89 and is representative.

90

91 While representing the Presbytery for prayer, information and advice, the team is not an

92 administrative commission. It has no authority to take any action regarding property held

93 in trust, pastoral leadership, session membership or moderator of the session.

94

95

96

97

98

99 THE RESPONSIBILITIES OF THE PRESBYTERY PASTORAL TEAM

- 100
- 101 1. To facilitate a process with the session and the congregation of a particular church
- 102 seeking dismissal that is faithful to Scripture and the historic principles of the
- 103 Reformed faith.
- 104
- 105 2. To work together with the session to prayerfully discern God's will for this particular
- 106 congregation. It is hoped that this mutual time of shared prayer will lead to a
- 107 unanimous recommendation with regard to the fulfillment of both the "spirit" and the
- 108 "letter" of this process.
- 109
- 110 3. To enter into a time of mutual prayer and discernment with the session and the
- 111 congregation of a church seeking dismissal to another Reformed body.
- 112
- 113 4. To provide for open channels of communication among Presbytery bodies, including,
- 114 but not limited to, Presbytery Council and the Committee on Ministry.
- 115
- 116 5. To serve as advocates for the Presbytery and the P.C.U.S.A.
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- 118 6. To attend session and congregational meetings of particular churches seeking
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- 120 regarding dismissal, property, or any form of affiliation is to occur.
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- 122 7. To report back to Presbytery Council on their work as needed during the process
- 123 and at the end of the process.
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- 125 8. To bring to the floor of Presbytery a motion for dismissal of a particular congregation
- 126 to another Reformed body if this be the will of the congregation.
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128 THE RESPONSIBILITIES OF THE SESSION

- 130
- 131 1. If the congregation does not have a mission plan the Session will work to adopt one
- 132 and articulate it to the congregation and to the Presbytery through the Presbytery
- 133 Pastoral Team.
- 134
- 135 2. To commit to follow Parliamentary procedure in all decision making leading to an
- 136 open process of congregational discernment, in which minority voices are heard and
- 137 respected.
- 138
- 139 3. To commit to the development of a plan to minister to those who wish to remain
- 140 in the Presbyterian Church USA after the congregational vote is taken if the will
- 141 of the congregation is to seek dismissal.
- 142
- 143 4. To invite members of the Presbytery Pastoral Team to attend and address
- 144 their regular meetings and to join them in prayer.
- 145
- 146 5. To invite the Presbytery Pastoral Team to attend the congregational meeting at
- 147 which dismissal is considered. The moderator of the congregational meeting will
- 148 offer team members and/or a member of the Presbytery Staff the opportunity to
- 149 speak.

150 **GUIDELINES FOR A CONGREGATIONAL MEETING**

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- 152 1. The congregational meeting to consider dismissal will be conducted according to the
- 153 Book of Order. The congregation should be given at least three weeks notice of the
- 154 meeting.
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- 156 2. All active members of the congregation will be encouraged to attend and participate
- 157 in the meeting.
- 158
- 159 3. In addition to the session notifying the membership of the congregational meeting, a
- 160 letter from the Presbytery Pastoral Team, sent via the office of the General Presbyter,
- 161 will be sent to the active membership of the congregation introducing the team and
- 162 explaining the process.
- 163
- 164 4. When the congregation considers the question of requesting dismissal, it should be
- 165 understood and communicated clearly that responsibility for the division, dismissal or
- 166 dissolution of churches lies with the Presbytery, "In consultation with their members."
- 167 (G-11.0103)
- 168
- 169 5. While the quorum for congregational meetings is set by the Book of Order, and
- 170 by the bylaws of particular congregations, the Presbytery expects that a goal of
- 171 fifty - five percent of the active membership will participate in the meeting.
- 172
- 173 6. In order for the active members to feel free to act based upon conscience, a
- 174 written ballot for voting is expected.
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- 176 7. The tally of the vote will be attested to by both representatives from the
- 177 congregation and the Presbytery Pastoral Team.
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- 179 8. Requests for dismissal to another church body must specify a denomination or
- 180 governing body in the Reformed tradition.
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- 182 9. There must be a plan to support any substantial group voting in the minority who
- 183 are called to continue local ministry in the Presbyterian Church (USA).
- 184
- 185 10. At least seventy-five percent of the active members voting must be in favor of
- 186 dismissal.
- 187

188 **GUIDELINES AFTER THE CONGREGATIONAL VOTE**

- 189
- 190
- 191 1. A. If there is a majority of seventy-five percent or greater votes to
- 192 seek dismissal, the Presbytery Pastoral Team will recommend
- 193 dismissal of the congregation with property. This recommendation will be
- 194 made upon resolution of any outstanding debts to the Presbytery and/or the
- 195 PCUSA, including per capita, and any endowments dedicated to the use of
- 196 PCUSA Ministries.
- 197
- 198 B. If the vote passes with a majority less than seventy-five percent,
- 199 the Presbytery Pastoral Team will report this to Presbytery with no
- 200 recommendation for action.

- 201 2. When a congregation votes for dismissal from the denomination, the  
202 session, in recognition of the gifts given by those wishing to remain in the  
203 Presbyterian Church, USA, shall negotiate with the Presbytery Pastoral Team a  
204 generous gift to support the continuing ministry of those wishing to remain in the  
205 Presbyterian Church, USA. This gift is given in recognition of those wishing to  
206 remain in the Presbyterian Church USA's contribution to the securing and  
207 maintaining of the church's property and ministry.  
208  
209 3. Actual decision-making on a request for dismissal by a congregation, will be made by  
210 the Presbytery of South Louisiana at a properly stated or called meeting.  
211

FROM : SOUTH\_LR\_PRESBYTERY

PHONE NO. : 225 2721935

JUN 06 2008 10:54:11



PRESBYTERIAN CHURCH (USA)

WOODLAND PRESBYTERIAN CHURCH

June 6, 2008

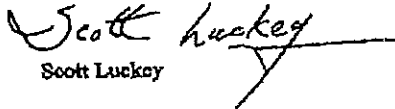
Dear Alan,

I received your letter dated June 5 pertaining to Woodland Church's congregational meeting scheduled for June 8.

Obviously the session has had little time to review the letter, since it just arrived late yesterday afternoon (Thursday, June 5). They will give it thorough consideration and provide further information soon.

If you want to talk about Woodland's property judgment or any kind of legal recourse, please contact our attorney, Lloyd Lunceford. His direct office line in Baton Rouge is 381-0273. His cell number is 337-9852.

Sincerely,

  
Scott Luckey

5824 BERKLEY DRIVE NEW ORLEANS, LOUISIANA 70131-5499 (504) 394-7877 FAX (504) 394-7852

FILED  
2009 APR -4 A 3:07  
U.S. CIVIL  
DISTRICT COURT

**A PASTORAL RESPONSE TO A POTENTIAL CONSIDERATION  
OF REQUEST FOR DISMISSAL**

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**PREAMBLE**

The Presbytery of South Louisiana affirms that the first four chapters of our current Book of Order (2005/2007) do indeed reflect our understanding of what it means to be a church in the Reformed tradition. We proudly proclaim together as a Presbytery our confidence in Christ as the Head of the Church, our devotion to the Great Ends of the Church, and our adherence to the Historic Principles of Church Order and the Historic Principles of Church Government. We seek to be instructed and guided by the Confessions of the Church and to carry out the mission of the Church in such a way as to offer the good news of Christ in a faithful witness.

**INTRODUCTION**

While affirming our essential unity as the body of Christ, we recognize that there are times when separation becomes an imperative of conscience either for an individual or a congregation. Given the present discussions within our denomination and within the Presbytery of South Louisiana, we believe that it is prudent to develop principles for discussion of separation. In this way, we seek to affirm a decision making process that remains faithful to our Lord Jesus Christ and our common bond in Him.

We acknowledge the difficulty of these issues and recognize our responsibility, whether in agreement or disagreement, to act and to treat one another in a Christian manner that honors our God. In disagreement, we must seek the good of God's Kingdom and follow the example of Jesus in setting the interests of others above our own.

Additionally, individuals, congregations and the Presbytery should be given opportunity to discuss and prayerfully consider options without fear of sanction or punitive action. Care should be taken in such discussions to ensure that all voices are heard and that historic decisions are made cautiously and deliberately and result from seeking prayerful guidance.

While tangible issues of property and assets enter into any real consideration of possible request for dismissal, we affirm that we are stewards of God's resources intended to be used for His honor and glory. Consequently, while we note the constitutional principle of church property "held in trust," we desire neither to make property the focal point for the congregation nor to use the threat of its seizure as a coercive instrument of the presbytery. For in the end we know that we have no ownership -- it all belongs to God; we are just allowed to use it to serve Him as we work under the guidance of the Holy Spirit to build the Kingdom here on earth as it is in heaven.

The intent of the following document is to lay out a process that is fair, clear, and easily understood. While final decisions concerning requests for dismissal must be made by the Presbytery, we believe these guidelines will prove helpful to all parties concerned, and hope that they will encourage openness and trust as we seek the will of Christ together.



48 **PROPOSITIONS GUIDING THIS PROCESS**

49

- 50 1. A prolonged dispute will do more to harm the witness of the Church of which the  
51 PCUSA is one part than to help the witness we all wish to make to the grace of  
52 Jesus Christ.
- 53
- 54 2. The Presbytery of South Louisiana wishes to use a process where the Church of  
55 Jesus Christ is the only winner.
- 56
- 57 3. Everything that is done should be done in a way that is faithful to Scripture.
- 58
- 59 4. The process of dismissal is ecclesiological and does not involve the civil courts.
- 60
- 61 5. The process is completed in mutual prayer and discernment, asking for God's will for  
62 His Church, and allowing God's Spirit to guide the process.
- 63

64

65 **OVERVIEW OF PROCESS**

66

67 When the session of a particular congregation votes to present its membership with a  
68 request for dismissal, the Moderator and/or Clerk of session should notify the Stated  
69 Clerk of the Presbytery immediately.

70

71 At this time, the Presbytery will invite the session to enter into a process with the  
72 Presbytery for the purpose of prayerful discernment. During this process the session will  
73 commit to scheduling a congregational meeting for consideration of dismissal within six  
74 months of this initial notification.

75

76 The Presbytery through Council will appoint a representative team of presbyters (known  
77 as the "Presbytery Pastoral Team") to represent the Presbytery to work with and  
78 alongside the session in consideration of any action. In an effort for the Presbytery to  
79 be as fair as possible and as a sign of our common goal of honoring Christ in this  
80 process, the session shall have the right to reject any two members of the team upon  
81 appointment without explanation and Presbytery shall appoint others.

82

83 The Presbytery Pastoral Team will be appointed by the Presbytery Council with  
84 Presbytery staff (GP and/or Stated Clerk) serving as "ex-officio" members (with voice,  
85 but with no vote). Membership of the Presbytery Pastoral Team is to be from the  
86 Presbytery as a whole and the number of members should be based on the size of the  
87 church to which they are being assigned. Routinely, the number should be between  
88 three and five. Every effort will be made to assemble a team that is perceived as fair  
89 and is representative.

90

91 While representing the Presbytery for prayer, information and advice, the team is not an  
92 administrative commission. It has no authority to take any action regarding property held  
93 in trust, pastoral leadership, session membership or moderator of the session.

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99 **THE RESPONSIBILITIES OF THE PRESBYTERY PASTORAL TEAM**

100

101 1. To facilitate a process with the session and the congregation of a particular church  
102 seeking dismissal that is faithful to Scripture and the historic principles of the  
103 Reformed faith.

104

105 2. To work together with the session to prayerfully discern God's will for this particular  
106 congregation. It is hoped that this mutual time of shared prayer will lead to a  
107 unanimous recommendation with regard to the fulfillment of both the "spirit" and the  
108 "letter" of this process.

109

110 3. To enter into a time of mutual prayer and discernment with the session and the  
111 congregation of a church seeking dismissal to another Reformed body.

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