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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; THE  
FIRST PRESBYTERIAN CHURCH OF  
SEATTLE, a Washington nonprofit  
corporation; ROBERT WALLACE, President  
of The First Presbyterian Church of Seattle, a  
Washington nonprofit corporation; and  
WILLIAM LONGBRAKE, on behalf of  
himself and similarly situated members of  
First Presbyterian Church of Seattle,

Plaintiffs,

v.

JEFF SCHULZ and ELLEN SCHULZ, as  
individuals and as the marital community  
comprised thereof; and LIZ CEDERGREEN,  
DAVID MARTIN, LINDSEY McDOWELL,  
GEORGE NORRIS, NATHAN ORONA, and  
KATHRYN OSTROM, as trustees of The  
First Presbyterian Church of Seattle, a  
Washington nonprofit corporation,

Defendants.

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JEFF SCHULZ and ELLEN SCHULZ, as  
individuals and as the marital community  
comprised thereof; and LIZ CEDERGREEN,  
DAVID MARTIN, LINDSEY McDOWELL,  
GEORGE NORRIS, NATHAN ORONA, and  
KATHRYN OSTROM, as trustees of The

No. 16-2-03515-9 SEA

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

~~[PROPOSED]~~

1 First Presbyterian Church of Seattle, a  
Washington nonprofit corporation,

2 Third-Party Plaintiffs and  
3 Counterclaimants,

4 v.

5 THE PRESBYTERY OF SEATTLE, a  
6 Washington nonprofit corporation; SCOTT  
7 LUMSDEN, Executive Presbyter of the  
8 Presbytery of Seattle, an individual; and THE  
9 FIRST PRESBYTERIAN CHURCH OF  
10 SEATTLE, a Washington nonprofit  
11 corporation, as recognized by the State of  
12 Washington under Washington's Nonprofit  
13 Corporations Act, by and through the  
14 corporation's duly elected Board of Trustees,

15 Counterclaim Defendant and  
16 Third-Party Defendants.

17  
18 THE FIRST PRESBYTERIAN CHURCH  
19 OF SEATTLE, a Washington nonprofit  
20 corporation, as recognized by the State of  
21 Washington under Washington's Nonprofit  
22 Corporations Act, by and through the  
23 corporation's duly elected Board of Trustees,

24 Cross-Claimant and Third-  
25 Party Plaintiff,

26 v.

THE PRESBYTERY OF SEATTLE, a  
Washington nonprofit corporation; ROBERT  
WALLACE, an individual; WILLIAM  
LONGBRAKE, an individual; and  
PRESBYTERIAN CHURCH (U.S.A.), A  
Corporation, a Pennsylvania nonprofit  
corporation,

Cross-Claim Defendants and  
Third-Party Defendants.

1 This matter came before the Court on Plaintiffs' Motion for Partial Summary  
2 Judgment (the "motion"). Plaintiffs requested summary judgment on the first cause of action  
3 in the complaint that they filed on February 17, 2016, which seeks a declaratory judgment.

4 The Court has considered the motion and the following materials submitted with the  
5 motion:

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

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

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

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

14 Declaration of Scott Lumsden in Support of Plaintiffs' Motion for Partial Summary  
15 Judgment, with exhibits;

16 Second Declaration of Scott Lumsden in Support of Plaintiffs' Motion for Partial  
17 Summary Judgment, with exhibits;

18 Declaration of Robert B. Mitchell (filed with Plaintiffs' Motion for Partial Summary  
19 Judgment); and

20 Declaration of Peter A. Talevich in Support of Plaintiffs' Motion for Partial Summary  
21 Judgment, with exhibits.

22 The Court has also considered defendants' opposition to the motion and the following  
23 materials submitted with defendants' opposition:

24 Declaration of Richard B. Head (filed with Defendants' Opposition to Plaintiffs'  
25 Motion for Partial Summary Judgment), with exhibits;



1 Declaration of Daniel Kittle in Support of Opposition to Plaintiffs' Motion for Partial  
2 Summary Judgment, with exhibits;

3 Declaration of David Martin in Support of Opposition to Plaintiffs' Motion for Partial  
4 Summary Judgment, with exhibits; and

5 Declaration of Parker T. Williamson in Support of Opposition to Plaintiffs' Motion  
6 for Partial Summary Judgment, with exhibits.

7  
8 The Court has considered as well plaintiffs' reply in support of the motion and the  
9 following materials submitted with plaintiffs' reply:

10 Second Declaration of William A. Longbrake in Support of Plaintiffs' Motion for  
11 Partial Summary Judgment, with exhibits;

12 Third Declaration of Scott Lumsden in Support of Plaintiffs' Motion for Partial  
13 Summary Judgment, with exhibits; and

14 Second Declaration of Peter A. Talevich in Support of Plaintiffs' Motion for Partial  
15 Summary Judgment.

16 The Court has considered the following additional materials:

17 First Presbyterian Church of Seattle's Motion for Preliminary Injunction to Preserve  
18 the Status Quo;

19 Declaration of Richard Head in Support of Motion for Preliminary Injunction, with its  
20 exhibit;

21 Declaration of Bruce Leaverton in Support of Motion for Preliminary Injunction, with  
22 exhibits;

23 Declaration of Lloyd Lunceford in Support of Motion for Preliminary Injunction;

24 Declaration of David Martin in Support of Motion for Preliminary Injunction, with  
25 exhibits;

1 Declaration of Parker Williamson in Support of Motion for Preliminary Injunction,  
2 with its exhibit;

3 Plaintiffs' Opposition to Motion for Preliminary Injunction;

4 Declaration of Heidi Husted Armstrong in Opposition to Motion for Preliminary  
5 Injunction;

6 Declaration of Laurie Griffith, with exhibits;

7 Declaration of Neal Lampi in Opposition to Motion for Preliminary Injunction, with  
8 exhibits;

9 Declaration of Scott Lumsden in Opposition to Motion for Preliminary Injunction,  
10 with its exhibit;

11 Declaration of Robert B. Mitchell in Opposition to Motion for Preliminary Injunction,  
12 with exhibits;

13 Defendants' Reply in Support of Motion for Preliminary Injunction to Preserve the  
14 Status Quo;

15 Supplemental Declaration of Bruce Leaverton in Support of Motion for Preliminary  
16 Injunction, with its exhibit;

17 Defendants' CR 56(f) Motion for Continuance;

18 Declaration of Daniel Kittle in Support of Defendants' CR 56(f) Motion for  
19 Continuance, with exhibits;

20 Plaintiffs' Opposition to Defendants' Motion for Continuance;

21 Declaration of Robert B. Mitchell in Opposition to Defendants' Motion for  
22 Continuance, with exhibits; and

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24 \_\_\_\_\_

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26 The Court held oral argument in open court on May 27, 2016.

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

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

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

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

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

20           5.       The current governing body of FPCS is the Administrative Commission for  
21 First Presbyterian Church of Seattle. This Administrative Commission, appointed by Seattle  
22 Presbytery in November 2015, assumed original jurisdiction on February 16, 2016, and it  
23 now acts as the session of FPCS. The ruling elders and directors/trustees of FPCS are Steve  
24 Aeschbacher, Heidi Husted Armstrong, Shelley Dahl, J.P. Kang, William Longbrake,  
25 Jonathan Siehl, Kathy Smith, and Robert Wallace. The duly elected officers of FPCS are  
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1 Robert Wallace (President), Shelley Dahl (Vice President), and William Longbrake  
2 (Secretary/Treasurer).

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4 SO ORDERED this 27th day of May, 2016.

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6 \_\_\_\_\_  
7 Mary E. Roberts  
8 KING COUNTY SUPERIOR COURT JUDGE

9 Presented by:

10 K&L GATES LLP

11 By

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

15 MILLS MEYERS SWARTLING

16 By

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

19 Approved for form; notice of presentation  
20 waived:

21 LANE POWELL PC

22 By

23 Bruce W. Leaverton, WSBA #15329  
24 John R. Neeleman, WSBA #19752  
25 Randall P. Beighle, WSBA #13421  
26 Daniel A. Kittle, WSBA #43340  
James B. Zack, WSBA #48122  
Attorneys for Defendants