

1 THE PERMANENT JUDICIAL COMMISSION

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3 OF

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5 THE SYNOD OF SOUTHERN CALIFORNIA AND HAWAII

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7  
8 Dixie Lewellen

Case No.: 2016-R-1

9 Complainant,

10 vs.

DECISION AND ORDER

11 The Presbytery of Los Ranchos

12 Respondent

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14 The Permanent Judicial Commission met on September 8, 2017 at the Korean  
15 Good Shepherd Presbyterian Church in Rowland Heights, California. A Quorum of  
16 the Permanent Judicial Commission was present. Moderator Rev. Shelby Larsen,  
17 presiding, Larry Lindsay, Clerk Pro Tem.  
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21 ON REMAND

22 From the Permanent Judicial Commission of the Presbyterian Church  
23 of the United States (PCUSA).  
24

25 HISTORY STATEMENT

1                   After due consideration, the Permanent Judicial Commission of the  
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3 General Assembly of the Presbyterian Church(USA) (hereinafter called the  
4 GAPJC) issued an order on February 26, 2016 reversing a  
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6 decision of the Permanent Judicial Commission of the Synod of Southern  
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8 California and Hawaii (hereinafter the SPJC) granting the Motion to Dismiss. Said  
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10 Motion to Dismiss was made by the Presbytery of Los Ranchos (hereinafter the  
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12 PLR) on May 5, 2016, and granted after hearing, on June 10, 2016. Though the  
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14 Complaint offered numerous specification of errors, the GAPJC in its remand  
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16 order sustained two specifications in whole, and one in part. The case thus returned  
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18 to the SPJC for trial upon the merits of those specification of errors. The SPJC and  
19  
20 participants met on September 8, 2017 to hear arguments.

#### 21                   APPEARANCES

22                   Jack Guiso appeared on behalf of Complainant Dixie Lewellan. Michael E.  
23  
24 Williams appeared on behalf of the Respondent Presbytery of Los Ranchos. A trial  
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26 brief was submitted by the PLR on or about September 5, 2017. On September 7,  
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28 2017, Ms. Lewellen submitted a Motion to Refer to GAPJC along with a number  
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30 of documents in support of said Motion to Refer.

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PROCEEDINGS ON SEPTEMBER 8, 2017

The SPJC found, first, that a Motion to Refer to the GAPJC was out of order, since the current proceeding was convened to hold a trial on the issues pursuant to the remand order issued by the GAPJC on February 16, 2016.

THE REQUEST FOR REFERRAL IS DENIED

Accordingly, both sides were invited to make opening statements regarding the issues delineated by the GAPJC in its remand. The Respondents, in the trial brief dated August 30, 2017, and received September 3, 2017, argued that the issues were now confined to two, both procedural in nature, namely :

1. Can a Presbytery rescind a prior action during the pendency of a remedial complaint and stay of enforcement ordering the Presbytery from following through with the prior action, and
2. Did the Presbytery comply with its own Procedures under its “Controversial Issues Policy” prior to its vote to rescind.

The Complainant was asked if they agreed this was the proper scope of the matters to be decided, and offered an opportunity to object to or reframe the issues to be

1 decided. The Complainant agreed with the delineation of issues, and the PJC  
2 proceeded to hear argument on Question Number One.  
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5           The Complainant was allowed as much time as desired to present  
6 arguments and witness testimony. The essence of the Complainant's argument was  
7 that, in the original action, an order of dismissal of St. Paul's Presbyterian Church  
8 of Anaheim to the ECO, was in the nature of a contract, and that subsequent  
9 actions of the PLR were in breach of the alleged contract. Complainants also  
10 argued that the social fabric of society, and of the church, were harmed if there was  
11 a perceived breach of trust, trust being a foundational support of the church, and of  
12 society at large. The Respondents arguments were essentially those iterated in their  
13 trial brief, which is attached as Exhibit A, and included and incorporated herein.  
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18           At the end of the arguments re Question 1, the Respondents moved to  
19 dismiss the case insofar as the ability of the PLR to rescind the action.  
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21 In proceeding to Question Two, the Respondent stated that their argument was  
22 contained in the brief as submitted. The Complainant was asked if there was any  
23 further evidence, witness testimony or arguments they wished to provide to the  
24 PJC. They answered in the negative.  
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1 After the lunch break both parties were asked if they had anything further to say.

2 Each gave a final presentation summarizing their views  
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4 **DECISION and ORDER**

5 The Permanent Judicial Commission of the Synod of Southern California and  
6 Hawaii, having given both Complainants and Respondents as much time as each  
7 party felt was needed to present their cases, deliberated and voted unanimously that  
8 no evidence was offered by the Complainants that the actions contained in what  
9 has been defined as Question One, Presbytery of Los Ranchos were insufficient,  
10 invalid or incorrect.  
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12 **THE MOTION TO DISMISS AS TO QUESTION 1, IS GRANTED.**

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14 As to Question 2, above, the Claimants were asked if they had any further evidence  
15 or witnesses to present. They declined, and so finding no evidence that process and  
16 procedure were insufficient, invalid or incorrect as to the actions as stated in  
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18 Question 2, the SPJC in a unanimous vote, found for the Respondents.  
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22 **ORDER**

23 The Permanent Judicial Commission of the Synod of Southern California and  
24 Hawaii hereby grants the motion to dismiss brought by the Respondents in the trial  
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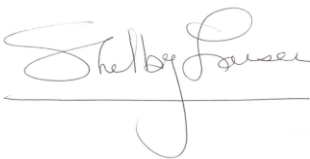
1 upon remand from the Permanent Judicial Commission of the General Assembly of  
2 the Presbyterian Church(USA).  
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4 The Permanent Judicial Commission of the Synod of Southern California and  
5 Hawaii hereby finds for the Respondents in the matter denominated Question 2 in  
6 the trial upon remand from the Permanent Judicial Commission of the General  
7 Assembly.  
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9 THEREFORE, it is ordered that the action of the Presbytery of Los Ranchos of  
10 February 16, 2016, did properly rescind its previous action of approving the  
11 dismissal, on July 31, 2014 of St. Paul's Presbyterian Church of Anaheim to  
12 the ECO. The action of dismissal is thus rescinded. The stay issued in association  
13 with the original action of dismissal to the ECO is thus null and void.  
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18 IT IS FURTHER ORDERED that the Stated Clerk of the Synod of Southern  
19 California and Hawaii report this decision at their first meeting after receipt, that  
20 the Synod of Southern California and Hawaii enter the full decision upon its  
21 minutes and that an excerpt from those minutes showing entry of the Decision be  
22 sent to the Stated Clerk of the General Assembly.  
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1 IT IS FURTHER ORDERED that the Stated Clerk of the Presbytery of Los  
2 Rancho report this Decision to the Presbytery of Los Ranchos at the first meeting  
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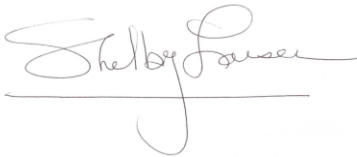
  
4 , that the Presbytery of Los Ranchos enter the full decision upon its  
5 wing entry of the decision to be sent to the Stated Clerk of the General

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7 Assembly.

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9 Absences and non-appearances:

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11 Rev. Winston Presnall, Mr. Izar Martinez Mr. Peter K. Lee, Mr. Peter Hintzoglou,  
12 and Ms. Pat Niles, members of the Synod of Southern California and Hawaii  
13 Permanent Judicial Commission, were not present and took no part in the  
14 proceedings.  
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16 Dated this 26<sup>th</sup> day of September, 2017

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21 Rev. Shelby Larsen  
22 Moderator, Permanent Judicial Commission  
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Larry Lindsay,  
Clerk Pro Tem, Permanent Judicial Commission