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CAUSE NO. DC-26-14816

HORIZON TEXAS ANNUAL CONFERENCE OF THE UNITED METHODIST CHURCH,	§	**IN THE DISTRICT COURT OF**
***Plaintiff*,**	§	
vs.	§	**DALLAS COUNTY**
HIGHLAND PARK METHODIST CHURCH, INC. D/B/A HIGHLAND PARK UNITED METHODIST CHURCH,	§	**193RD JUDICIAL DISTRICT**
***Defendant*.**	§	

DEFENDANT'S ORIGINAL ANSWER, AFFIRMATIVE DEFENSES, RULE 91A MOTION AND PLEA TO THE JURISDICTION, AND COUNTERCLAIM

Defendant Highland Park Methodist Church, Inc. D/B/A Highland Park United Methodist Church (the "Church") files this Original Answer, Affirmative Defenses, Rule 91a Motion and Plea to the Jurisdiction, and Counterclaim to the First Amended Petition for Declaratory Judgment filed by Plaintiff Horizon Texas Annual Conference of The United Methodist Church (the "Conference") and would respectfully show the Court as follows:

I. INTRODUCTION

1. This case is about corporate governance. The Conference's Petition dresses up a dispute over a nonprofit's articles of incorporation and bylaws in ecclesiastical garb, but the actual issues it raises are entirely secular and fully resolvable under neutral principles of Texas law. The Texas Supreme Court has mandated exactly how such disputes must be resolved, and that precedent forecloses the relief Plaintiff seeks.

2. In November 2022, the Church Council of Highland Park Methodist Church (the "Church Council")—the Church's duly elected governing body and corporate board of directors—exercised its lawful authority under the Texas Business Organizations Code to amend the Church's certificate of formation and adopt amended bylaws and articles of incorporation.[1] The amendment clauses, from inception and contained in corporate papers that Plaintiff concedes are valid, are wholly secular and enforceable under neutral principles of law:

1998 Articles:

ARTICLE XV

These Articles may be amended, or repealed and new Articles adopted, at any meeting of the Church Council by the affirmative vote of not less than two-thirds (2/3) of all the members of the Church Council then in office. However, said action may be taken only if the notice of the Church Council meeting specifically designates the provision(s) of these Articles proposed for amendment or repeal and sets forth any new provisions proposed to be adopted.

1999 Bylaws:

AMENDMENTS

Section 10.1 Amendments. These Bylaws may be amended, or repealed and new bylaws adopted, at any meeting of the Church Council by the affirmative vote of not less than two-thirds (2/3) of all the members of the Church Council then in office. However, said action may be taken only if the notice of the Church Council meeting specifically designates the provision(s) of these Bylaws proposed for amendment or repeal and sets forth any new provisions proposed to be adopted.

These clauses vest full authority in the Church Council to amend the Articles and Bylaws, without religious or ecclesiastical constraints, by simple 2/3 majority vote. The Texas Supreme Court has already adjudicated this precise scenario and rejected the same claims Plaintiff brings. Here, the Church Council followed its corporate procedures, acted within its original grant of authority, obtained unanimous approval, and amended its corporate name and documents in full compliance with Texas law.

[1] The 1998 Articles provide that the "Board of Directors of the Corporation shall be known as the 'Church Council.'"

3. Plaintiff asks this Court to undo these lawful actions, in essence seeking a civil judicial declaration that Plaintiff's ecclesiastical authority overrides the plain dictates of Texas corporate law. The Court can make short work of Plaintiff's requests—and indeed, is duty-bound to do so—under binding Texas Supreme Court precedent. Because the law of Texas on the very issues raised by the Plaintiff is settled and Plaintiff does not seek to have that law reexamined, Plaintiff knew or should have known that this action is frivolous, and appropriate sanctions should follow.

II. CORRECTING THE RECORD

4. While the case before this Court is straightforward as a legal matter and should be rapidly dispositioned, the misstatements in Plaintiff's Petition—legally immaterial as they may be—deserve correction in the public record. To paint a flattering picture of its action, Plaintiff tells this Court three things that are not true.

5. ***First***, Plaintiff claims that the Church hid these 2022 corporate amendments from Plaintiff, and that Plaintiff only discovered them years later. That is false. After receiving confirmation of its corporate filings in December 2022, the Church alerted Plaintiff on January 3, 2023, informing Plaintiff of the corporate name change and providing Plaintiff as-filed copies of both the Assumed Name Certificate and the Restated Certificate of Formation, which contained a detailed description of the amendments, plus the full text of the Amended Articles. The Church specifically asked Plaintiff (the Conference) to share that information with its parent body, the General Council on Finance and Administration of The United Methodist Church (the "UMC").

From: Brenda Hargett
Sent: Tuesday, January 3, 2023 2:01 PM
To: Elizabeth Lancaster
Subject: Name Change

[EXTERNAL]

Liz,
Happy New Year! I hope you had a good break.

We've had a slight name change from Highland Park United Methodist Church to Highland Park Methodist Church, with a DBA (doing business as) of Highland Park United Methodist Church. The GCFA told me the change has to come from NTC to them. I saw in the IRS umbrella letter it has to be reported within 45 days after year end.

Please see the attached documents. The lawyers said these are the documents we are supposed to submit to everyone.

Can you help get this to the GCFA so we can all be in compliance?

Thanks. Brenda
Brenda S Hargett, CPA
Executive Director of Operations and CFO
Highland Park United Methodist Church

6. Plaintiff acknowledged receipt and shared the information with the UMC, which confirmed receipt on January 6, 2023. The UMC then worked with Plaintiff and the Church to update the Church's information throughout the UMC system, including its inclusion in the Group Tax Exemption Ruling. On January 20, 2023, one of the UMC's top lawyers confirmed the Church's continuing inclusion under UMC's tax exemption under the new corporate name:

FINANCE & ADMINISTRATION
General Council on Finance and Administration
THE UNITED METHODIST CHURCH

PO Box 340029
Nashville, TN 37203-0029

January 20, 2023

Highland Park Methodist Church d/b/a Highland Park United Methodist Church
3300 Mockingbird Lane
Dallas TX 75205

Re: Certification of Inclusion in The United Methodist Church Group Tax Exemption Ruling
Affiliated Organization: Highland Park Methodist Church d/b/a Highland Park United Methodist Church
Affiliated Organization's Employer Identification Number (EIN): 75-0808794

This letter will certify that the affiliated organization named above is included in The United Methodist Church Group Tax Exemption Ruling ("UMC GroupRuling"). In particular, as stated in the GroupRuling determination letter issued to The United Methodist Church by the Internal Revenue Service ("IRS"), this affiliated organization is exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code.

Indeed, 18 months later, on July 18, 2024, the UMC's top lawyer reconfirmed the same. Plaintiff's claims to this Court that it was unaware of these corporate resolutions until now, or that the Church hid them from Plaintiff, are false. All of this was presumably known to Plaintiff before filing suit.

7. ***Second***, Plaintiff claims, again falsely, that the corporate amendments effectively represented a silent disaffiliation from Plaintiff and the UMC. Even if the Church had chosen to sever its connection with the UMC, the result of this legal proceeding would be the same, because the only issue appropriately before the Court is the lawfulness of the corporate amendments under a wholly secular amendment clause. But Plaintiff's claim to this Court is again demonstrably false as a factual matter. In addition to the documents cited above, which showed that *Plaintiff itself* affirmed the Church's ongoing membership and tax exemption after the corporate amendments, the Church explicitly stated it had no intent of changing its religious affiliation via its corporate updates. As the Church Council resolved at the time:

> **Motion Following Discussion**: Upon motion duly made and seconded, the following resolutions were unanimously approved by the Church Council:
>
> **WHEREAS**, the Church Council ("Church Council") of Highland Park United Methodist Church, a Texas nonprofit corporation ("HPUMC"), is aware of the recent civil litigation between Southern Methodist University ("SMU") and the South Central Jurisdictional Conference of the United Methodist Church ("Jurisdiction") regarding corporate documents and property;
>
> **WHEREAS**, (i) SMU took the position in such litigation that certain amendments to its corporate documents were necessary to comport with neutral principles of Texas corporations law, including without limitation Texas Business Organizations Code §§ 20.002(c), 22.001(5), 22.053, 22.054, 22.107(a), and 22.201; (ii) the Texas Secretary of State approved and accepted those amendments; and (iii) the Civil District Court of Dallas County, Texas upheld SMU's positions;
>
> **WHEREAS**, HPUMC is not subject to any dispute or litigation with the North Texas Conference of the United Methodist Church ("Conference") or with the Jurisdiction, and at the same time understands the need for its corporate documents to comport with neutral principles of Texas law under controllinc doctrine;

8. The corporate minutes reflect the same:

Review: Rev. Paul Rasmussen

- The reason we are here is to be prepared for any direction this church needs to go.
- In our resolution, it states that we do not intend to leave the United Methodist Church. If someday we need to make a move, it would be the Church Council's responsibility to make that decision.
- We want to have the best practices of governance.

9. Accordingly, the Church Council stated—and Plaintiff and the UMC affirmed—that the Church continued operating as a UMC congregation for years after these corporate updates, which continued peacefully until this lawsuit. In fact, in the four years since the corporate updates, the Church ran the largest UMC youth confirmation program in the Conference; operated the Belong Disability Ministry for children and adults with physical and mental disabilities free of charge to all churches within Plaintiff Conference; and in the last four years alone, provided $5.5 million in monthly apportionments (dues) to Plaintiff and contributed more than $6.2 million more to UMC organizations. Indeed, to best of its knowledge, the Church never missed a monthly required apportionment to Plaintiff in 110 years, which Plaintiff continued to accept without complaint from 2022 to its filing of this 2026 suit. Again, while legally irrelevant, Plaintiff's assertion that the Church was secretly disaffiliating from Plaintiff in 2022 is false, under facts fully known to Plaintiff.

10. ***Third*,** Plaintiff tells the Court that it did everything possible to avoid suing a Church, and that it did so as a last resort with a heavy heart. That is also demonstrably untrue. In reality, this lawsuit was part of a carefully coordinated, preemptive attack on the Church, planned over months, involving simultaneous legal, public relations, and church disciplinary strategies. Plaintiff requested a meeting for a discussion with the Church's clergy on August 6, 2026. Church representatives attended and invited the bishop to propose specific changes to the corporate

documents that would address his concerns. Instead of responding, Plaintiff requested they meet again a few days later, on August 10, 2026, never mentioning the threat of litigation. Hours before the August 10 follow-up meeting, Plaintiff filed this lawsuit. Then Plaintiff conducted the August 10 meeting face-to-face without mentioning it had just filed suit. A media barrage followed, with Plaintiff immediately releasing a website, pre-recorded video, and FAQ on the litigation, then apparently providing an Amended Petition to a magazine reporter before it was publicly available on the court docket, and sending a letter to the Senior Minister of every local church in the Conference. On information and belief, it appears that Plaintiff had sought a public relations firm to help plan this litigation and media onslaught as early as June 2026. Immediately upon filing the suit, Plaintiff demanded audience with the Church's clergy—who have no legal ability to modify the Church's corporate papers—and, upon information and belief, told them their pensions and health plans were in jeopardy. Plaintiff also brought secret charges against the Church's new Senior Minister, who was neither in that role during the 2022 amendments nor has any legal authority to revise corporate documents now.

11. Since the suit was filed, the Church has become aware of many other lawsuits between the UMC and other local churches.

12. Plaintiff did not file suit as a last resort, as it told the Court. Plaintiff filed a preemptive suit while lulling the Church into a false impression of amicable discussions. Plaintiff planned this suit over months to get the upper hand. And Plaintiff did so knowing that its principal claims—that it was supposedly not told of these corporate amendments and that the Church had taken these steps to disaffiliate—were patently false. To be clear, none of this bears upon the sole legal issue before this Court: the lawfulness of corporate amendments under corporate rules. But correcting the record illuminates the true spirit in which Plaintiff brought this litigation.

III. GENERAL DENIAL

13. Pursuant to Texas Rule of Civil Procedure 92, the Church generally denies each and every allegation made against it by the Conference and demands strict proof thereof.

IV. FACTUAL BACKGROUND

14. The Church has served the Dallas community since 1916, as one of the largest and most active congregations of the UMC.

15. Founded on the campus of Southern Methodist University ("SMU"), the Church has put its full support behind its neighborhood, community, and ecclesiastical denomination for 110 years. Currently, the Church is ecclesiastically affiliated with the denomination the UMC and its regional body, the Horizon Texas Annual Conference, or Plaintiff.

16. The Church is one of the largest congregations connected to UMC and has historically put its full support behind that organization. The Church has launched *41* United Methodist churches over the years, the most of any conference partner. The Church runs the largest UMC youth confirmation program in the Conference. The Church operates the renowned Belong Disability Ministry for children and adults with physical and mental disabilities and makes it available free of charge to all of its fellow Conference churches.

17. The Church has never missed a monthly apportionment (dues required by the UMC and its Conference). Since 2022 alone—the year Plaintiff complains about—the Church has paid $5.5 million in required apportionments and voluntarily contributed tens of millions more to organizations of the UMC, including reviving and reconstituting struggling churches in Plaintiff Conference, then gifting them back to Plaintiff.

1998 Incorporation

18. In 1998, the Church incorporated to run its affairs, with the full support and participation of Plaintiff, Plaintiff's then-bishop, and Plaintiff's district superintendent.

19. Representing the denomination, Plaintiff expressly approved the Church's proposed Articles and Bylaws. On December 7, 1998, the congregation filed the Articles of Incorporation with the Texas Secretary of State, incorporating under the Texas Non-Profit Corporation Act as Highland Park United Methodist Church, a Texas nonprofit corporation (File No. 151517801) (hereinafter, the "1998 Articles of Incorporation" or the "1998 Articles").

20. On December 8, 1998, the Texas Secretary of State accepted the 1998 Articles of Incorporation and issued a Certificate of Incorporation confirming that the 1998 Articles "conform to law."

21. Those governing corporate documents expressly delegated authority to run the civil affairs of the Church to a lay-leadership corporate Board of Directors, to be called the Church Council.

22. Effective January 1, 1999, the Church Council unanimously adopted the bylaws that Plaintiff had also approved, titled the Bylaws of Highland Park United Methodist Church, a Texas Non-Profit Corporation (the "1999 Bylaws"), elected officers, and approved a Transfer and Assumption Agreement through which the previously unincorporated church conveyed all of its assets and properties to the new corporation, and the corporation assumed all of its liabilities and obligations.

23. For decades to follow, the Church operated without complaint from the Plaintiff Conference or UMC under this governance structure.

The 2022 Amendments

24. The years 2019 to 2023 marked a period of discord for the denomination. More than 7,600 churches left the UMC, around 25% of its congregations. In 2019, UMC sued the Church's historic neighbor and partner, SMU, through Plaintiff's parent body, the Southern Jurisdictional Conference.

25. The Church did not leave the denomination, nor did it wish to leave the denomination. It had no dispute with the Conference or UMC. But it saw the conflict and discord around it.

26. Around the same time, the Texas Supreme Court brought an end to a decade of litigation within another denomination, issuing its final opinion in 2020. The message of that litigation was, if churches wished to avoid prolonged disputes and ensure their rights were clearly stated and enforceable in civil courts, they needed to keep their legal documents legal and their religious documents religious, avoiding intermixing the two. In other words, if churches wished to operate with legally-protectable rights, they needed to state their corporate rules under "neutral principles of law" without religious or doctrinal language that courts could not review.

27. The Church Council, acting within the authority and corporate procedures established and approved in 1998-1999, and with the assistance of non-profit corporate counsel, heeded this guidance from the Texas Courts and amended its corporate articles and bylaws to state its rights plainly under neutral principles of law.

28. As the resolution the Church passed at the time made clear, these revisions were not because the Church wanted to leave UMC, but specifically because it was choosing to stay.

29. The Church Council knew, as good stewards of a historic congregation, that it needed to ensure that if the Church maintained its ecclesiastical connection with the UMC, it was

legally insulated from the ecclesiastical and doctrinal strife within UMC, and that the Church was positioned to maintain its existence and continuity and thrive as a place where people holding divergent views on a variety of issues found a common ground for another 110 years, no matter what happened to the Conference or the denomination. In short, the Church determined that it needed to take steps consistent with Texas law to maintain its legal autonomy on matters of governance and leadership.

30. Heeding the guidance of the Texas Supreme Court, the Church Council restated its Articles and Bylaws in civil terms. It removed references to religious tomes, doctrinal tests, and other ecclesiastical metrics that could not be adjudicated by civil courts. The Church amended its corporate name to Highland Park Methodist Church, d/b/a Highland Park United Methodist Church, so that the entity's corporate and legal status was protected from the schism unfolding in its denomination.

31. The Church filed the amended Articles publicly as a Restated Certificate of Formation with the Texas Secretary of State and promptly notified Plaintiff and UMC of the corporate updates. The Church sent Plaintiff the as-filed Articles, along with the updated name and d/b/a, and worked with Plaintiff to update its records with the UMC.

32. The Church did *not* change its ecclesiastical affiliation with the UMC. It notified Plaintiff and UMC of these corporate changes, updated UMC records with UMC's and Plaintiff's help, and continued operating as a UMC church for years after these corporate revisions, paying over $12 million across both required dues and voluntary additional support to UMC, its charities and churches from 2022 to present.

33. Up to the present day, the Church continued to participate in the UMC without complaint from the denomination or Plaintiff, as one of its largest and most dedicated congregations.

V. RESOLUTION OF THIS CASE UNDER NEUTRAL PRINCIPLES

34. The Court can reject Plaintiff's claims solely under neutral principles of Texas law, as Texas law requires.

The 2022 Amendments Were Lawful Under Neutral Principles of Law

35. Plaintiff concedes the 1998/1999 corporate documents are effective. It must, as it expressly approved them in 1998 and directed their filing. Plaintiff pleaded the validity of the 1998 Articles and 1999 Bylaws to this Court in this lawsuit. *See* Am. Pet. at ¶¶ 19, 22.

36. Article XV of those 1998 Articles granted the exclusive right to amend, repeal, or replace the Articles to the Church Council, upon a two-thirds majority vote of the Council:

ARTICLE XV

These Articles may be amended, or repealed and new Articles adopted, at any meeting of the Church Council by the affirmative vote of not less than two-thirds (2/3) of all the members of the Church Council then in office. However, said action may be taken only if the notice of the Church Council meeting specifically designates the provision(s) of these Articles proposed for amendment or repeal and sets forth any new provisions proposed to be adopted.

37. Article VI, ¶5 of the 1998 Articles likewise vested the authority to adopt, amend, or replace Bylaws exclusively to the Church Council:

5. The Bylaws of the Corporation shall be adopted, and may be amended, or repealed and new bylaws adopted, from time to time by the Church Council.

38. Similarly, Article 10 of the 1999 Bylaws provided that the Bylaws may be amended, repealed, or replaced with a two-thirds majority vote of the Church Council:

AMENDMENTS

Section 10.1 Amendments. These Bylaws may be amended, or repealed and new bylaws adopted, at any meeting of the Church Council by the affirmative vote of not less than two-thirds (2/3) of all the members of the Church Council then in office. However, said action may be taken only if the notice of the Church Council meeting specifically designates the provision(s) of these Bylaws proposed for amendment or repeal and sets forth any new provisions proposed to be adopted.

39. On February 25, 2019, the Church adopted the Amended and Restated Bylaws of Highland Park United Methodist Church, a Texas Non-Profit Corporation (the "2019 Bylaws").

40. Article 8 of the 2019 Bylaws, consistent with the 1998 Articles of Incorporation and the 1999 Bylaws, allowed for amendment on a two-thirds vote of the Church Council:

ARTICLE 8

AMENDMENTS

Section 8.1 Amendments. These Bylaws may be amended, or repealed and new bylaws adopted, at any meeting of the Church Council by the affirmative vote of not less than two-thirds (2/3) of all the members of the Church Council then in office. However, said action may be taken only if the notice of the Church Council meeting specifically designates the provision(s) of these Bylaws proposed for amendment or repeal and sets forth any new provisions proposed to be adopted.

41. The 1998 Articles of Incorporation, the 1999 Bylaws, and the 2019 Bylaws all delegated authority to amend the corporate documents of the Church to the Church Council on a two-thirds majority vote.

42. On November 14, 2022, the Church Council held a special meeting at which the proposed amendments to the corporation's Articles of Incorporation and Bylaws were presented and discussed in detail. Seventeen Church Council members were in attendance. The Church Council was informed that the proposed changes were intended to bring the corporation's governing documents into conformity with neutral principles of Texas corporate law.

43. Church Council members executed written waivers of notice of the special meeting scheduled for November 16, 2022, as authorized by Section 4.2 of the 2019 Bylaws and Section 6.2 of the 1999 Bylaws.

44. On November 16, 2022, the Church Council held a duly called special meeting at 5:00 p.m. at the Church's principal office, 3300 Mockingbird Lane, Dallas, Texas. Twenty-one Church Council members were in attendance, constituting a quorum. Upon motion duly made and seconded, the following resolutions were **unanimously** approved:

- Adoption of the Restated Certificate of Formation, amending and restating the Articles of Incorporation in their entirety;
- Amendment and restatement of the Bylaws in their entirety, effective upon filing of the Restated Certificate;
- Authorization to file the Restated Certificate of Formation with the Texas Secretary of State; and
- Authorization to file an assumed name certificate permitting the corporation to continue operating under the name "Highland Park United Methodist Church."

45. The Secretary of the Church certified that the resolutions were "duly adopted by the Church Council of HPUMC at a meeting held on November 16, 2022, at which a quorum was present and voting throughout." The unanimous vote far exceeded the two-thirds supermajority required by Article XV.

46. On November 21, 2022, the Restated Certificate of Formation was filed with and accepted by the Texas Secretary of State, confirmed by December 1, 2022 letter. The Secretary of State issued a Certificate of Filing confirming that the Restated Certificate "has been received in this office and has been found to conform to the applicable provisions of law."

47. On December 5, 2022, the Secretary of State similarly accepted an Assumed Name Certificate authorizing the corporation to do business as "Highland Park United Methodist Church."

48. The Restated Certificate states on its face that it was adopted pursuant to Sections 3.057, 3.058, 3.059, 3.061 and 22.107 of the Texas Business Organizations Code and that "[e]ach amendment made by this Restated Certificate of Formation has been effected in conformity with the provisions of the Texas Business Organizations Code and the corporation's governing documents."

49. At all times during these amendments, the Church acted in accordance with neutral principles of Texas law and its governing documents, which were approved from the start by Plaintiff. The 1998 Articles of Incorporation, the 1999 Bylaws, and the 2019 Bylaws all delegated authority to amend the corporate documents of the Church to the Church Council on a two-thirds majority vote.

50. Nothing in either the 1998 Articles, the 1999 Bylaws, or the 2019 Bylaws required the approval, consent, or participation of any external body—including any UMC conference, charge conference, district superintendent, or other denominational entity—for the Church Council to exercise its corporate authority to amend the governing documents. The two-thirds majority vote of the Church Council was the sole prerequisite under Texas law and the corporation's own instruments. Under neutral principles of law, the 2022 Article and Bylaw amendments were lawful, and Plaintiff's case must be rejected.

51. The Texas Supreme Court has made clear that disputes involving the validity of amendments to a nonprofit corporation's articles of incorporation and bylaws—even when the disputes concern religious entities—are resolved by applying neutral principles of Texas corporate law, not by deferring to ecclesiastical authorities.

52. As the Court held in *Masterson v. Diocese of Northwest Texas*: "Courts are to apply neutral principles of law to issues such as land titles, trusts, and corporate formation, governance, and dissolution, even when religious entities are involved." 422 S.W.3d 594, 606 (Tex. 2013).

53. In *Episcopal Diocese of Fort Worth v. Episcopal Church*, the Court reiterated that under the neutral principles methodology, "specific, lawful provisions in a corporation's articles of incorporation or bylaws" govern how a corporation "can change its articles of incorporation," and that the authority to make such amendments presents "secular, not ecclesiastical, matters" unless the corporate documents provide otherwise. 602 S.W.3d 417, 432 (Tex. 2020) (quoting *Masterson*, 422 S.W.3d at 609).

54. And in *Southern Methodist University v. South Central Jurisdictional Conference of the United Methodist Church*, the Court held it had jurisdiction over a property and bylaw dispute precisely because "resolving this dispute does not require us to impermissibly opine on matters of church doctrine." 716 S.W.3d 475, 483 (Tex. 2025).

55. There, it was alleged that SMU had "amended SMU's articles of incorporation to delete all references to the Conference," acting "without the Conference's approval." *Id.* at 478. The Court explained that ecclesiastical abstention did not apply because "the Conference chose to establish [the corporation] as a nonprofit corporation subject to Texas corporations law," and therefore its "claims may be resolved by looking solely to Texas statutes and [the corporation's] articles of incorporation." *Id.* at 482. Far from "interfering with ecclesiastical matters, exercising our jurisdiction here 'respects and enforces the manner in which [the] religious entities [at issue] and their adherents ch[o]se to structure their organizations and their property rights.'" *Id.* at 483 (quoting *Masterson*, 422 S.W.3d at 606).

56. The issue in this case is the same as in *Masterson* and *Episcopal Diocese of Fort Worth*, namely, "was the majority vote to amend the governing documents effective?" *Episcopal Diocese of Fort Worth*, 602 S.W.3d at 432. The same answer from *Masterson* and *Episcopal Diocese of Fort Worth* applies here: Yes.

57. In *Masterson*, a local church voted to "amend its articles of incorporation and bylaws to omit references to [its denomination] and [that denomination's regional body, led by a bishop]." 422 S.W.3d at 612. That church's original corporate papers included statements that the local church was "a constituent part of the Diocese of Northwest Texas and of the Protestant Episcopal Church" and that the local church "accedes to, recognizes, and adopts the General Constitution and Canons of that Church." *Id.* at 609.

58. Assessing whether the corporate amendments removing those provisions were effective under neutral principles of law, the Texas Supreme Court noted "the vote at the called meeting was in favor of amending the bylaws to delete or change provisions referring to and adopting the canons and constitutions of TEC and the Diocese," and concluding: "***Absent specific, lawful provisions in a corporation's articles of incorporation or bylaws otherwise, whether and how a corporation's directors or those entitled to control its affairs can change its articles of incorporation and bylaws are secular, not ecclesiastical, matters***." *Id.* (emphasis added).

59. Critiquing a dissent that made the same arguments as Plaintiff here, the *Masterson* Court held: "the dissent points to neither a requirement in the corporate documents that amendments are subject to approval by the Diocese or TEC, nor to any Texas law precluding the corporation from amending its articles and bylaws to exclude references to the Diocese and TEC. To the contrary, the articles of incorporation and bylaws specified that qualified parish members were entitled to elect the vestry and amend the bylaws." *Id.* at 613.

60. The Texas Supreme Court reaffirmed these holdings in 2020 in *Episcopal Diocese of Fort Worth*, where again a local majority had also "voted to amend its governing documents to change all provisions referring to TEC and requiring compliance with its canons and constitution," which the Court upheld under neutral principles of law. 602 S.W.3d at 431.

61. As in *Masterson* and *Episcopal Diocese*, the corporate amendment clause in question is entirely secular. Nothing in the 1998 Articles, the 1999 Bylaws, nor the 2019 Bylaws required the approval, consent, or participation of any external body—including any United Methodist conference, charge conference, district superintendent, or other denominational entity—for the Church Council to exercise its corporate authority to amend the governing documents. The two-thirds majority vote of the Church Council was the sole prerequisite under Texas law and the corporation's own instruments. Here, the vote was unanimous.

62. This is in stark contrast to the corporate documents in *Southern Methodist University v. South Central Jurisdictional Conference of the United Methodist Church*. Those documents provided, among other things, that the corporation was "to be forever owned, maintained and controlled by the Conference" and that "no amendment to the articles shall ever be made unless first authorized and approved by the Conference or an authorized agency thereof." 716 S.W.3d at 479–80 (quoting articles of incorporation) (internal quotation marks omitted).

63. The situation is the opposite here. The corporate amendment provisions are direct and clear, as in *Masterson* and *Episcopal Diocese*, without any restrictions or references to anything other than a 2/3 majority of the Church Council. The facts are even stronger here for the Church, as its founding corporate documents—approved by Plaintiff and lived under for decades—expressly contained a priority provision, stating that the denominational text, *The Book of Discipline* (the "Discipline"), would apply to the Church Council's authority "***[e]xcept to the***

extent modified by these Articles or by the Bylaws of the Corporation." 1998 Articles, Art. VI, ¶4 (emphasis added); *see also* 1998 Articles, Art. VI, ¶¶1-2.

64. Under neutral principles of law, the corporate directors duly amended the Articles and Bylaws by more than the required 2/3 majority vote, and those amendments control.

The Texas Supreme Court Rejects Plaintiff's Positions

65. The Texas Supreme Court has repeatedly rejected the arguments Plaintiff offers this Court in furtherance of its lawsuit.

66. First, Plaintiff tries to undo the lawful corporate conduct by claiming that the removal of ecclesiastical references indirectly or effectively severed the Church's ecclesiastical connection to the denomination. That argument was stronger in the *Episcopal* cases—because those parties actually *did* also sever their ecclesiastical affiliations—yet the Texas Supreme Court still rejected it wholesale. The *Masterson* Court held "the dissent's first argument, that Good Shepherd corporation could not amend its articles of incorporation and bylaws to omit references to TEC and the Diocese because doing so would circumvent 'an ecclesiastical decision made by a higher authority within a hierarchical church structure,' is in substance application of the deference methodology," the doctrine the Texas Supreme Court expressly disallowed when adopting neutral principles of law as its sole permissible doctrine. 422 S.W.3d at 612–13. The Texas Supreme Court reiterated this holding in 2020 in *Episcopal Diocese*, separating ecclesiastical decisions like "whether a diocese can secede from TEC" from whether "the organizational documents restrict the diocese's authority to amend its Diocesan Constitution and Canons, such as by requiring the national church's approval or permission to make an amendment." 602 S.W.3d at 432.

67. So too here—Plaintiff cannot use civil courts to undo corporate amendments that are valid under plain, secular amendment clauses, by invoking ecclesiastical authority.

68. Second, Plaintiff tries to undermine this lawful corporate action by attacking the *ecclesiastical* qualifications of the corporate directors. The Texas Supreme Court has repeatedly rejected such arguments. In *Masterson*, the denomination argued that the directors, by virtue of their conduct, were not ecclesiastically qualified to fill those roles. The Court disagreed, holding there was a difference between "the Bishop's determining which worshipers are loyal to the Diocese and TEC" and "whether the corporation's bylaws were complied with ***when the vote occurred***," because "the corporation has a secular existence derived from applicable Texas law and the corporation's articles of incorporation and bylaws." 422 S.W.3d at 608 (emphasis added). Rejecting the view that a denomination could retroactively void a corporate action by requiring deference to its view of who was or was not a professing member, the Texas Supreme Court observed "that position, if applied in this case, would subject the corporation's decision makers and the parish members who were qualified to vote under the bylaws to the dictates of persons not identified in corporate governing documents as having the right to make, control, or override corporate decisions." *Id.* at 613.

69. The Texas Supreme Court reaffirmed this holding in *Episcopal Diocese*, rejecting similar arguments that the corporate directors, who under those bylaws had to be members in good standing of the relevant ecclesiastical body to serve, were automatically disqualified as corporate directors by voting to sever ties with that denomination, making the act *void ab initio*. The Court held that the while "who is or can be a member in good standing of TEC or a diocese is an ecclesiastical decision," such pronouncements do not "necessarily determine whether the earlier actions of the corporate trustees were invalid under Texas law." 602 S.W.3d at 424. To the contrary, "Texas corporations law dictates how the corporation can be operated, including determining the terms of office of corporate directors, the circumstances under which articles and

bylaws can be amended, and the effect of the amendments," and "any decisions TEC made about the secular legal questions of whether the vote by the 2007 and 2008 Diocesan Conventions to amend the Diocesan Constitutions and Canons was valid under Texas law and whether they were validly amended are not entitled to deference." *Id.* at 424, 432.

70. Again, so too here—Plaintiff seeks to undo these valid corporate actions by asking the Court to defer to it, in 2026, on who was or was not a valid professing member of the UMC in 2022. As in *Episcopal Diocese*, Texas corporations law and the corporate documents dictate the terms of office of corporate directors and the circumstances under which articles and bylaws can be amended, and Plaintiff's views "are not entitled to deference." *Id.* at 432.

71. Plaintiff has raised no challenge to the corporate directors' standing *at the time of the vote* under *neutral principles of law*. Nor could they—as a factual and legal matter, the corporate directors were duly elected each year by the Church at the Church's annual charge conference, presided over by the Plaintiff each time, affirming the elected slates without challenge or issue both *before* the 2022 amendments and *after* its knowledge of same.

72. The Articles dictate that the Church Council is elected by the congregation's annual charge conference, which is composed of voting lay members of the congregation. The meeting is overseen by Plaintiff, through its District Superintendent, who presides but does not vote. Once elected, the corporate bylaws govern the Church Council. *See* 1998 Articles, Art. VI, ¶3 (Church Council is "elected by the Charge Conference, and shall serve, in accordance with the Bylaws of the Corporation."). Subsequent governance is delegated to the Church Council, including the right to manage Church Council composition, until the next election. *See, e.g.,* 1999 Bylaws, Art. 3, Section 3.5.

73. Here, Plaintiff itself oversaw the election of the Church's slate for the Church Council, both before and after receiving notice of the 2022 bylaw amendments, without complaint.

74. ***Before the 2022 amendments***, at the 2021 charge conference, Plaintiff itself called for the motion to elect the slate of Church Council members, who were then elected unanimously:

> Rev. Paul Rasmussen, Chair of the Nominations and Leadership Development Committee, presented the proposed slate of lay candidates for the Administrative Committees for 2022. Rev. Cowley, District Superintendent, called for a motion to accept the slate, and it was approved by a unanimous vote.

75. ***After the 2022 amendments—and after Plaintiff received notice of them in January 2023***—Plaintiff again presided over the Church's annual charge conference, where the Church Council slate was again elected without challenge or complaint:

> There was a vote to approve the leadership roster, pastoral compensation and ministry candidates. All were approved.

76. At no point did Plaintiff object to any of these elections. Nor did Plaintiff ever subsequently claim to remove any corporate director (and had no corporate authority to do so).

77. Plaintiff seeks recourse to *ex post* ecclesiastical claims, which Texas courts reject, because Plaintiff has not, and cannot, allege any factual claim under neutral principles of law that the corporate directors were not so-elected at the time of the vote (or after).

78. Finally, Plaintiff invokes § 22.207(a) of the Texas Business Organizations Code, which provides that "[t]he board of directors of a religious, charitable, educational, or eleemosynary corporation *may* be affiliated with, elected, and controlled by" a religious convention or conference. Tex. Bus. Orgs. Code § 22.207(a) (emphasis added). But that statute is permissive, not mandatory, and the substance of any such affiliation, election, or control is determined by the corporate documents themselves. The Texas Supreme Court relied on § 22.207(a) in *Southern Methodist University v. South Central Jurisdictional Conference of the*

United Methodist Church, specifically because the SMU articles expressly stated the corporation was "to be forever owned, maintained and *controlled by* the" Conference, granted the Conference the right to elect and remove trustees, and provided that "*no amendment to the articles shall ever be made*" without Conference approval. 716 S.W.3d at 479–80 (emphasis added). It was the corporate documents' express grant of control in that case that § 22.207 protected. *Id.* at 485.

79. Nothing like that exists here. To the contrary, the 1998 Articles expressly provide that the Discipline's organizational strictures apply only "[e]xcept to the extent modified by these Articles or by the Bylaws of the Corporation"—a priority clause that gives the corporate amendment provisions controlling force. 1998 Articles, Art. VI, ¶4.

80. This case is akin the *Episcopal* cases, where § 22.207 was insufficient to give a denomination control over corporate amendments. In *Episcopal Diocese of Fort Worth*, the Court noted § 22.207 but held that the amendments stood because "no provision in any of the organizational documents" precluded the majority from amending and because the organizational documents did not "restrict the diocese's authority to amend . . . such as by requiring the national church's approval or permission to make an amendment." *Id.* at 432, 436 n.8. In *Masterson*, the Court did not even address § 22.207, instead holding that "absent specific, lawful provisions in a corporation's articles of incorporation or bylaws" restricting amendment authority, such matters "are secular, not ecclesiastical." 422 S.W.3d at 609.

81. In all three cases, the critical question was the same: did the corporate documents expressly vest control to amend in the denomination? In *SMU*, the corporate papers did—and § 22.207 gave the Conference standing to enforce those rights. In *Masterson* and *Episcopal Diocese*, the corporate papers did not—and the denomination could not use its hierarchical authority to

override the corporate documents' plain amendment provisions. This case falls squarely on the *Masterson* and *Episcopal Diocese* side of that line.

82. Accordingly, Plaintiff's arguments seeking to ignore the vote of the board of directors have already been considered and rejected under Texas law.

VI. AFFIRMATIVE DEFENSES

83. By setting forth these affirmative defenses, the Church does not assume the burden of proving any fact, issue, or element of a cause of action where such burden properly belongs to the Conference. Further, all such defenses are pleaded in the alternative and do not constitute an admission of liability or an admission that Plaintiff is entitled to any relief whatsoever.

84. Pursuant to Texas Rule of Civil Procedure 94, the Church asserts that Plaintiff's suit is barred in whole or in part by the following affirmative defenses:

a. On information and belief, Plaintiff's claims are barred in whole or in part as a contractual matter, by its parent-entity's settlement with SMU, which on information and belief, and consistent with Texas practice, would release claims against SMU's assigns such as the Church, on behalf of itself and its affiliates, such as UMC and Plaintiff;

b. Plaintiff's claims are barred in whole or in part by the doctrines of laches and waiver as a result of its subsequent conduct, actions, and undue delay in filing suit;

c. Plaintiff's claims are barred in whole or in part by estoppel as a result of its conduct and actions and the Church's reliance thereon;

d. Plaintiff's claims are barred in whole or in part by ratification of and acquiescence to the Church's amended corporate governance documents;

e. Plaintiff's claims are barred in whole or in part because the Church Council exercised its business judgment when it amended its corporate governance documents. *See Pace v. Jordan*, 999 S.W.2d 615 (Tex. App.—Houston [1st Dist.] 1999, pet. denied); and

f. Plaintiff's claims are barred in whole or in part by its failure to state a claim upon which relief may be granted.

85. The Church expressly reserves the right to amend this pleading to assert additional affirmative defenses, counterclaims, or other matters in avoidance as may be warranted by the evidence, discovery, or rulings of the Court, and in accordance with the Texas Rules of Civil Procedure and any applicable scheduling order entered in this matter.

VII. RULE 91A MOTION AND PLEA TO THE JURISDICTION

86. The Church moves for dismissal of Plaintiff's claims under Texas Rule of Civil Procedure 91a and, alternatively, a plea to the jurisdiction, for the following reasons:

Plaintiff's Pleading Negates the Court's Jurisdiction over its Claim

87. First, Plaintiff's entire request for relief is improper and must be dismissed for lack of subject matter jurisdiction. While this matter *can* be resolved solely under neutral principles of law, which is the basis of the Church's counterclaim, Plaintiff turns Texas law on its head and seeks the opposite: a judicial declaration that this matter "*cannot* be determined by neutral principles of law." Am. Pet. at ¶¶ 32–33 (emphasis added).

88. But as recently as 2025, the Texas Supreme Court made clear—*in a suit brought by Plaintiff's own parent body within The United Methodist Church*—that if a case cannot be resolved solely under neutral principles of law, "***the result would be dismissal for lack of jurisdiction, not rendition of judgment granting the Conference (or any other party) affirmative***

relief." *S. Methodist Univ.*, 716 S.W.3d at 483 (citing *In re Diocese of Lubbock*, 624 S.W.3d 506, 519 (Tex. 2021) (orig. proceeding)).

89. Here, Plaintiff seeks a declaratory judgment that the only issue it raised—the propriety of corporate amendments—is inextricably intertwined with ecclesiastical questions, including who is "a professing member of The United Methodist Church" and whether corporate directors "act[ed] pursuant to the Discipline," and thus "cannot be determined by neutral principles of law." Am. Pet. at ¶ 33. Plaintiff states its motivations expressly:

> ***When determining whether the ecclesiastical abstention doctrine applies***, courts analyze whether a particular dispute is an ecclesiastical dispute or a civil-law controversy in which the church happens to be involved. ***Thus, pursuant to Chapter 37 of the Texas Civil Practice and Remedies Code (The Uniform Declaratory Judgments Act), Plaintiff seeks a declaratory judgment***…

Am. Pet. at ¶¶ 32–33 (emphasis added). Plaintiff's first sentence quotes the Texas Supreme Court from *In re Diocese of Lubbock* but fails to cite what the Court said next: "[I]f the substance and nature of the plaintiff's claims are inextricably intertwined with matters of doctrine or church governance, ***then the case must be dismissed***." *Diocese of Lubbock*, 624 S.W.3d at 514 (emphasis added). Because Plaintiff *pleads* that the substance and nature of its claims *are* inextricably intertwined with matters of doctrine or church governance, ***then the case must be dismissed.*** Plaintiff may not affirmatively seek a declaration that the Court lacks subject matter jurisdiction over the case Plaintiff brought.

90. As such, dismissal for lack of subject matter jurisdiction is proper under Rule 91a. *See City of Dallas v. Sanchez*, 494 S.W.3d 722, 724–25 (Tex. 2016). Dismissal is also proper under a plea to the jurisdiction. *See Diocese of Lubbock*, 624 S.W.3d at 512. And, since "the pleadings affirmatively negate jurisdiction," dismissal "should be granted without affording the plaintiff[ ] an opportunity to replead." *Id.* (internal citations omitted). That is the case here,

because the very essence of Plaintiff's pleading—that these issues are inextricably ecclesiastical—divests the Court of jurisdiction over Plaintiff's case, compelling dismissal, not a judgment.

Plaintiff Cannot Plead a Plausible Neutral Principles Claim

91. Second, even if Plaintiff had pleaded claims falling within the Court's subject matter jurisdiction, Plaintiff cannot state a plausible claim under the plain language of the documents it attaches and incorporates into its Amended Petition.

92. Plaintiff has not cited any language or argument, cognizable under neutral principles, that would subvert the plain language of the 2/3 vote of the corporate amendment clauses. Nor could it, given the binding holdings of *Masterson* and *Episcopal Diocese*, the express language of the amendment clauses, and the priority clause stating the corporate documents control.

93. In deciding a Rule 91a motion, courts may consider "any pleading exhibits permitted by Rule 59," Tex. R. Civ. P. 91a.6, which includes "all other written instruments, constituting, in whole or in part, the claim sued on . . . being attached or filed and referred to as such, or by copying the same in the body of the pleading in aid and explanation of the allegations in the petition or answer made in reference to said instruments and shall be deemed a part thereof for all purposes." Tex. R. Civ. P. 59.

94. Thus, the Court may therefore consider the 1999 Bylaws and the 2024 Bylaws, attached to Plaintiff's First Amended Petition as Exhibits A and B, respectively, *see* Am. Pet. at ¶¶ 22, 25, under which Plaintiff cannot assert a plausible neutral principles case.

95. For all these reasons, the Court should dismiss Plaintiff's case.

Plaintiff's Preemptive, Unjustified Suit Warrants Taxing it with Attorney's Fees

96. As shown, this suit was unwarranted, preemptive, premised on inaccurate factual claims, and seeks relief disallowed under case law Plaintiff knows well. The Court should award the Church its costs and reasonable and necessary attorney fees in bringing a Rule 91a motion to dismiss Plaintiff's claims. *See* Tex. R. Civ. P. 91a.7; *see also* Tex. Civ. Prac. & Rem. Code § 30.021.

97. Indeed, in a recorded meeting the Conference's bishop described the purpose of this action as a ruling that the Court cannot decide this matter. He said:

> So, this is a question about what we call neutral principles that the court can adjudicate matters, legal matters, but if it's church polity, and we are clearly within, you know, our policy as a bishop, uh, working through our processes, so therefore the court cannot interfere in our work. ***And so, we filed a petition for declaratory judgment, um, that will, um, be in favor of what we are appealing for, right. This is, this is an internal matter. Stay out of it, right***.

98. A fee award is particularly appropriate here, where the Plaintiff paradoxically sued to argue the Court could *not* hear its case—the definition of a frivolous claim, and one the Church never should have encountered.

VIII. COUNTERCLAIM

JURISDICTION AND VENUE

99. This Court has personal jurisdiction over the parties because they are Texas entities operating within the State of Texas.

100. Venue is proper in Dallas County, Texas pursuant to Section 15.002 of the Texas Civil Practice & Remedies Code because it is the county in which all or a substantial part of the events or omissions giving rise to the claims occurred.

ARGUMENT

101. As fully set forth above, the Church's governing documents, including the 1998 Articles of Incorporation, 1999 Bylaws, and 2019 Bylaws, all expressly provide that the Church Council may lawfully amend or even wholly replace the Articles and Bylaws upon a two-thirds majority vote, without any condition or approval by any other party.

1998 Articles:

ARTICLE XV

These Articles may be amended, or repealed and new Articles adopted, at any meeting of the Church Council by the affirmative vote of not less than two-thirds (2/3) of all the members of the Church Council then in office. However, said action may be taken only if the notice of the Church Council meeting specifically designates the provision(s) of these Articles proposed for amendment or repeal and sets forth any new provisions proposed to be adopted.

1999 Bylaws:

ARTICLE 10

AMENDMENTS

Section 10.1 Amendments. These Bylaws may be amended, or repealed and new bylaws adopted, at any meeting of the Church Council by the affirmative vote of not less than two-thirds (2/3) of all the members of the Church Council then in office. However, said action may be taken only if the notice of the Church Council meeting specifically designates the provision(s) of these Bylaws proposed for amendment or repeal and sets forth any new provisions proposed to be adopted.

2019 Bylaws:

ARTICLE 8

AMENDMENTS

Section 8.1 Amendments. These Bylaws may be amended, or repealed and new bylaws adopted, at any meeting of the Church Council by the affirmative vote of not less than two-thirds (2/3) of all the members of the Church Council then in office. However, said action may be taken only if the notice of the Church Council meeting specifically designates the provision(s) of these Bylaws proposed for amendment or repeal and sets forth any new provisions proposed to be adopted.

REQUEST FOR DECLARATORY JUDGMENT

102. A declaratory judgment is proper if a justiciable controversy exists as to the rights and status of the parties and the controversy will be resolved by the declaration sought. *City of Dallas v. VSC, LLC*, 242 S.W.3d 584, 597 (Tex. App.—Dallas 2008), *rev'd on other grounds,* 347 S.W.3d 231 (Tex. 2011) (citing *Bonham State Bank v. Beadle,* 907 S.W.2d 465, 467 (Tex. 1995)).

103. An actual, present, and justiciable controversy has arisen and now exists between the parties regarding the respective rights, duties, and obligations under agreements between the Church and the Conference under neutral principles of law.

104. The Church seeks a declaratory judgment as follows:

> ***That the Church Council appropriately amended its Articles of Incorporation and Bylaws in November 2022 by more than the required two-thirds majority vote, and the 2022 Amended Articles and Bylaws are legally enacted and in force under neutral principles of Texas law, as amended most recently in 2024.***

ATTORNEYS' FEES

105. The Church is entitled to recover its reasonable and necessary attorneys' fees and expenses under Chapter 37 of the Texas Civil Practice and Remedies Code.

CONDITIONS PRECEDENT

106. All conditions precedent to recovery for the claims asserted herein have occurred, been performed, or been waived.

RULE 47 STATEMENT

107. Pursuant to Rule 47 of the Texas Rules of Civil Procedure, the Church seeks only non-monetary relief, exclusive of its claim for attorneys' fees.

IX. ADOPTION AND INCORPORATION

108. Each paragraph of this pleading adopts and incorporates the preceding paragraphs.

X. PRAYER

WHEREFORE, Defendant Highland Park Methodist Church, Inc. D/B/A Highland Park United Methodist Church respectfully requests that:

a. Plaintiff Horizon Texas Annual Conference of The United Methodist Church take nothing by reason of this suit;

b. the Court dismiss Plaintiff's claims in their entirety with prejudice;

c. the Court enter judgment in favor of the Church and grant declaratory relief to the Church as requested herein;

d. the Church be awarded reasonable and necessary attorney's fees and expenses; and

e. the Church be awarded such other and further relief as to which it is justly entitled.

[*signature page follows*]

Respectfully submitted,

DLA PIPER LLP (US)

/s/ Daniel L. Tobey

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ATTORNEYS FOR DEFENDANT HIGHLAND PARK METHODIST CHURCH, INC. D/B/A HIGHLAND PARK UNITED METHODIST CHURCH

CERTIFICATE OF SERVICE

I certify that, on September 21, 2026, a true and correct copy of the foregoing document was delivered on all attorneys of record via the Court's e-filing system in compliance with the Texas Rules of Civil Procedure.

/s/ *Daniel L. Tobey*
Daniel L. Tobey

Automated Certificate of eService

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

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