

MINUTES OF THE GENERAL ASSEMBLY

order or being out of order administratively. The Standing Judicial Commission has completed its work on 2007-09, 2007-10, 2007-11, 2007-13, 2007-16, 2008-01, 2008-09, and 2008-10. The report on these cases is as follows:

III. REPORT OF THE CASES

COMPLAINTS OF TE ELIOT LEE VS. KOREAN EASTERN PRESBYTERY SJC 2007-09 & 2007-10

I. SUMMARY OF THE FACTS

- 07-10-05 Hudson Korean Presbyterian Church (HKPC) Congregational Meeting, re: TE Lee selected as “interim pastor candidate to serve until all the matters of the church [are] resolved...”
- 10-04-05 68th Stated Meeting of Korean Eastern Presbytery (KEP), re: approved HKPC request for TE Lee to be “interim pastor for next 12 months and until the [TE Peter B. Kim] litigation in the civil court can be resolved.”
- 09-20-06 HKPC Session requests KEP to “extend the term of the interim pastor until the permanent pastor [can] be installed.”
- 10-03-06 71st Stated Meeting of KEP, re: while considering the request from the HKPC Session, KEP discussed its prior action (approval of TE Lee for “one year or until all matters are resolved”) and how this action conflicts with *BCO* 22-6, i.e. temporary pastoral relationships (stated supply) are limited to a period of time no longer than one year and must be renewed annually by the presbytery; the argument was made that the provision (until all matters are resolved) was inconsistent with the *BCO* and that TE Lee’s term as temporary pastor of HKPC was over; a motion to extend the term of TE Lee with the condition that HKPC not withdraw from KEP was defeated; and KEP designated TE Jisup Kim to be temporary moderator of HKPC session.
- 10-30-06 TE Lee filed complaint (2007-1) with KEP concerning the 71st Stated Meeting on 10-03-06, re: Dissolution of Interim Pastor TE Lee’s relationship with HKPC and sending a temporary moderator, based on lack of a quorum.
- 11-08-06 TE Peter B. Kim civil litigation is dismissed with prejudice.

JOURNAL

- 11-12-06 HKPC Session withdraws request to extend TE Lee's term as Stated Supply.
- 11-19-06 HKPC Session Minutes, re: "all matters were not resolved," i.e. issues regarding TE Peter B. Kim.
- 11-20-06 Called Meeting of KEP - KEP [denied] TE Lee's complaint (2007-1) by reaffirming TE Lee's status as stated supply and that his one-year term had expired.
- 12-15-06 Called Meeting of KEP - KEP determined that there was no quorum at the 71st Stated Meeting on 10-03-06 during its consideration of the HKPC Session's request to extend the term of TE Lee as Stated Supply and that its decision relating thereto was invalid; KEP Stated Clerk announced that the HKPC request could now be "rediscussed," but since the HKPC request had been withdrawn, it was no longer on the floor for discussion; TE Lee's complaint (2007-1) was invalid; the 11-20-06 Called Meeting of KEP was invalid (not properly called); TE Lee argues that he went to HKPC as the interim pastor, not as stated supply, and that an interim pastor is the same as a senior pastor, just with a set term, i.e. his term does not end until all the matters with TE Peter B. Kim are resolved; KEP approved a motion that TE Lee went to HKPC as stated supply (with a term of one (1) year), pursuant to *BCO* 22-6; KEP Stated Clerk reported that since there is no pending request from HKPC to extend TE Lee's Stated Supply relationship, then TE Lee's term as Stated Supply ended in October, 2006; KEP's Moderator then declared that the pulpit of HKPC was vacant; KEP approved a motion that the legal matter with TE Peter B. Kim is closed; KEP approved a motion creating a Pulpit (Stated Supply Approval) Commission (requests for stated supply must come from session); and KEP approved a motion creating a judicial commission to deal with a charge against TE Lee.
- 12-20-06 TE Lee filed complaint (2007-1) with GA/Stated Clerk.
- 12-28-06 TE Lee filed complaint (2007-1) with KEP.
- 01-13-07 Two (2) complaints filed with KEP (2007-6 {TE Lee} & 2007-7 {Re Han}) concerning the December 15, 2006 Called Meeting of KEP, re: KEP prematurely dissolved the interim pastoral relations; KEP arbitrarily interpreted the term of the interim pastor as stated supply; Judicial Commission did not meet requirements of *BCO* 15-2; and Pulpit (Stated Supply Approval) Commission is not allowed by the *BCO*.

MINUTES OF THE GENERAL ASSEMBLY

- 01-26-07 Called Meeting of KEP, re: discussed HKPC and it was alleged that the HKPC Session was not able to act and that the HKPC was divided and KEP approved a motion expanding the powers and authorizing the Pulpit (Stated Supply Approval) Commission to act on behalf of HKPC Session. Note: the Record of the Case indicates the HKPC Session was meeting during this time period and approved various matters, i.e. approved choir members, deacon's assistants, and expenses.
- 02-13-07 72nd Stated Meeting of KEP, re: HKPC called TE Lee as Pastor in a 04-16-06 Congregational Meeting (*BCO* 20); KEP denied the Call and set forth sufficient reasons for denying the Call; and KEP denied two (2) complaints (2007-6 [TE Lee] & 2007-7 [RE Han]).
- 02-20-07 KEP Executive Committee informally (a "call around") decided to file a civil action (lawsuit) against TE Lee in the New Jersey state court. No Executive Committee Minutes exist that reflect this action.
- 02-22-07 TE Lee filed complaint with KEP (2007-9), re: authorizing the Pulpit (Stated Supply Approval) Commission to act on behalf of HKPC session. Note: This KEP action was taken without the prior or subsequent request or consent of the Session or Congregation of HKPC and over the objection of the HKPC Session.
- 02-26-07 KEP and HKPC (through the KEP Pulpit (Stated Supply Approval) Commission acting on behalf of the HKPC Session) filed a civil action (lawsuit) against TE Lee in the New Jersey Superior Court, seeking, among other things, a restraining order against TE Lee, based, in part, on the PCA being a hierarchical denomination and challenged the validity of a congregational meeting and asserted that the matters in dispute were "entirely doctrinal."
- 03-11-07 KEP Pulpit (Stated Supply Approval) Commission acting on behalf of the HKPC Session authorized HKPC to join said civil action (lawsuit) against TE Lee.
- 03-13-07 Two (2) complaints filed with GA/Stated Clerk and KEP (2007-6 [TE Lee] & 2007-7 [RE Han])

2007-6 TE Lee complains:

- 1) 10-03-06 Stated Meeting of KEP - no quorum;
- 2) KEP Clerk refused to show signatures of men who called the 11-20-06 meeting;

- 3) KEP prematurely dissolved the interim pastor relation;
- 4) KEP interpreted interim pastor as stated supply; and
- 5) Judicial Commission did not follow *BCO* 15-2.

2007-7 RE Han complains:

- 1) KEP prematurely dissolved the interim pastor relationship;
- 2) KEP contradicted previous decisions;
- 3) KEP improperly appointed a “pulpit commission.”

03-25-07	Called Meeting of KEP, re: approved and ratified actions of the Pulpit (Stated Supply Approval) Commission and KEP Executive Committee in regard to the filing of the civil action (lawsuit) against TE Lee in the New Jersey state court, seeking among other things, a restraining order against TE Lee.
04-03-07	Decision of the Superior Court of New Jersey in HKPC and KEP vs. Elliot Lee, where HKPC and KEP seek an injunction prohibiting and enjoining TE Lee from acting as pastor of HKPC, performing any of the duties and responsibilities as the pastor of HKPC, entering HKPC property without KEP’s written consent, holding congregational meetings, etc. The Superior Court determined that the polity of the PCA was hierachal in nature and enjoined TE Lee from acting as the pastor of HKPC, etc.
04-24-07	TE Lee filed complaint with KEP (2007-10), re: improper filing of a civil action (lawsuit).
06-05-07	73 rd Stated Meeting of KEP, re: KEP adopted Judicial Commission’s decision to depose and excommunicate TE Lee, and KEP failed to deal with TE Lee’s complaints (2007-9 & 2007-10).
07-05-07	TE Lee filed complaints (2007-9 & 2007-10) with KEP and GA/Stated Clerk, which addressed KEP’s authorizing the Pulpit (Stated Supply Approval) Commission to act on behalf of HKPC session and the improper filing of a civil action (lawsuit).
10-19-07	Full SJC adopts the Panel Decisions in 2007-1, 2007-6, and 2007-7, to wit:

Did KEP err when it determined that only those actions at the 71st Stated Meeting on 10-03-06 dealing with HKPC were invalid? Judgment: It is moot since all actions taken at the 71st Stated Meeting of KEP on October 3, 2006 are null and void.

Did KEP err when it clarified that TE Lee’s call as “interim pastor” for one (1) year or “until the [TE Peter B. Kim] litigation

MINUTES OF THE GENERAL ASSEMBLY

in the civil court can be resolved" was that of stated supply and limited to one (1) year, unless renewed by the session and presbytery, pursuant to *BCO* 22-6? Judgment: No. Interim pastor and stated supply are the same and limited by *BCO* 22-6 to one (1) year, unless renewed by presbytery. Further, since HKPC withdrew its request to extend the stated supply term of TE Lee, there is no such request pending, and TE Lee's term as Stated Supply ended on or about October 3, 2006. Accordingly, the HKPC pulpit has been vacant since that time.

Did KEP err when it appointed its Pulpit (Stated Supply Approval) Commission? Judgment: No.

Did KEP err when it appointed its Judicial Commission? Judgment: No.

In regard to these Judgments, the Standing Judicial Commission only ruled that the Commissions were properly appointed. There were complaints pending with KEP concerning actions taken after these Commissions were appointed, i.e the matters complained of herein. The prior Judgments were not to be deemed an approval or disapproval of those actions by the Standing Judicial Commission.

II. STATEMENT OF THE ISSUES

1. Did KEP err when it empowered and authorized the Pulpit (Stated Supply Approval) Commission to act on behalf of HKPC session at the 01-26-07 Called Stated Meeting?
2. Did KEP err when it approved and ratified actions of the KEP Executive Committee, the actions of the Pulpit (Stated Supply Approval) Commission, and when it filed a civil action against TE Lee seeking among other things a restraining order against TE Lee and to adjudicate ecclesiastical matters?

III. JUDGMENT

1. Yes. All actions and decisions made by the Pulpit (Stated Supply Approval) Commission in regard to its acting on behalf of the HKPC session (and Church) are annulled, and any HKPC funds so expended should be returned to HKPC by KEP, if the congregation so requests.

2. Yes. The Complaint filed by KEP and the Pulpit (Stated Supply Approval) Commission, acting on behalf of the HKPC Session (and Church), in the New Jersey state court sought to adjudicate ecclesiastical matters that are clearly within the jurisdiction and oversight of the courts of the PCA, i.e. who was the rightful pastor of HKPC and authorizing the Pulpit (Stated Supply Approval) Commission to act as the Session of HKPC.

IV. REASONING AND OPINION

- A. Case 2007-9, Complaint of TE Eliot Lee vs. Korean Eastern Presbytery, is sustained, and KEP's decision is annulled in the whole.

KEP erred when it empowered and authorized the Pulpit (Stated Supply Approval) Commission to act on behalf of HKPC session at the 01-26-07 Called Stated Meeting.

The Record of the Case is clear that neither the Session of HKPC, nor the Congregation of HKPC, ever consented, voted, or asked KEP to add additional members to the Session of HKPC or to allow KEP to act on behalf of the HKPC Session. KEP just acted on its own accord, without the consent of those to be governed, and in doing so breached a fundamental element of PCA polity.

KEP, under our Constitution, may not, through its own action or through the actions of its commission, act for or on behalf of a session without a proper request to do so from the actual session and approval of the congregation, enlarge a session without a proper request/election to do so from the actual session/church, or unilaterally act as pulpit committee in the context of *BCO* 20-2. See *BCO* 16-2 “The government of the Church is by officers gifted to represent Christ, and the right of God's people to recognize by the election to office those so gifted is inalienable. Therefore, no man can be placed over a church in any office without the election, or at least the consent of that church.”

- B. Case 2007-10, Complaint of TE Eliot Lee vs. Korean Eastern Presbytery, is sustained, and KEP's decision is annulled in the whole.

KEP, under our Constitution, is granted the power to do certain things and take certain actions in *BCO* 13-9, utilizing the civil courts of this land to enforce its decisions and coerce obedience to its actions. This should not be construed to mean that a church court is prohibited

MINUTES OF THE GENERAL ASSEMBLY

from the civil courts to resolve purely civil matters, such as trespass or breach of contract.

It should be noted that the primary issue raised in Case 2007-7 case is the appointment of the Pulpit (Stated Supply Approval) Commission. As set forth above, KEP did not err in the appointment of this commission, as well as the scope of the matters that were entrusted to it when it was formed, i.e. receiving requests from the Session of HKPC to establish temporary relationships and approve stated supply pastors. Actions by KEP to allow its Pulpit (Stated Supply) Commission to function as the Session of HKPC and the subsequent filing of a lawsuit in civil court were errors on the part of KEP.

It is noted that the KEP Executive Committee decided to file the lawsuit in civil court during an informal “call around” and no minutes of the action exist. *Robert’s Rules of Order* specifically addresses this situation and provides that “...such a meeting must be conducted by a technology that allows all persons participating to hear each other at the same time...” The action of the KEP Executive Committee, therefore, was in conflict with *Robert’s Rules of Order*.

As a result of the lawsuit, the parties were involved in protracted civil litigation in the New Jersey Superior Court, which was relying, in part, on this ecclesiastical court for guidance in applying the PCA’s polity to the civil matters that were before it.

Prior to seeking this guidance, the New Jersey Court found that the polity or government of the PCA was that of a hierachal denomination. There is however a significant difference between the PCA’s Presbyterian polity and the polity of hierachal denominations.

Basically, from a civil standpoint, a denomination is classified as hierachal or non-hierachal based on the extent its constitutional documents give a higher court (general assembly, synod, or presbytery) the power to control the lower courts (presbyteries and local churches). The more control a denomination has over lower courts, the more likely the denomination is to be deemed to be hierachal.

A determination that a denomination is hierachal has certain legal consequences; the primary one being that a hierachal denomination, such as a Roman Catholic Diocese, is more likely to be held liable for civil wrongs that take place in the local church. This is basically the legal doctrine of *respondeat superior*, i.e. an employer is liable for

the actions of its employee. Another legal consequence is that civil courts will afford more deference to decisions of a higher court (presbytery or general assembly) in civil disputes with a lower court, i.e. civil courts are more reluctant to overturn decisions of a higher court in a hierachal denomination.

Otherwise stated, a non-hierachal denomination is generally immune from civil liability for wrongs that develop in the lower courts.

The non-hierarchical, voluntary nature of the PCA is explicitly stated in *BCO* 25-9 and 25-10 regarding church property and in *BCO* 25-11 regarding the process for withdrawing from the denomination. The authority/power of the Church, according to the PCA *Book of Church Order* therefore, is only moral and spiritual, ministerial and declarative.

This is evidenced by the following provisions of the *BCO*, to wit: 1) “the power of the Church is exclusively spiritual, *BCO* 3-4, 2) church courts “have no jurisdiction in political or civil affairs,” *BCO* 11-1, 3) church courts “have no power to inflict temporal pains and penalties, but their authority is in all respects moral or spiritual,” *BCO* 11-1, 3) the jurisdiction of church courts is “only ministerial and declarative,” *BCO* 11-2, and 4) the jurisdiction of the church courts is “limited by the express provisions of the Constitution,” *BCO* 11-4.

Church members, Teaching Elders, Ruling Elders, and Deacons take vows to voluntarily place themselves under the spiritual authority of the Church. Officers pledge to exercise the duties of their office in accord with the Constitution of the PCA. These vows have a moral responsibility (though not a legal obligation) to abide by the decision, judgment, or order of the church court. However, they may file a complaint or appeal the action to a higher court. Once the matter has been finally handled by the higher court, there is, because of the vows taken, a moral responsibility (though not a legal obligation) to abide by the final disposition of the matter as long as they are members of the PCA.

If one cannot do so, he may leave the PCA without coercion. If a person does not accept this moral responsibility, he may face charges in accord with *BCO* 31-2 and if found guilty, ecclesiastical censures in accord with *BCO* 36. If a church does not accept this moral responsibility to abide by a final decision/action of a presbytery, then presbytery’s response is to either “dissolve” [the ecclesiastical

MINUTES OF THE GENERAL ASSEMBLY

relationship between] the church and the PCA or “dismiss” [transfer] the church [to another denomination] with the church’s consent. See *BCO* 13-9(f). Filing a complaint in civil court to enforce this moral responsibility is not within the authority and power of a presbytery.

The PCA is connectional, but non-hierarchical, in that the power of the church is not civil or coercive, but moral and spiritual, ministerial and declarative. It is constitutional, not authoritarian, that is, all of her members, offices, and church courts are to operate within the framework of the Constitution of the Church and may not resort to any authority that is contrary to the Constitution.*

The Facts, Issues, Judgments, and Reasoning and Opinion were written by RE Samuel J. Duncan and concurred by RE John White.

The vote on SJC 2007-9 and 2007-10 was:

TE Dominic A. Aquila, Concur	TE William R. Lyle, Concur
TE Howell A. Burkhalter, Concur	TE John M. McArthur, Jr., Concur
RE E. C. Burnett, Concur	RE J. Grant McCabe, Concur
TE David F. Coffin Jr., Concur	TE Charles E. McGowan, Concur
RE Marvin C. Culbertson, Concur	TE D. Steven Meyerhoff, Concur
RE J. Howard Donahoe, Concur	RE Frederick Neikirk, Concur
RE Samuel J. Duncan, Concur	RE Steven T. O’Ban, Concur
TE Paul B. Fowler, Absent	RE Calvin Poole, Concur
TE Grover E. Gunn III, Concur	TE G. Dewey Roberts, Disqualified
TE William W. Harrell Jr., Concur	RE Olin L. Stubbs, Concur
RE Terry L. Jones, Concur	RE John B. White, Jr., Concur
RE Thomas F. Leopard, Absent	

20 Concur, 1 Disqualified, 2 absent

CONCURRING OPINION COMPLAINTS OF TE ELIOT LEE VS. KOREAN EASTERN PRESBYTERY SJC 2007-09 & 2007-10

I concur in the result reached by the majority and believe that the following reasoning further clarifies the decision.

* For a more complete discussion of the non-hierarchical nature of the PCA see *The Presbyterian Church in America: Non-Hierarchical Presbyterianism* by L. Roy Taylor (available from the PCA Stated Clerk’s Office).

A. Case 2007-9, Complaint of TE Eliot Lee vs. Korean Eastern Presbytery.

The 1982 General Assembly adopted part of a report from the Ad Interim Committee on the General Assembly, which requested the following points be recognized:

- a) a higher court may not “act for” a lower court,
- b) a higher court may “act on” an issue or case properly before it relating to a lower court,
- c) in the event a lower court does nothing, by virtue of its ecclesiastical authority, the higher court may
 - i) ignore the failure to act,
 - ii) counsel, advise, exhort, and urge the lower court to comply,
 - iii) reprimand or rebuke the lower court,
 - iv) suspend one or all of the ecclesiastical privileges of the lower court with reference to the higher courts, or
 - v) as a last resort “act against the lower court by dismissing it from fellowship,” i.e. dissolving the ecclesiastical relationship between the lower court and the higher court.

These principles have been cited by the Standing Judicial Commission in cases adjudicated in 2002 and 2003; however, neither the report of the Ad Interim Committee, nor the judicial cases, are binding on non-parties or have the force of law, as *BCO* 14-7 makes it clear that the same are only to be “given due and serious consideration by the Church and its lower courts when deliberating matters related to such action.” *BCO* 14-7 further states that judicial decisions are binding and conclusive on the parties who are directly involved, but may only be “appealed to in subsequent similar cases as to any principle which may have been decided.” In other words, a case decided by the Standing Judicial Commission is not afforded the status of *stare decisis*, a concept in civil courts that prior judicial decisions have the force of law, as if enacted by the body’s legislature.

In 2005, the General Assembly again cited these principles and further stated that “the higher court may not proceed in such a way that would constitute a civil action on behalf of a congregation without a formal vote of the congregation. In order to be effective, any such civil action must be with the consent or approval of the congregation, which consent or

MINUTES OF THE GENERAL ASSEMBLY

approval is given in accordance with the civil law under which the congregation is organized.”

- B. Case 2007-10, Complaint of TE Eliot Lee vs. Korean Eastern Presbytery.
- As we see it, over the years the larger Presbyterian denomination (Presbyterian Church, USA - PCUSA) underwent a metamorphosis from a democratic type of Presbyterianism into an hierachal Presbyterianism, which emphasizes the higher courts directing the affairs of the lower courts. The PCUSA *Book of Church Order* deals much more extensively with detailed procedures covering a wide variety of situations and is much longer than the PCA's *BCO*. In recent civil cases involving disputes over who owns the local church property, the PCUSA argues that it is an hierachal denomination, with the presbytery being tantamount to a bishop.

By contrast, the PCA is a non-hierachal, grass-roots type of Presbyterianism. One of the major reasons for the formation of the PCA was to revert to a democratic Presbyterianism. The PCA *BCO* is written more as a set of principles, emphasizing the use of discretion and wisdom by the lower courts. The Preface of the *BCO* lists the Preliminary Principles, which are an integral part of the constitution, i.e. lenses through which the rest of the *BCO* is to be viewed. It was not envisioned that the PCA *BCO* would have detailed instructions on virtually every situation. When faced with situations and circumstances that are not dealt with in detail in the PCA *BCO*, sessions and presbyteries should exercise their own wisdom and discretion within the parameters of biblical principles and the Constitution of the PCA.

Dr. Morton H. Smith, in his *Commentary on the Book of Church Order* reiterates that the PCA is a connectional church, but that this is not a hierachal connection.

In their volume, *The Historical Polity of the PCA*, Robert Cannada and W. Jack Williamson, both founding members of the PCA, note, that in the PCA there are three separate levels of legal or civil entities:

- 1) the local congregation,
- 2) the Presbytery, and
- 3) the General Assembly and each entity is free standing but with a clear and vital spiritual connection.

They state, “The PCA is a denomination made up of local congregations, presbyteries and a General Assembly, and with no civil connection between

or among the civil entities...” They therefore conclude that “no church court [local congregation, presbytery or the General Assembly] by virtue of its ecclesiastical power or authority may enforce its actions with regard to the lower courts by appeal to the civil power of the civil courts.”

Historical Note: the terms “dissolve” and “dismiss” must be understood today in light of how they were used by ecclesiastical courts in the 1800s, when use of these terms began, not as we might understand their usage today.

The 1800s church fathers would have understood the word “dissolve” to mean, in addition to how we would understand it today, as to break the ecclesiastical connection, relationship, or bond between a church and a denomination. Dr. J. Aspinwall Hodge, in his *What is Presbyterian Law as Defined by the Church Courts* (1882), in answering the question may a presbytery “dissolve” a church, states that this may be done if the presbytery determines there are causes that “justify it in dissolving any church in its connection.”

The use of the term “dissolve” today could be understood to authorize the closure of a church (with or without the church’s consent) and the finalization of the affairs of a church. Dissolving a church in this manner, without consent or proper notice to the local church, is not a power given to a presbytery under the PCA’s polity. In fact, in the next section of the *BCO* (13-10), which is a relatively recent amendment to the *BCO*, the term or phrase “dissolve a church” is used in this modern sense, i.e. to conclude the affairs of the church and/or close the church, and provides that notice must be given to the church, which is being “dissolved” and affairs concluded.

Likewise, those in the 1800s would have understood the word “dismiss” to mean a transfer to another body, i.e. a church to another denomination or a member from one church to another. The term today could be understood to approve the dissolving or breaking a connection between two bodies. It is this modern sense that the term “dismiss” is used in the Ad Interim Committee Report, i.e. as a last resort the higher court may “act against the lower court by dismissing it from fellowship.” An example of how the term “dismiss” should be used is found in our form for transferring the letter [membership] of a member from one church to another church. This form states that a member is being “dismissed” from one church to another church. Likewise, Teaching Elders are dismissed

MINUTES OF THE GENERAL ASSEMBLY

by one presbytery to another. Such a “transfer” may only be done with consent of the one being transferred.

In civil cases, the PCA has successfully argued that it is a non-hierarchical denomination. Recent civil court rulings have found that the PCA, as a non-hierarchical denomination, does not employ local church pastors and staff members, and as such, cannot be held liable for their actions as employees.

The PCA, along with a local church and presbytery, were recently sued in Washington State by an employee of a local church, seeking to impose civil liability on the PCA by virtue of the presbytery’s and the PCA’s “relationship to the local church.” The Plaintiff argued that the PCA (and the presbytery), as a hierarchical denomination, is liable for the wrongs of the local church. This argument is based on a Roman Catholic Diocese being liable for actions taking place at a local parish, by virtue of it being a hierarchical denomination. While not the primary issue or defense, the PCA was able to be finally dismissed, after an Opinion from the United States Court of Appeals for the Ninth Circuit. Part of the argument was based on the PCA being a non-hierarchical denomination and therefore not liable. A similar result was reached a decade or so earlier when the PCA was sued in Florida in connection with an event that took place in a local church. The PCA was dismissed from that action based on a finding that as a non-hierarchical denomination, it was not liable for what transpired at the local church.

/s/ Samuel J. Duncan.

APPEAL OF TE ELIOT LEE VS. KOREAN EASTERN PRESBYTERY SJC 2007-11

I. SUMMARY OF THE FACTS

- 07-10-05 Hudson Korean Presbyterian Church (HKPC) Congregational Meeting, re: TE Lee selected as “interim pastor candidate to serve until all the matters of the church [are] resolved...”
- 10-04-05 68th Stated Meeting of Korean Eastern Presbytery (KEP), re: approved HKPC request for TE Lee to be “interim pastor for next 12 months, and until the [TE Peter B. Kim] litigation in the civil