

## APPENDIX T

is allowable to the accused after process has commenced (i.e., the court has directed the appointment of a prosecutor and ordered an indictment drawn - *BCO* 32-2). If a complaint is filed by any other member, adjudication shall be delayed until after the judicial case has been completed, or, if an appeal is filed, after it has been adjudicated or withdrawn.

/s/ RE Howie Donahoe, TE Will Barker

### **CASE 2016-07**

***RE JOHN AVERY AND RE DALE LEWELLING  
VS.  
NASHVILLE PRESBYTERY***

**DECISION ON COMPLAINT  
March 3, 2017**

Messrs. Avery and Lewelling complain against the action of Nashville Presbytery in denying their complaint against “the action of the Shepherding Committee of the Nashville Presbytery taken in the November 10, 2015, meeting of the Presbytery which improperly initiated an investigation of Teaching Elder Jim Bachmann, Senior Pastor of Covenant Presbyterian Church of Nashville, and the action taken by the Shepherding Committee of the Nashville Presbytery in the February 9, 2016, meeting of the Presbytery forwarding the report of their investigation to the Committee on Judicial Business.”

*BCO* 43-1 provides:

A complaint is a written representation made against some act or decision of a court of the Church. It is the right of any communing member of the Church in good standing to make complaint against any action of a court to whose jurisdiction he is subject, except that no complaint is allowable in a judicial case in which an appeal is pending. (Emphasis added).

To the extent that the Complaint is against any actions of Nashville Presbytery taken on November 10, 2015, the Complaint is not timely, having been filed on February 23, 2016 and therefore not meeting the 60-day filing requirement

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of *BCO* 43-2. Concerning the meeting of presbytery on February 9, 2016, the Complaint is not against the act or decision of a court, inasmuch as it is a complaint against the activities of a committee of Presbytery, and therefore not a proper complaint.

Furthermore, all the specifications listed in the Complaint are against actions of a committee of Nashville Presbytery. As such the Complaint is judicially out of order and cannot be put in order.

The Complaint is dismissed.

The Proposed Decision was drafted by the Panel, and approved, as amended, by the SJC On the following roll call vote (21 Concur, 2 Absent, 1 Not Qualified):

Bankson, <i>Concur</i>	Dowling, <i>Concur</i>	Meyerhoff, <i>Concur</i>
Barker, <i>Concur</i>	Duncan, <i>Concur</i>	Neikirk, <i>Concur</i>
Bise, <i>Concur</i>	Evans, <i>Concur</i>	Nusbaum, <i>Concur</i>
Cannata, <i>Concur</i>	Fowler, <i>Concur</i>	Pickering, <i>Concur</i>
Carrell, <i>Absent</i>	Greco, <i>Concur</i>	Robertson, <i>Concur</i>
Chapell, <i>Concur</i>	Jones, <i>Concur</i>	Terrell, <i>Not qualified</i>
Coffin, <i>Concur</i>	Kooistra, <i>Concur</i>	White , <i>Concur</i>
Donahoe, <i>Concur</i>	McGowan, <i>Absent</i>	Wilson, <i>Concur</i>

TE McGowan was absent and disqualified because he is a member of a court which is party to the case. *OMSJC* 2.10(d)(3)(iii).

**CASE 2016-08**

**MS. LAURIE LEE DOTY  
VS.  
NASHVILLE PRESBYTERY**

**DECISION ON COMPLAINT  
March 3, 2017**

This case is judicially out of order (*OMSJC* 10.6).

While the case was originally filed as a “Complaint” with Nashville Presbytery, the “Complaint” does not meet the requirements of a Complaint as defined in *BCO* 43-1: “A complaint is a written representation made against some act or decision of a court of the Church.” The Complainant filed with the