

FILED

SEP 12 2024

BOONE COUNTY CIRCUIT COURT

ORDER

The matter was before the Court on August 9, 2024, on Defendants' Motion to Dismiss (1) For Failure to State a Claim pursuant to Ind. Trial Rule 12(b)(6) or (2) Pursuant to Ind. Code Ch. 34-7-7 ("Anti-Slapp") and Plaintiff's Motion to Disqualify Counsel. Plaintiff's Counsel and Counsel for the Defendants appeared. Argument was heard on the Defendants' Motion to Dismiss and on Plaintiff's Motion to Disqualify Counsel, Barry Lee Lofthus. At the conclusion of the hearing, the Court took the matters under advisement.

Defendants' Motion to Dismiss

The Court, having considered the arguments of counsel on Defendants' Motion to Dismiss, having reviewed relevant case law and being duly advised, now GRANTS the Defendants' Motion to Dismiss pursuant to Ind. Trial Rule 12(b)(6). The Court finds that the Plaintiff's Complaint fails to state a claim upon which relief can be granted. Specifically, Plaintiff's claims against the Defendants' are barred by the First Amendment's church autonomy doctrine and ministerial exception. See *Brazauskas v. Fort Wayne-South Bend Diocese, Inc.*, 714 N.E.2d 253 (Ind. Ct. App. 1999) and *Ind.*

Area Found. of the United Methodist Church, Inc. v. Snyder, 953 N.E.2d 1174 (Ind. Ct. App. 2011).

“[T]he First Amendment prevents this Court from scrutinizing the possible interpretations of defendants’ statements and their purported reasons for uttering them; to conclude otherwise would effectively thrust this Court into the forbidden role of arbiter of a strictly ecclesiastical dispute over the suitability of a pastoral employee to perform her designated duties.” *Ind. Area Found. of the United Methodist Church, Inc. v. Snyder*, 953 N.E.2d 1174, 1180 (Ind. Ct. App. 2011) (quoting *Brazauskas v. Fort Wayne-South Bend Diocese, Inc.*, 714 N.E.2d 253, 262-263 (Ind. Ct. App. 1999)).

Plaintiff’s Motion to Disqualify

In light of the Court’s ruling on the Defendants’ Motion to Dismiss, the Court declines to rule on the Plaintiff’s Motion to Disqualify Counsel as that issue is now moot.

SO ORDERED this 12th day of September 2024.



LORI N. SCHEIN
BOONE CIRCUIT COURT

Distribution:

Plaintiff’s Counsel
Defendants’ Counsel