

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

Weare Bible Baptist Church, Inc. v. Calvin Fuller

and

Weare Bible Baptist Church v. Leland Quimby et al.

CASE NO. 2018-0651

**Brief of Appellees Pastor Calvin Fuller and
Weare Bible Baptist Church**

**ON APPEAL FROM THE DECISION OF THE HILLSBOROUGH
COUNTY SUPERIOR COURT – NORTHERN DISTRICT
PURSUANT TO RULE 7**

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STATEMENT OF THE CASE AND FACTS

The dispute of Weare Bible Baptist Church (“WBBC”) and its pastor, Calvin Fuller, with the Quimby family has been ongoing for almost five years. The essence of the dispute is that the Quimbys do not understand that they are not entitled to exclusive control over WBBC property. They do not accept that it is not solely “their” church. This has resulted in ongoing litigation ultimately leading to the Quimbys being found in contempt of court and then this appeal followed.

Litigation between the parties first began in early 2015, when the appellants, the Quimby family, filed suit against Pastor Calvin Fuller. Appx. 7. Pastor Fuller operates a non-profit organization called Winning New England for Eternity that “assists faltering churches with rebuilding their congregations.” Appx. 5, fn 1. On June 15, 2014, the current WBBC members—who were predominately the Quimby family—voted for Pastor Fuller to be their pastor. Appx. 5–6. Between then and early 2015, tension between the Quimby family and Pastor Fuller mounted, resulting in the Quimbys filing their complaint. Appx. 6–7.

In the complaint, the Quimbys requested declaratory and injunctive relief. They asked the trial court to void the actions of Pastor Fuller as pastor of WBBC, void new parishioners’ memberships in the church (including Pastor Fuller’s and his wife’s), and have the court state that it was the Quimbys who had the right to control church property. Appx. 7, 10, 11. The central allegation of the Quimbys in support of their requested relief was that WBBC’s Corporate Charter was not followed in inviting these new members, electing Calvin Fuller as pastor, and in many other actions of Pastor Fuller and other members. Id.

After a bench trial in late 2015, the trial court ruled as follows:

Church Membership

Article V of the Charter describes the process of becoming a member of WBBC. Appx. 8. Among many other requirements, the process requires that candidates appear before a board of elders. Id. The Quimbys argued that Pastor Fuller, Mrs. Fuller, and other new members could not be valid members because WBBC did not have a board of elders at the time and so they failed to comply with the Charter. Id.

Based on the evidence at trial, the court determined that WBBC did follow the Charter's requirements when accepting the new members. Appx. 10, 12. The court also found that the Quimbys and WBBC had consciously waived the requirement of appearing before a board of elders because WBBC had not had a board of elders for ten to fifteen years before 2014. Appx 9–10.

The court refused to void the membership of the new members of WBBC and found that all new members remained members of WBBC.

Pastor Fuller

Article VI of the Charter describes the process necessary for WBBC to elect a new pastor. Appx. 10. At trial, the court determined that all aspects of the Charter process were followed to elect Pastor Fuller, except the requirement that notice of the meeting for the vote be given one week beforehand. Id. Since the vote for Pastor Fuller was unanimous by all WBBC members at the time, the court found that WBBC had waived this requirement. Id.

The Quimbys also attempted to distinguish the authority of an “interim” pastor versus a pastor with full authority. The trial court found

no support for this position within the Charter and found that any limitation in authority was never communicated prior to Pastor Fuller accepting the position offered. Appx. 10–11.

Based on these findings, the trial court refused to void the election of Pastor Fuller or otherwise limit his authority over church property and found that Pastor Fuller’s election was valid.

Other Actions of the Quimbys and Pastor Fuller

The parties also presented evidence of other actions taken by the Quimbys and Pastor Fuller. Appx. 12. The trial court found that neither party had fully complied with the Charter in providing the notice required for these important votes and meetings. Id. As a result, the court’s order voided these actions that were not in compliance with the Charter. Id.

Business Meeting

The trial court then ordered the parties to hold a special business meeting pursuant to its Charter and its notice requirements. Id. At this meeting, WBBC could vote on any and all corporate matters that needed attention. “A central principle of the Court’s order was respect for the corporate charter as well as the recognition of Pastor Fuller as pastor of the Weare Bible Baptist Church.” Tr. Ct. Order, 2/2/18, at *4.

After the February 18, 2016 Trial Court Order

To comply with the trial court order, Pastor Fuller and other members of WBBC scheduled a business meeting for April 3, 2016. In compliance with the Charter, notice of this meeting occurred in church bulletins and was announced at the Sunday service prior to the meeting, appx. 51–52; the agenda was also created and posted on the church bulletin board, appx. 54–55. As the Quimbys had not attended a Sunday service in

many weeks, on March 24, 2016, actual notice and the agenda were hand-delivered to the Quimby family, who were living at the parsonage on WBBC property at the time. Appx. 57.

In response to the notice and agenda, the Quimbys drafted a seven-page letter dated March 28, 2016 to WBBC's attorney, Peter Leberman. Appx. 57–63. In this letter, the Quimbys repeatedly objected to this meeting and the agenda and specifically stated that they did not recognize Pastor Fuller as the pastor of WBBC and that they would not recognize certain individuals as members of the church. *Id.* Furthermore, the Quimbys stated they would not recognize any actions or votes that may take place at the April 3, 2016 meeting and claimed that they were cancelling this scheduled meeting outright. Appx. 62.

WBBC went forward with the business meeting on April 3, 2016, which the Quimbys attended. Pl. Exh. 4.¹ This meeting was recorded, and throughout the meeting, the Quimbys talked loudly and spoke over Pastor Fuller and others in an attempt to interfere with this meeting. *Id.*; Tr. Ct. Order, 2/2/18, *2. WBBC voted on numerous elections and other business matters at this meeting despite the Quimbys' interruptions. Appx. 71–75.

During this time, on March 21, 2016, the Quimbys filed a Notice of Appeal with this Court, Case No. 2016-0154, to appeal the trial court's Feb. 18, 2016 order. After two requests for extensions for their brief, the Quimbys ultimately withdrew their appeal without filing a brief; this Court accepted the withdrawal on Oct. 21, 2016.

¹ Appellees' Assented to Motion for Transmittal of the Record is currently before this Court at the time this brief is filed. This will transmit the recording of Pl. Exh. 4, which is the videotaped meeting.

On May 12, 2016, the Town of Weare's Assessing Department sent a letter to WBBC, which stated that it had read the trial court's Feb. 18, 2016 order. Appx. 202. Since the Quimbys were living in the parsonage, the Town determined that the parsonage was no longer eligible for tax-exempt status. Id. The Town began taxing the parsonage property. Appx. 202–06.

On May 15, 2016, WBBC held another business meeting with notice provided pursuant to the Charter. Appx. 226. WBBC addressed the Town's tax assessment of the parsonage. As the Quimbys had an active appeal at this time, WBBC chose not to institute eviction proceedings. Appx. 226–28.

Once the Quimbys withdrew their appeal, WBBC held another business meeting on Nov. 13, 2016. The members discussed prior unsuccessful conversations with the Quimbys and requests to voluntarily vacate the parsonage to prevent an increasing tax bill. Appx. 231–32. Feeling there was no other alternative, WBBC voted to begin eviction proceedings of the Quimbys. Id. Through the sheriff, WBBC served the Quimbys with an eviction notice, which was then docketed by the 9th Circuit – District Division – Goffstown under docket 438-2017-LT-00004.

In the eviction proceeding, the Quimbys continued to demonstrate their disregard for the Hillsborough Superior Court's Feb. 28, 2016 order. In a motion to continue the eviction hearing, the Quimbys stated that Pastor Fuller and WBBC did not have authority to file an eviction proceeding:

The Quimby Faction asserts they are the Church and the eviction is improper. The central issues in this case are the same ones that remained unresolved by Judge Brown's Order, namely, who the Church is, who has authority to control it, the need for corporate

formalities, and what happens when there are two factions in the Church that disagree about control. Appx. 131.²

In continuing defiance of the trial court order, in Dec. 2016 and Jan. 2017, the Quimbys sent numerous letters, purporting to act on behalf of WBBC. The Quimbys sent letters to all WBBC members who participated in the April 3, 2016 meeting and voted in favor of the agenda, advising them that the Quimbys voted to dismiss them as members. Appx. 82–94. The Quimbys sent a letter to Pastor Fuller that he was terminated as pastor of WBBC. Appx. 77. They also sent a letter to Peter Leberman, advising that they had never hired him to act on behalf of WBBC. Appx. 80. They sent letters to Pastor Fuller and Mike Mudge (elected Treasurer at the April 3, 2016 meeting) ordering them to return all church property or be subject to criminal prosecution. Appx. 127–28. Finally, the Quimbys filed a change of corporate officers of WBBC with the NH Sec. of State, along with the letters sent to members revoking their membership with WBBC. Appx. 96–125. In this filing, the Quimbys stated, “The church requests that you maintain a record for safe-keeping to identify any/all person(s) that miss-identify themselves as having any authority in connection with this corporation. . . . We, the church request that you ***notify us immediately*** of any/all person(s) requesting changes to our corporate filing.” Appx. 108 (emphasis in original). The Quimbys used the WBBC corporate seal on these documents and letters.

² On Sept. 27, 2018, the Goffstown District Court ordered the Quimbys’ eviction from the parsonage. While the Quimbys filed a Notice of Intent to Appeal this decision on Oct. 4, 2018, they never filed a Notice of Appeal with this Court, and the District Court decision became a final decision. The Quimbys no longer live in the parsonage.

The Quimbys also continued to assert their control over WBBC property by placing stakes between the parsonage and the church building, claiming the property beyond the stakes was theirs, and preventing access for WBBC to even mow the lawn. Tr. Ct. Order, 2/2/18, *2. The Quimbys also continued to host hunter safety courses on WBBC property despite a WBBC vote to discontinue this practice, as WBBC did not have the proper insurance coverage for this activity. Id.

Based on the Quimbys' actions as described above, WBBC had no choice but to file a motion for contempt with the Hillsborough Superior Court, Northern District in the summer of 2017. After hearing testimony over three separate days, the trial court found in favor of WBBC and Pastor Fuller, and it held the Quimbys in contempt of its prior order. Id. at *4–6.

The trial court specifically found that, “The Quimbys have repeatedly demonstrated contempt for the Court’s order, the corporate charter, and Pastor Fuller as pastor in an attempt to maintain complete control over what they clearly perceive to be *their* church.” Id. at *4. The trial court dismissed the Quimbys’ argument that Pastor Fuller had vacated his post as pastor in Dec. 2015 by preaching at another church, as there is nothing in WBBC’s Charter that prevents that. Id. at *5. It also found that the Quimbys’ actions since the Feb. 18, 2016 order violated the WBBC’s Charter, such as the dismissal of members and holding business meetings in the parsonage without proper notice. Id.

Furthermore, the trial court found that, “The fact that this order serves to essentially reiterate and reaffirm the Court’s prior ruling with respect to Pastor Fuller and the membership of the church underscores the extent of the Quimbys’ contempt.” Id. The Quimbys violated not only the

“spirit” of the trial court’s order, as they stated in their brief, but also the clear and direct orders of the trial court. Id. at *6.

The trial court’s finding of contempt has allowed WBBC to move forward, follow its Charter, and act as a church without the interruptions of the Quimby family. WBBC and Calvin Fuller respectfully submit that this order was correctly decided and must be affirmed in order for this to continue to be true.

SUMMARY OF THE ARGUMENT

The Quimby family repeatedly demonstrated their contempt for the trial court’s order of Feb. 2, 2018, as evidenced by their course of conduct since that order issued. That court order, above all, was an opportunity for the church to move forward and make decisions in accordance with its corporate charter. When the Quimbys did not receive the victory they hoped for, they chose to ignore the trial court’s findings and instructions.

The trial court’s order of Feb. 18, 2016 was clear in its parameters. It outlined the obligations and responsibilities of the parties going forward: Pastor Fuller was properly elected as pastor, parishioners were properly made members, and WBBC was to follow its Charter. The Quimbys never accepted any of the trial court’s decision. This is evident from the Quimbys’ refusal to participate in the April 3, 2016 meeting, attempts to find new reasons why Pastor Fuller was not the pastor of WBBC, and repeated actions asserting themselves in complete control of church property. Any church member who acted contrary to their assertions of power were then “dismissed” by a vote of the Quimbys, which they did in violation of the Charter.

Throughout this litigation, the trial court remained cognizant of its limitations over church matters. In the Feb. 18, 2016 order, the trial court looked to the language of the Charter. It upheld the actions of the parties that complied with the Charter: the vote of Pastor Fuller as pastor and the invitation of new members. It voided the actions of the parties that did not comply with the Charter. It then ordered the parties to comply with the Charter, including amending the Charter if that is what WBBC wished to do. This order contains no discussion of church doctrine; neither did it use any religious beliefs to support the order.

This continued in the hearings on the appellees' motion for contempt. Again, the trial court looked to the Quimbys' actions and to the Charter, not to church doctrine. In fact, the court did not admit evidence of any doctrinal matters throughout the hearings.

Furthermore, the actions of the Quimbys show that the Quimbys do not believe that this case involves ecclesiastical matters. They submitted no evidence of church doctrine or religious beliefs. Throughout the hearing, the Quimbys specifically limited their testimony and evidence to avoid such discussions. This litigation was started by the Quimbys when they asked the trial court to interpret WBBC's Charter to decide who should have control over church property.

Because the trial court correctly ruled that the Quimbys violated its Feb. 18, 2016 order and because the trial court avoided any ecclesiastical matters, the trial court's order should be affirmed.

ARGUMENT

I. The Trial Court Correctly Found the Quimbys in Contempt of Its February 18, 2016 Order as the Order Was Sufficiently Clear as to Put the Quimbys on Notice of Their Obligations and Responsibilities.

Civil contempt is “an offense at common law.” Bonser v. Courtney, 124 NH 796, 808 (1984). It provides a court with the authority to compel compliance with a court order and impose punishment that is “remedial, coercive, and for the benefit of the complainant.” Town of Nottingham v. Cedar Waters, Inc., 118 NH 282, 285 (1987). A court’s powers of contempt to enforce a prior order is extensive. In re Kosek, 151 NH 722, 726 (2005). Appellate review of a trial court’s finding of contempt is limited to asking whether that court’s ruling was “clearly untenable” or whether the trial court unsustainably exercised its discretion. Holt v. Keer, 167 NH 232, 239 (2015).

In their brief, the Quimbys have argued that the trial court found only that the Quimbys violated the “spirit” of the court order. This is demonstrably untrue. In fact, the trial court stated that the Quimbys’ actions were in “direct contravention of both the letter and spirit of the Court’s order and the church’s corporate charter.” Tr. Ct. Order, 2/2/18, *6 (emphasis added).

The underlying trial court order issued at the behest of the Quimbys, who requested that the trial court determine who has authority over church property through examination of the Charter. The Quimbys requested that the trial court void Pastor Fuller’s election as pastor or otherwise limit his

authority and void memberships of new members since Pastor Fuller became the pastor.

The trial court upheld the authority of Pastor Fuller upon determining the proper process was followed, but the Quimbys never accepted this. This is evident in their letter to Attorney Peter Leberman when Pastor Fuller scheduled a business meeting. Repeatedly through this letter, the Quimbys stated that Pastor Fuller had vacated his post effective prior to the trial court order. The tenor of this letter also shows that the Quimbys were not happy with the trial court order and chose to ignore it.

The Quimbys now argue that they accepted that Pastor Fuller was pastor on the day of his election but that circumstances changed in Dec. 2015 when Pastor Fuller began preaching at another church. The Quimbys advanced this argument in their March 2016 letter numerous times. There was no evidence at trial of this change in circumstances. The Quimbys did not file any motions after trial and before the trial court order issued. The Quimbys did not file any post order motions for relief with the trial court. The Quimbys also withdrew their appeal, making the trial court order a final order. This is an attempt to collaterally attack the trial court order. A party cannot avoid contempt through these means. Bonser, 124 NH at 810.

When reviewing a finding of civil contempt, this Court has ruled that it will not collaterally review the underlying decisions. Id. Once a court has issued a decision, res judicata prevents an attack just as this one of the Quimbys. Id. In Bonser, this Court stated that, “a person subject to a contempt order must obey that order until it is reversed on direct appeal, stayed[,] or dissolved by the court.” Id. (internal quotations omitted). The Bonser case was a more protracted and unending litigation than the present

matter, but this analysis still stands. If the Quimbys felt that Pastor Fuller had misrepresented his testimony at the underlying trial and that his preaching at another church affected his authority, the proper remedy was to bring this information to the trial. They did not and are foreclosed from doing so now. The fact that they failed to bring this up to the trial court before is only further evidence that they never accepted the trial court's determination that he was the pastor of WBBC.

In addition, the trial court ordered the parties to hold a business meeting after its order. Pastor Fuller and WBBC scheduled this meeting. The Quimbys immediately objected to the meeting and tried to cancel it. When that did not happen, the Quimbys were present, but they did everything in their power to disrupt the meeting and prevent any orderly business from being conducted. In their brief, the Quimbys state that their mere presence was enough to comply with the trial court order, but the meeting minutes and the video of the meeting show that their presence was anything but an attempt to comply with the trial court order.

The trial court also relied on the actions of the Quimbys, such as the NH Sec. of State filing and the dismissal of members who supported Pastor Fuller, to find that the Quimbys wholly ignored its rulings on who had authority to control WBBC property. These acts in and of themselves may not have been specifically delineated in the underlying order, but the trial court appropriately used this information to find the Quimbys' disregard for its order.

These facts demonstrate that the trial court did not abuse its discretion in finding the Quimbys in contempt. Pastor Fuller and WBBC submit that the trial court's finding of contempt be affirmed.

II. The Trial Court Correctly Denied the Quimbys' Motion to Dismiss the Appellees' Motion for Contempt.

When reviewing the denial or granting of a motion to dismiss, an appellate court will review the motion “to determine if the allegations are reasonably susceptible of a construction that would permit recovery.” Coyle v. Battles, 147 NH 98, 100 (2001). All well-pled facts are accepted as true, and all inferences are construed in the non-movant’s favor. Id.

Based on the facts of this case as laid out in this brief and in the motion for dismiss, along with the trial court’s finding of contempt and the argument supporting this finding in the above section, Pastor Fuller and WBBC met their burden of proof to overcome the Quimbys’ motion to dismiss. The trial court properly denied the Quimbys’ motion to dismiss and allowed the hearing to go forward.

III. The Trial Court Had Jurisdiction Over This Case Because There Was No Religious Doctrine or Ecclesiastical Matters at Issue and Neither Order Was Based on Church Doctrine.

A civil court is not precluded from hearing or deciding matters merely because a dispute involves a religious institution. In fact, States have “an obvious and legitimate interest in the peaceful resolution of property disputes, and in providing a civil forum where the ownership of church property can be determined conclusively.” Berthiaume v. McCormack, 153 NH 239, 244 (2006). The First Amendment only limits the jurisdiction of civil courts over matters requiring interpretation of religious doctrine:

Civil courts do not inhibit free exercise of religion merely by opening their doors to disputes involving church property. And there are neutral principles of law, developed for use in all property disputes, which can be applied without “establishing” churches to which property is awarded. But *First Amendment* values are plainly jeopardized when church property litigation is made to turn on the religious doctrine and practice.

Presbyterian Church v. Hull Church, 393 US 440, 449 (1969). Thus, when a claim or issue does not require interpretation of religious doctrine, or ecclesiastical matters, a court may properly exercise jurisdiction.

Berthiaume, 153 NH at 245.

This Court first adopted a “neutral principles test” in reviewing cases such as the current one. Reardon v. Lemoyne, 122 NH 1042, 1048–50 (1982). This permits a trial court to consider secular documents first and then church constitutions, bylaws, and charters that discuss the use and disposal of church property. Berthiaume, 153 NH at 248.

In this case, none of the issues or claims before the trial court involved doctrinal matters or interpretation of religious beliefs. In the underlying bench trial, the trial court reviewed the processes outlined in the Charter, compared them to the actions of the parties, affirmed the actions that complied with the Charter, and voided the actions that did not. In reviewing the Charter, the trial court did not enter into any realm of faith. Therefore, the trial court did not incorrectly venture into matters outside of its jurisdiction.

First, the trial court’s order ruled that Pastor Fuller had properly been voted as the pastor of WBBC. The trial court did not opine on whether Pastor Fuller’s preaching closely aligned with any tenets of faith of

WBBC or rely on any church doctrine to decide his authority. The trial court reviewed the election process, as described in the Charter, and compared it to the facts and circumstances surrounding the vote. Finding that WBBC followed the proper procedure and consciously waived one notice requirement, the trial court upheld the vote.

The Quimbys raise Callahan v. First Congressional Church of Haverhill, 808 NE2d 301 (2004) to support their contention that a trial court may not decide who can be a pastor of a church, but this case does not stand for that proposition. In Callahan, the pastor felt forced to leave the church and filed suit, claiming discrimination and breach of contract, among others. Id. at 304–06. The main analysis of this case was based on prior Massachusetts precedent that treated certain denominations differently under the First Amendment and whether that disparate treatment should continue. Id. 306–09. After deciding that the First Amendment precluded a civil court from entering matters of church doctrine regardless of denomination, the Callahan court analyzed the former pastor’s claims to see if they would require the court to involve itself in ecclesiastical matters. Id. at 311. The Callahan court dismissed the pastor’s breach of contract claim, finding that it would call on the court to interpret church investigations and disciplinary proceedings. Id. at 311–12.

In the present matter, the trial court only needed to review notice requirements and other procedural matters of the vote. Thus, Callahan does not support the Quimbys’ argument that the trial court should not have refused to void WBBC’s vote for Pastor Fuller.

The trial court also refused to void the membership of the new parishioners based on compliance with the Charter. The trial court

inspected the Charter's stated procedure for admitting new members and found that all had become members in accordance with the Charter with one exception. The Charter required new members to appear before a board of elders. The evidence presented by the parties at trial was that the church had not had a board of elders for ten to fifteen years prior to 2014. Based on this, the trial court found the parties' actions constituted a waiver of this requirement. Therefore, the trial court refused to void these memberships.

The Quimbys cite to Bowen v. Green, 275 S.C. 431 (1980) to support their argument that a civil court may not determine who is a church member. This South Carolina case does not state that church membership is outside of the purview of a civil court in all instances. In Bowen, the South Carolina Supreme Court stated that a civil court could review the process by which people had become members. Id. at 434. If the proper procedures were not followed, the "appropriate remedy, therefore, would not be to impose an ecclesiastical dictate of the civil court but would rather be to restore the *status quo* prevailing before the unauthorized act." Id. This case supports the rulings of the trial court: it reviewed the process followed, left alone what complied with the Charter, and voided what did not comply.

Lastly, the trial court determined that certain actions of both parties violated the Charter, and the order voided these acts. The trial court then ordered the parties to follow the Charter and hold a business meeting to resolve any outstanding issue. The trial court did not attempt to tell the church how to comply with the Charter, only that the Charter must be

followed. Neither of these judicial rulings can be interpreted as ecclesiastical in nature.

Finally, the evidence and arguments submitted by the Quimbys confirm that the Quimbys do not believe that the trial court exceeded its jurisdiction and ventured into church doctrine.

First, it was the Quimbys that brought their dispute with Pastor Fuller to court. Their complaint requested that the trial court review the Charter and determine who had authority to control church property. There was also no mention of church doctrine or faith matters laid out for the trial court in their motion to dismiss the appellees' motion for contempt. Appx. 150–54. Neither did the Quimbys bring up ecclesiastical matters when they filed a counterclaim in 2017 against WBBC, again asking the trial court to find they should have control over church property. Appx. 155–71.

In addition, the Quimbys presented no evidence of church doctrine or ecclesiastical matters to the trial court. Cf. Smith v. O'Connell, 986 F.Supp. 73, 76 (1997)(The church submitted several affidavits describing the religious doctrines and practices at issues in the matter before the court). During the second day of the hearing on the motion for contempt, Susan Quimby was testifying. Tr. 167. She started to testify about having to give an account to God for her actions, and the trial court stopped her and called counsel to the bench. In a bench conference, the following conversation occurred:

THE COURT: I'm not going down the road. You can direct your client as you wish, but I'm not going to get into this type of – this type of testimony. All right. It's just –

MR. SOMMERS: All right. It goes to her mindset, Your Honor.

THE COURT: No, it doesn't. In all due respect, I don't want to hear any more of it.

MR. SOMMERS: Okay.

THE COURT: I understand that they're religious people, they're looking for guidance from God and I fully accept that. I accept it from your side, your minister, and your pastor and but I think it goes beyond what's appropriate testimony.

MR. SOMMERS: Okay

THE COURT: Okay.

Tr. 167–68.

The Quimbys did not object to the trial judge refusing to allow Ms. Quimbys to discuss her faith even when her counsel stated it went to her state of mind. The Quimbys did not object to this ruling; neither did they create a record of what she would have testified to or attempt to submit any other evidence that matters of faith were being implicated in this case.

In fact, the Quimbys expressly avoided further discussion of any issues of faith. As another example, questioning during direct examination of Ms. Quimby happened as follows:

Q: Explain what church discipline is.

A: Church discipline is done when –

Q: And just to be clear, I don't want to get into religious background, I just want to understand what the process is.

Tr. 174.

The Quimbys have made a bare allegation in this appeal that the entirety of this case involved ecclesiastical matters, but the Quimbys have not provided any evidence of church doctrine—either at the trial court or in this appeal. Therefore, there is no support for this allegation in the record for this Court to decide.

The trial court limited its review of this case to WBBC’s Charter. Within the Charter, the trial court stayed on task to review the processes and procedures only: was proper notice provided, was there a valid vote, along with other non-faith processes. The trial court’s order does not interpret church doctrine or even attempt to tell WBBC how to interpret its doctrine. Therefore, the trial court properly exercised jurisdiction over this case, and the trial court’s order should be affirmed.

CONCLUSION

For the reasons stated above, the Court should affirm the trial court’s order.

REQUEST FOR ORAL ARGUMENT

The Appellees request 15 minutes for oral argument to be presented by Susan Aileen Lowry.

CERTIFICATION OF COMPLIANCE WITH WORD LIMIT

I hereby certify that the within brief complies with Sup. Ct. R. 26 (7) and contains no more than 9,500 words, excluding the cover page, Table of Contents, Table of Authorities, Statutes, Rules, and Appendix.

Respectfully submitted,
Pastor Calvin Fuller and

Weare Bible Baptist Church

By their Attorneys,
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Date: June 27, 2019

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CERTIFICATE OF SERVICE

The undersigned counsel certify that a copy of this Brief are being filed on this date through the Supreme Court's electronic filing service, which "satisfies the requirement in Supreme Court Rule 26(2) that a filer provide to all other parties a copy at or before the time of filing." Sup.Ct. 2018 Supp. R. 18(a). Counsel of record for the Plaintiffs and the City of Concord are receiving a copy of this filing through the Court's electronic filing system on this date.

/s/ Susan Aileen Lowry
Susan Aileen Lowry