

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

JAMES TEMPLE CHURCH OF GOD IN CHRIST, INC.,	:	APPEAL NO. C-100430 TRIAL NO. A-0708180
Plaintiff-Appellee,	:	
vs.	:	<i>JUDGMENT ENTRY.</i>
EDDIE WALKER,	:	
GARY CROLEY, SR.,	:	
JARVIS HIGGINBOTHAM,	:	
and	:	
LOBY FORNEY,	:	
Defendants-Appellants.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court.¹

Defendants-appellants, Eddie Walker, Gary Croley, Sr., Jarvis Higginbotham, and Loby Forney, appeal the judgment of the Hamilton County Court of Common Pleas ordering that certain real and personal property be returned to plaintiff-appellee, James Temple Church of God in Christ, Inc., (“James Temple”) and that the appellants cease holding themselves out as trustees of James Temple.

¹ See S.Ct.R.Rep.Op. 3(A), App.R. 11.1(E), and Loc.R. 11.1.1.

The Church of God in Christ, Inc., (“COGIC”) is a national church headquartered in Memphis, Tennessee. James Temple is a separately incorporated affiliate of COGIC located in Cincinnati.

Affiliate churches, including James Temple, are bound by the regulations promulgated by COGIC in a set of bylaws known as the “black book.” Under the black book, the pastor of each church acts as its president and chief executive officer. All persons holding offices within the affiliate churches are required to be members of the church, and the pastor has the authority to expel members.

Under the black book, pastors may be removed only by COGIC itself and only after a procedure involving an investigation by COGIC officials and a trial establishing grounds for removal. The members of the congregation have no independent authority to oust the pastor.

Joel James became pastor of James Temple in 2000. At some point during 2004, dissension arose in the congregation. Certain dissident members, including the appellants, expressed the belief that James was neglecting his pastoral duties and engaging in financial misconduct.

Acting on their dissatisfaction with James, the dissident members sent letters to James purporting to terminate him as pastor. Ultimately, the appellants and the other dissidents ceased attending services at James Temple and organized a church known as Turning Point Ministries.

Although they had apparently relinquished any ties to James Temple, the appellants continued to identify themselves as trustees of the church. Asserting such authority, they managed to effectuate the transfer of all significant assets of James Temple to themselves and to Turning Point Ministries.

In 2007, James Temple sued the appellants, seeking a return of the property as well as a declaration that the appellants no longer held any official status in the

church. After a bench trial, the trial court entered judgment in favor of James Temple.

In their first assignment of error, the appellants now argue that the trial court erred in failing to address the issue of standing. Specifically, they argue that James did not possess the authority to bring suit on behalf of the corporation and that the suit was therefore improperly maintained.

The appellants are correct in stating that the plaintiff bears the initial burden of demonstrating that he has standing.² But in this case, standing was properly established.

We first note that James did not explicitly bring suit on behalf of the corporation: the complaint indicated that the corporation itself was the plaintiff. And in any event, there was evidence that, as president and chief executive officer of the corporation, James had the authority to sue on its behalf under the bylaws codified in the black book. Although the appellants claim that James's authority extended only to ecclesiastical affairs and not to secular matters, the evidence in the record does not support such a distinction. Accordingly, we overrule the first assignment of error.

In their second assignment of error, the appellants contend that the trial court did not have subject-matter jurisdiction over the lawsuit and that the court erred in refusing to recognize them as trustees of James Temple. They claim that the trial court's judgment effectively ousted them from the board of trustees of the church, and that such relief could be granted only in an original action for quo warranto before the Supreme Court of Ohio or a court of appeals.³

² See *State ex rel. Ohio Academy of Trial Lawyers v. Sheward*, 86 Ohio St.3d 451, 469, 1999-Ohio-123, 715 N.E.2d 1062.

³ See *Strah v. Lake Cty. Humane Soc.* (1993), 90 Ohio App.3d 822, 828, 631 N.E.2d 165, citing *State ex rel. Battin v. Bush* (1988), 40 Ohio St.3d 236, 238, 533 N.E.2d 301.

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We find no merit in this argument. In a hierarchical church such as COGIC, the local church is subordinate to the general church, which determines rules regarding membership, the holding of offices, and other matters concerning the governance of the local congregation.⁴ Here, the black book mandated that trustees be members of the church. Under the terms of the black book, the appellants relinquished their membership in James Temple when they ceased attending services and formed a new church. Thus, the appellants ousted themselves from any positions they might have held, and they forfeited whatever rights they might have once possessed to act on behalf of James Temple.

We overrule the second assignment of error and affirm the judgment of the trial court.

Further, a certified copy of this judgment entry shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

HILDEBRANDT, P.J., SUNDERMANN and CUNNINGHAM, JJ.

To the Clerk:

Enter upon the Journal of the Court on May 20, 2011

per order of the Court _____
Presiding Judge

⁴ *The African Methodist Episcopal Church, Inc. v. St. Johns African Methodist Episcopal Church of Uhrichsville, Ohio*, 5th Dist. No. 08AP050037, 2009-Ohio-1394, ¶136, citing *Tibbs v. Kendrick* (1994), 93 Ohio App.3d 35, 637 N.E.2d 397.