

**THE PERMANENT JUDICIAL COMMISSION
OF THE GENERAL ASSEMBLY
OF THE PRESBYTERIAN CHURCH (U.S.A.)**

The Session of the Hermon Presbyterian Church, Bethesda, Maryland; The Session of the First Presbyterian Church, Mattoon, Illinois; The Session of the First Presbyterian Church, Vallejo, California; and The Session of the First Presbyterian Church, San Rafael, California, **Complainants**

v.

The Committee on Theological Education, **Respondent**

**Decision on Joint
Motion to Dismiss**

Remedial Case 225-06

Arrival Statement

This is a case of original jurisdiction before the General Assembly Permanent Judicial Commission (GAPJC or this Commission) arising from a complaint filed on May 18, 2020, and amended on May 21, 2020. The parties filed a “Joint Motion to Dismiss All Claims” on December 23, 2021.

Jursidictional Statement

The Moderator and Clerk of this Commission issued a Preliminary Order on May 27, 2020, accepting the case for hearing; dismissing one complainant, Jana Childers, from the case for lack of standing; rejecting the standing of Complainants’ purported filing “on behalf of” a party that does not have standing, namely San Francisco Theological Seminary; and dismissing the complaint against some respondents (the Committee on the Office of the General Assembly, the Office of the General Assembly, and the Presbyterian Church (U.S.A.) Foundation) because the complaint failed to state a claim upon which relief can be granted against those respondents.

Multiple challenges to the Preliminary Order were received from both Complainants and Respondents, as well as motions by Respondents to dismiss the complaint. On August 16, 2020, this Commission issued its decision on challenges to the preliminary order of the Moderator and Clerk of this Commission. This Commission found that the sessions named in the case heading above (Sessions or Complainants) had standing; that this Commission had jurisdiction in the complaint against the Committee on Theological Education (COTE); that the complaint against COTE was timely filed; and that it stated a claim against COTE upon which relief could be granted.

Appearances

The case was decided without hearing in response to a joint motion from the parties.

History

In its August 16, 2020, Decision on Challenges to Preliminary Order and Motions to Dismiss (2020, 225-01), this Commission took notice “that the Co-Moderators of the 224th General Assembly publicly expressed their hope that conversation and, if need be, mediation might resolve these matters” and expressed that “this Commission shares that hope.” The case was scheduled for trial on April 23, 2021.

At the joint request of the parties, the Executive Committee of this Commission, acting on this Commission’s behalf on February 8, 2021, issued an Order postponing all pending dates and deadlines, inviting parties to work jointly with each other and any other individuals to bring about resolution of the matters in dispute, and setting a new deadline of November 1, 2021, for trial briefs if the matter was not resolved. On October 20, 2021, the Executive Committee, acting on behalf of this Commission in response to a joint request of the parties, renewed the above-referenced Order, extending the deadline for submission of trial briefs to no later than December 1, 2021. On November 18, 2021, this deadline was extended again to January 10, 2022.

On December 23, 2021, the parties filed a “Joint Motion to Dismiss All Claims.” The motion said, in part:

The parties make this Motion on the ground that COTE and San Francisco Theological Seminary have entered into an agreed relationship, subject to the approval of the General Assembly, that moots the claims remaining in this case. Accordingly, no dispute remains before the Commission for resolution, and further adjudication of this case is not in the interest of the parties or the Commission.

Decision

Complainants may withdraw a complaint that has not yet gone to trial, and no further action by the commission receiving the complaint is required. Nevertheless, the parties have requested that this Commission take action to dismiss the case, and this Commission hereby acts on the parties’ request.

Order

IT IS THEREFORE ORDERED that the complaint is dismissed.

IT IS FURTHER ORDERED that the Clerks of the Session of the Hermon Presbyterian Church, Bethesda, Maryland; the Session of the First Presbyterian Church, Mattoon, Illinois; the Session of the First Presbyterian Church, Vallejo, California; and the Session of the First Presbyterian Church, San Rafael, California, enter the full Decision upon their minutes, and that an excerpt from those minutes showing entry of the Decision be sent to the Stated Clerk of the General Assembly.

IT IS FURTHER ORDERED that the Committee on Theological Education enter this Decision upon its minutes, and that an excerpt from those minutes showing entry of the Decision be sent to the Stated Clerk of the General Assembly.

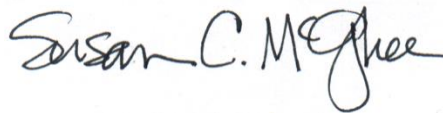
Absences and Non-Appearances

Commissioners Scott Clark and Wendy S. Tajima were recused and did not participate in the deliberations and decision. Commissioner Mari Glory González-Guerra was absent and did not participate in the deliberations and decision. The commissioner positions from the Synods of Alaska-Northwest and the Trinity were vacant.

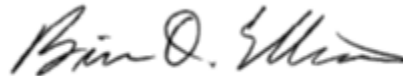
Certificates

We certify that the foregoing is a true and correct copy of the Decision of the Permanent Judicial Commission of the General Assembly of the Presbyterian Church (U.S.A.) in Remedial Case 225-06, *The Session of the Hermon Presbyterian Church, Bethesda, Maryland; The Session of the First Presbyterian Church, Mattoon, Illinois; The Session of the First Presbyterian Church, Vallejo, California; and The Session of the First Presbyterian Church, San Rafael, California, Complainants v. the Committee on Theological Education, Respondent.*

Dated this 3rd day of April, 2022.



Susan C. McGhee, Moderator
General Assembly Permanent Judicial Commission

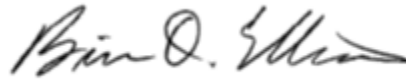


Brian D. Ellison, Clerk
General Assembly Permanent Judicial Commission

I certify that I did transmit a certified copy of the foregoing, directing Flor Vélez-Díaz to deposit it in the mail in Louisville, Kentucky, for the following:

Clerk of Session, Hermon Presbyterian Church, Bethesda, Maryland, Complainant
Clerk of Session, First Presbyterian Church, Mattoon, Illinois, Complainant
Clerk of Session, First Presbyterian Church, Vallejo, California, Complainant
Clerk of Session, First Presbyterian Church, San Rafael, California, Complainant
Counsel, Committee on Theological Education, Respondent
General Assembly Permanent Judicial Commission

I further certify that I did transmit a certified copy of the foregoing to the Stated Clerk of the General Assembly of the Presbyterian Church (U.S.A.) by electronic mail to Flor Vélez-Díaz, on April 3, 2022.



Brian D. Ellison, Clerk
General Assembly Permanent Judicial Commission

I certify that I received a certified copy of the foregoing, that it is a full and correct copy of the decision of the Permanent Judicial Commission of the General Assembly of the Presbyterian Church (U.S.A.), sitting during an interval between meetings of the General Assembly, by video conference on March 31 to April 3, 2022, in Remedial Case 225-06, The Session of the Hermon Presbyterian Church, Bethesda, Maryland; The Session of the First Presbyterian Church, Mattoon, Illinois; The Session of the First Presbyterian Church, Vallejo, California; and The Session of the First Presbyterian Church, San Rafael, California, Complainants v. the Committee on Theological Education, Respondent, and that it is the final judgment of the General Assembly of the Presbyterian Church (U.S.A.) in the case.

Dated at Louisville, Kentucky, on April 3, 2022.



Flor Vélez-Díaz
Assistant Stated Clerk of the General Assembly,
Presbyterian Church (U.S.A.)
and Manager of Judicial Process and Social Witness