

# **Bond Case Briefs**

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## **NON-PROFITS - KENTUCKY**

### **St. Joseph Catholic Orphan Society v. Edwards**

**Supreme Court of Kentucky - December 18, 2014 - S.W.3d - 2014 WL 7240055**

After being removed from their seats on St. Joseph Catholic Orphan Society's Board of Trustees, plaintiffs filed suit challenging the validity of the Board's resolution effectuating their removal and seeking reappointment of the ousted members to St. Joseph's Board of Trustees.

St. Joseph sought dismissal of the suit, arguing that the trial court was without subject-matter jurisdiction because of the application of the ecclesiastical-abstention doctrine. The trial court denied St. Joseph's motion to dismiss because it found the ecclesiastical-abstention doctrine inapplicable. St. Joseph appealed. The Court of Appeals held that ecclesiastical abstention did not apply because the underlying case could be adjudicated on the basis of neutral principles of law. St. Joseph appealed.

The Supreme Court of Kentucky held that:

- The ecclesiastical-abstention doctrine does not divest state courts of subject-matter jurisdiction to hear cases they are otherwise authorized to adjudicate;
- As such, the issuance of a writ of mandamus is no longer the appropriate remedy;
- The ecclesiastical-abstention doctrine is to be applied as an affirmative defense akin to the ministerial exception, including the right to an interlocutory appeal following a trial court's denial of its application;
- The underlying action in this case presented a question of ecclesiastical governance, thus the trial court erred in denying St. Joseph's motion to dismiss on the basis of ecclesiastical abstention.