No. E2024-00100-SC-R11-CV

In the

Supreme Court of Tennessee

PRESTON GARNER, ET AL.,

Plaintiffs and Appellees,

v.

SOUTHERN BAPTIST CONVENTION, ET AL.,

Defendants and Appellants.

Court of Appeals of Tennessee, No. 2024-00100-COA-R3-CV,
Circuit Court for Blount County, No. L-21220
(Hon. David Reed Duggan)

BRIEF OF THE TENNESSEE CATHOLIC CONFERENCE, THE ASSEMBLY OF CANONICAL ORTHODOX BISHOPS OF UNITED STATES OF AMERICA, THE LUTHERAN CHURCH—MISSOURI SYNOD, THE ANGLICAN CHURCH IN NORTH AMERICA, AND THE GENERAL CONFERENCE OF SEVENTH-DAY ADVENTISTS AS *AMICI CURIAE* IN SUPPORT OF DEFENDANTS-APPELLANTS

MARCUS BAUER (TN B.P.R. NO. 037499)
SIDLEY AUSTIN LLP
1501 K Street, N.W.
Washington, DC 20005
(202) 736-8000
marcus.bauer@sidley.com

Attorney for Amici Curiae *Tennessee Catholic Conference, Assembly of Canonical Orthodox Bishops of the United States of America, Lutheran Church—Missouri Synod, Anglican Church in North America, and General Conference of Seventh-day Adventists.*

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INTEREST OF AMICI CURIAE[1]

Amici Curiae are a diverse coalition of Christian denominational organizations. *Amici* and their members include churches of multiple denominations that are entrusted by their members to declare church doctrine, to set the terms of religious affiliation, to select and train church leadership, to investigate and discipline ministers who violate church teaching, and to protect the faithful from false teachers and unworthy leaders. As detailed further below, *Amici* are protected by, and rely upon, the constitutional rights of faith communities to govern their own ecclesiastical matters. *Amici* submit this brief out of concern that, unless reversed, the decision below will unconstitutionally open the door to attacks on faith communities' freedom to govern their religious affairs, despite well-established case law protecting those interests.

The **Tennessee Catholic Conference** serves as the combined public-policy voice of the bishops of the Roman Catholic dioceses of Nashville, Memphis, and Knoxville, Tennessee. The Conference's mission is to represent the Church and the State of Tennessee's Catholic dioceses in public-policy matters, including before the Tennessee General Assembly, with other elected officials, and in legal proceedings, including by filing briefs with this Court, the U.S. Court of Appeals for the Sixth Circuit, and the U.S. Supreme Court. The Conference advocates for laws and policies that reflect Gospel values and the social teachings of the

[1] No counsel for a party authored this brief in whole or in part. Further, no person, other than *Amici*, their members, or their counsel contributed money intended to fund preparing or submitting this brief.

Church. This includes a broad range of issues—economic, political, material, and cultural. The Conference seeks to promote the common good by advocating for the conditions that are necessary for all people to realize their human dignity and reach their full potential.

The **Assembly of Canonical Orthodox Bishops of the United States of America** consists of all active, canonical Orthodox Christian bishops in every jurisdiction in the United States. The Assembly preserves and contributes to the unity of the Orthodox Church in Tennessee, where there are twenty-four active Orthodox parishes and two monastic communities, and throughout the United States by furthering her spiritual, theological, ecclesiological, canonical, educational, missionary, and philanthropic aims. In this way, it demonstrates its particular interest in safeguarding the liberty of all Americans to practice their faith.

The **Lutheran Church—Missouri Synod**, a Missouri nonprofit religious corporation, has some 6,000 member congregations, 22,000 ordained and commissioned ministers, and nearly two-million baptized members throughout the United States. This includes more than 60 churches and a dozen schools in the State of Tennessee alone. The Presidents of the 35 Districts of the Synod in the United States exercise ecclesiastical supervision over ministers and member congregations within their Districts.

The **Anglican Church in North America** ("ACNA") unites some 100,000 Anglicans in nearly 1,000 congregations and twenty-eight dioceses across the United States and Canada into a single Church. This includes twenty-nine active churches in Tennessee, which are part of the

Anglican Diocese of the South. The ACNA is a Province in the Fellowship of Confessing Anglicans, initiated at the request of the Global Anglican Future Conference (GAFCon) and formally recognized by the GAFCon Primates—leaders of Anglican Churches representing 70 percent of active Anglicans globally. The ACNA is determined with God's help to maintain the doctrine, discipline, and worship of Christ as the Anglican Way has received them and to defend the God-given inalienable human right to free exercise of religion.

The **General Conference of Seventh-day Adventists** is the highest administrative level of the Seventh-day Adventist Church and represents more than 154,000 congregations with more than 22 million members worldwide, including 6,300 congregations and more than 1.2 million members in the United States.

INTRODUCTION & SUMMARY OF ARGUMENT

The decision below has stark ramifications for every house of worship, religious school, and denominational organization in this State, including *Amici* and their members. If allowed to stand, the Court of Appeals' decision—holding that communications between the Southern Baptist Convention and affiliated churches are not ecclesiastical—will cast a long shadow over Tennessee's churches. The Court of Appeals' decision hollows out the religious protections afforded to churches and religious denominations by the First Amendment, and it threatens to invite litigation every time a church or other religious organization conducts an internal investigation or disciplinary procedure—even ones that, as here, concern the qualifications and moral rectitude of its ministers.

These risks are far from hypothetical. In the wake of recent U.S. Supreme Court cases reaffirming that the First Amendment closes the courthouse doors to employment disputes between religious organizations and their ministers, plaintiffs' lawyers have attempted to use state tort law to circumvent these bedrock constitutional protections. *See, e.g.*, *DeOreo v. Dudzinski*, No. 24A-PL-2439, 2025 WL 339665, at *1 (Ind. Ct. App. Jan. 30, 2025) (affirming dismissal of Catholic priest's defamation and fraud suit); *Belya v. Kapral*, 775 F. Supp. 3d 766, 779 (S.D.N.Y. 2025) (dismissing Russian Orthodox Church Outside of Russia priest's defamation suit against church and its leadership); *Hyman v. Rosenbaum Yeshiva of N. Jersey*, 317 A.3d 1260, 1265 (N.J.) (Patterson, J., concurring) (per curiam) (Orthodox Jewish teacher's defamation claim

barred by First Amendment), *reconsideration denied*, 320 A.3d 58 (N.J. 2024); *In re Diocese of Lubbock*, 624 S.W.3d 506, 514–16 (Tex. 2021) (church deacon's defamation claim barred by First Amendment). But foundational First Amendment protections should not turn on the labels applied to a claim or the creativity of the plaintiffs' bar. Well-settled First Amendment doctrine is clear that, where a lawsuit concerns the qualifications of a minister or the ordering of a church's internal affairs, secular courts have no role other than to promptly dismiss.

In terms of interference with religious decisionmaking, there is no difference between a federal employment lawsuit over the decision to discipline a minister and a state defamation action related to the investigation or announcement of that disciplinary action. Forcing religious organizations to defend against either type of suit is an intolerable interference with church autonomy—particularly when every hour and dollar spent on litigation is time and money that cannot be spent on training the young, feeding the poor, and other work done by religious schools, churches, and nonprofits.

Since the founding of our Republic, courts have recognized the autonomy of religious associations to make essential internal management decisions free from government interference. This freedom has roots in both the Free Exercise Clause and the Establishment Clause. This Court should reverse the opinion of the Court of Appeals and make clear that civil courts have no role in a religious organization's internal affairs.

ARGUMENT

I. The challenged statements are protected by the First Amendment because they are part of a religious organization's internal management process.

A. Church autonomy protects the Southern Baptist Convention's right to self-govern.

The First Amendment's Religion Clauses provide religious associations robust protection against interference in their internal dealings. Church autonomy "precludes civil courts in this country from adjudicating 'questions of discipline, or of faith, or ecclesiastical rule, custom, or law' or church polity, or the *internal governance of religious organizations*." [2] *Church of God in Christ, Inc. v. L. M. Haley Ministries, Inc. ("COGIC")*, 531 S.W.3d 146, 156 (Tenn. 2017) (emphasis added) (citing *Watson v. Jones*, 80 U.S.(13 Wall.) 679, 727 (1871)). As reflected by this Court's use of the phrase "religious organizations," these First Amendment protections extend to all forms of faith communities. *See Crowder v. S. Baptist Convention*, 828 F.2d 718, 726 (11th Cir. 1987) (applying church autonomy to the SBC). The Supreme Court has recognized that intruding on a religious organization's internal governance is as harmful as intruding on its doctrine. *See Serbian E.*

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[2] *Amici* use the term "church autonomy" in this brief, instead of "ecclesiastical abstention," to correspond with the U.S. Supreme Court's recent description of the constitutional protection. *See Our Lady of Guadalupe Sch. v. Morrissey-Berru*, 591 U.S. 732, 747 (2020) ("The constitutional foundation . . . was the general principle of church autonomy."). Both terms describe the same constitutional protections.

Orthodox Diocese v. Milivojevich, 426 U.S. 696, 709 (1976) (Judicial interference into "governing church polity" would "violate the First Amendment in much the same manner as civil determination of religious doctrine.") (cleaned up)). Notably, this Court recognizes that church autonomy, "where it applies," is a "subject matter jurisdictional bar." *COGIC,* 531 S.W.3d at 159 (citing *Watson*, 80 U.S. (13 Wall.) at 733).

The Southern Baptist Convention is without question a religious organization. *See City of Nashville v. State Bd. of Equalization*, 210 Tenn. 587, 606 (1962) (concluding that Sunday School Board of the SBC "is a religious institution."). It is a network of nearly 47,000 Baptist churches whose purpose is "to provide a general organization for Baptists." S. Baptist Conv., *Constitution* art. II, https://tinyurl.com/yc7um3dp (last visited Aug. 19, 2025). The Convention does not exercise authority over individual churches, but it is "independent and sovereign in its own sphere." *Id.* at art. IV. A foundational element of the SBC "sphere" is determining which churches are "in friendly cooperation with the Convention, and sympathetic with its purposes and work." *Id.* at art. III.

The Supreme Court has made clear that church autonomy applies to "internal management decisions that are essential to the institution's central mission." *Our Lady of Guadalupe Sch. v. Morrissey-Berru*, 591 U.S. 732, 746 (2020). The friendly cooperation inquiry is both an internal management decision and essential to the SBC's mission as a network of cooperating churches, so church autonomy applies. *Nance v. Busby*, 91 Tenn. 303, 18 S.W. 874, 879 (1892) (finding that a church's "right to

determine the grounds of admission has never been questioned."). Particularly relevant to the SBC's internal governance, only churches deemed in cooperation may participate in electing the SBC president, voting on its resolutions and motions, and adopting its budget. S. Baptist Conv., *SBC Governance*, https://tinyurl.com/yxc2fwxm (last visited Aug. 19, 2025). Because the SBC is a "voluntary religious association," churches who have "unite[d] themselves" to the SBC have "do[ne] so with an implied consent" to the SBC's "ecclesiastical government of all the individual . . . congregations." *Watson*, 80 U.S. (13 Wall.) at 728–29.

The SBC may inquire into a church's friendly cooperation at any time. As one example, an inquiry into several churches' practices surrounding female ordination revealed that five churches did not "closely identify with the Convention's adopted statement of faith." Diana Chandler, *EC Removes Six Churches From Cooperation Including Saddleback Church*, Baptist Press (Feb. 21, 2023), https://tinyurl.com/5n6m5ury. These churches were "disfellowshipped" at the SBC's 2023 Annual Meeting. *Id.* Additional churches have been disfellowshipped over mishandling of clergy abuse allegations and over disagreement about performing same-sex weddings. Peter Smith, *Southern Baptists Oust One Church For Having Woman Pastor, Two Others Over Sexual-Abuse Policy*, ABC27 News (Feb. 20, 2024), https://tinyurl.com/34n7bm8n; *see also* David Roach, "*Third Way" Church Disfellowshipped from SBC*, Baptist Press (Sept. 23, 2014), https://tinyurl.com/3bhuu277. Obviously, the Constitution would bar any suit directly challenging the termination or discipline of a minister

for any of these issues; it would rob the Religion Clause of meaning if state tort law could accomplish indirectly what the First Amendment bars directly.

While the court below focused on the SBC's lack of involvement in the pastoral discipline process, *Garner v. S. Baptist Convention*, No. E2024-00100-COA-R3-CV, 2025 WL 48205, at *10 (Tenn. Ct. App. Jan. 8, 2025), the core issue is the SBC's "sovereign right to determine whether it deems a church to be in friendly cooperation with the Convention." S. Baptist Conv., *Credentials Committee*, https://tinyurl.com/497xt5yu (last visited Aug. 19, 2025) (Statement of Assignment). The SBC is the highest (and only) religious authority concerning a church's cooperation status. *See Crowder*, 828 F.2d at 726 ("[T]he SBC provides its own rules for determining how the membership of the Committee on Boards is to be selected . . . The first amendment strongly favors deference to such a decision by the highest church judicatory concerning a matter of church governance."); *id.* at 727 n.20 (finding "Appellants' argument that the SBC has a congregational, rather than a hierarchical, form of church governance does little to help their position," because the distinction is "relevant only to determining the ecclesiastical body to which the civil court must defer."); *see also Our Lady of Guadalupe*, 591 U.S. at 753 ("[A]ttaching too much significance to titles would risk privileging religious traditions with formal organizational structures over those that are less formal.").

B. Church autonomy precludes court review of Ms. Peters' statements made during the SBC's friendly cooperation inquiry into Everett Hills.

As the SBC explains in its brief, the statements challenged in this lawsuit were made as part of a friendly cooperation inquiry, which is a critical tool in SBC governance. *See* Op. Br. 19–21, 23–24. The majority of courts apply the church autonomy doctrine to statements made during a religious organization's internal management process, even when those statements do not expressly invoke faith or doctrine. *See, e.g.*, *Kersey v. Wilson*, No. M2005-2106-COA-R3-CV, 2006 WL 3952899, at *7 (Tenn. Ct. App. Dec. 29, 2006) ("[C]ourts will not dictate to a congregation or church officials that they may not freely speak their minds" during an internal discipline proceeding) (citation omitted); *see also Pfeil v. St. Matthews Evangelical Lutheran Church of Unaltered Augsburg Confession of Worthington,* 877 N.W.2d 528, 537 n.9 (Minn. 2016) (collecting cases); *Cha v. Korean Presbyterian Church of Washington,* 553 S.E.2d 511, 516 (Va. 2001) (same). Many of those cases evaluate statements made during disciplinary proceedings. Courts are not permitted to scrutinize such statements because religious institutions alone may determine the bounds of their own membership. The First Amendment ensures they can communicate freely about the criteria of such membership.

The same is true for the SBC's friendly cooperation inquiry. The SBC, not the court, is the ultimate decisionmaker and cannot assess conformity to its standards without speaking freely. *See Anderson v. Watchtower Bible & Tract Soc'y of N.Y., Inc.*, No. M2004-01066-COA-R9-CV, 2007 WL 161035, at *10 (Tenn. Ct. App. Jan. 19, 2007) (recognizing

the "inherently ecclesiastical nature of membership decisions"). Subjecting such communications to secular review renders the First Amendment's protections illusory—a religious institution can determine its doctrine and those who comport with it, but it can't communicate about such compliance? The First Amendment strikes a different balance. *See id.* at *27 ("The First Amendment's protection of internal disciplinary proceedings would be meaningless if a parishioner's accusation that was used to initiate those proceedings could be tested in a civil court." (citation omitted)).

The Court of Appeals' holding that the friendly cooperation inquiry was outside of the First Amendment's ambit calls into question the varied and essential investigations Amici and their members must conduct to enforce church policy, standards, and doctrine. That the Court of Appeals purported to apply neutral principles is cold comfort, as the entire purpose of the church autonomy doctrine is to ensure that these decisions can be made based on religious principles, free from state interference. Thus, applying neutral principles to differentiate between secular and religious content within the statements "shows a fundamental misunderstanding of the doctrine of church autonomy." Carl H. Esbeck, *An Extended Essay on Church Autonomy*, 22 Federalist Soc'y Rev. 244, 263 (2021). This Court's most recent affirmation that "the neutral-principles approach applies '[w]ith regard to *external* affairs of religious institutions,'" *COGIC*, 531 S.W.3d at 169 (quoting *Redwing v. Cath. Bishop*, 363 S.W.3d 436, 449 (Tenn. 2012)) (emphasis added), complements the understanding that statements made during an

internal management process cannot later be extracted and independently evaluated without running afoul of the First Amendment.

In fact, far from establishing a limiting principle, the Court of Appeals' effort to apply neutral principles to Ms. Peters' statements shows how such an analysis could never be divorced from religious decisionmaking. In determining that neutral principles could be applied here, the Court of Appeals demonstrated that it would be necessary to delve into what constitutes a credible allegation, what types of allegations warrant further inquiry, how much information a denominational organization must share with a constituent church, and at what point an inquiry becomes disciplinary. *See Garner*, 2025 WL 48205, at *10. Here, the inquiry involved allegations of sexual abuse, which are abhorrent to people of all faiths and no faith at all. But other inquiries will involve decisions where the church and the world offer different answers. While secular employers and civil courts can have their own answers for all of these questions, religious institutions can and do employ their own standards. Thus, applying supposedly neutral standards of law would in fact be substituting a secular standard for an ecclesiastical one.

II. The decision below will have far-ranging, detrimental effects on all religious organizations.

A. Judicial inquiry into a religious organization's internal affairs imposes a chilling effect on communication.

Judicial scrutiny of church personnel and policy irreparably harms religious institutions. And the harm comes not only from an adverse

result; the inquiry itself is damaging. As the Supreme Court explained: "It is not only the conclusions that may be reached . . . which may impinge on rights guaranteed by the Religion Clauses, but also the *very process* of inquiry leading to findings and conclusions." *NLRB v. Cath. Bishop of Chi.*, 440 U.S. 490, 502 (1979) (emphasis added). Even the possibility of litigation down the road creates the "danger" that religious associations "wary of . . . judicial review of their decisions" will make such decisions "with an eye to avoiding litigation" instead of based on "personal and doctrinal assessments of who would best serve the pastoral needs of their members." *Rayburn v. Gen. Conf. of Seventh-Day Adventists*, 772 F.2d 1164, 1171 (4th Cir. 1985); *see also Markel v. Union of Orthodox Jewish Congregations of Am.*, 124 F.4th 796, 810 (9th Cir. 2024) (Allowing courts to inquire into religious reasons for decisions "would affect the way an organization carried out what it understood to be its religious mission." (cleaned up)).

That danger chills internal communications. If a religious organization decides to communicate to its members, the "neutral principles" approach employed below requires it to predict which statements a court will consider "religious." As the Supreme Court has recognized,

> it is a significant burden on a religious organization to require it, on pain of substantial liability, to predict which of its activities a secular court will consider religious. The line is hardly a bright one, and an organization might understandably be concerned that a judge would not understand its religious tenets and sense of mission.

Corp. of Presiding Bishop v. Amos, 483 U.S. 327, 336 (1987); *see also Pfeil*, 877 N.W.2d at 539 ("Such a rule could perversely incentivize religious organizations to rely on amorphous and 'doctrinal' reasons . . . to avoid any statements that could be construed as secular.").

Even if a potential suit lacks merit, the Court of Appeals' decision makes it far more likely that the denomination or church will be subjected to a lengthy and expensive discovery process. By and large, religious organizations are not for profit and operate with limited resources on a tight budget derived all or mostly from member contributions. In 2017, the majority of American congregations—61%—received less than $250,000 annually from all sources, and 28% received less than $100,000. David P. King et al., Lake Inst. on Faith & Giving, *Nat'l Study of Congregations' Econ. Pracs.* at 11 (2017). And the vast majority of churches affiliated with the Southern Baptist Convention average less than two hundred attendees per weekly service. S. Baptist Conv., *About the SBC*, https://permanent.link/to/sbcamicus/www-sbc-net-about (last visited Aug. 19, 2025). Thus, whatever value the church autonomy doctrine has must be derived from its *ex ante* predictability—religious organizations can take comfort in it only if they know their decisionmaking will never be reexamined in civil court. Without such predictability, it is likely that religious organizations will refrain from communicating if a statement could be even conceivably linked to litigation. The resulting decrease in transparency will ultimately make religious organizations less accountable to their members.

To demonstrate how damaging the mere risk of litigation could be, the Court need only ask one simple question: If Ms. Peters could go back in time now, knowing that the simple fact of inquiring into a credible allegation of sexual abuse would lead to years of litigation and untold sums in legal expense for the SBC, would she have acted any differently? Would she still have acted consistent with church policy and teaching as she understood it? Or would she (or her supervisors) have taken a more cautious approach, not as a matter of ecclesiastical policy, but solely as a risk management concern? It would be more than understandable for a person in Ms. Peters's shoes to alter her behavior, in spite of her sincerely held beliefs, in order to avoid this costly and time-consuming lawsuit—and that is precisely why secular courts must stay out of these matters.

B. Religious organizations are less capable of internally investigating and disciplining wrongdoing when subject to judicial scrutiny.

The chilling effect described is especially concerning in the context of preventing and addressing minister misconduct. Communication is essential at each step of an internal investigation. Even assessing initial credibility and determining next steps requires protected, candid dialogue—often before facts can be fully substantiated. Because of the decision below, church leaders are now exposed to litigation risk with each statement that references an as-yet unsubstantiated allegation. That is a crushing standard, especially in instances of sexual abuse, where victims often do not come forward for years or decades after the alleged abuse, and may be discouraged from doing so precisely out of concern that their complaints will not be taken seriously or that they will

be subjected to a humiliating inquiry. *See* Ken Kolker, *Private Sin: How a Michigan Church Protected Child Molesters*, WTNH (Dec. 15, 2024), https://permanent.link/to/sbcamicus/tinyurl-com-2h9jamhx (victims did not report sexual abuse in the church until four decades later). Church leaders should not be required to possess definitive proof before raising internal concerns about minister misconduct. Imposing such a standard risks encouraging institutional silence.

If a church proceeds past the investigation phase, the decision below also impacts any resulting disciplinary proceedings. The burden of proof a court applies is a reflection of secular values. *See Santosky v. Kramer*, 455 U.S. 745, 755 (1982) ("[I]n any given proceeding, the minimum standard of proof tolerated by the due process requirement reflects not only the weight of the private and public interests affected, but also a societal judgment about how the risk of error should be distributed between the litigants."). Religious organizations will each have their own value judgments about the interests affected in any internal proceeding. A church might—based on the special trust placed in ministers and the need for ministers to be above reproach—feel a greater responsibility to prevent abuse.[3] If a church leader's statements

[3] In Catholic canon law, for example, the Church applies the standard "verisimilitude," which is far lower than the civil-law standard of "substantial evidence," and in practice requires investigation of any claim that "is not clearly false or totally implausible" and "at least could be prudently considered a 'close occasion to commit'" a delict. Jorge Miras, *Practical Guide to Canonical Administrative Procedure in Penal Matters* § 5.2, https://permanent.link/to/sbcamicus/tinyurl-com-5n6jxjw (last visited Aug. 19, 2025).

are subject to defamation claims, however, he must also assess whether, in the eyes of the court, a "reasonable" person would have made the statement. It makes little sense for a church leader to base his conduct on (secular) reasonableness rather than his religious teachings. *See Hosanna-Tabor Evangelical Lutheran Church & Sch. v. EEOC*, 565 U.S. 171, 200 (2012) (Alito, J., concurring) (The "very existence" of a religious organization "is dedicated to the collective expression and propagation of shared religious ideals"); *see id.* at 205–06 ("For civil courts to engage in the [employment discrimination] pretext inquiry … would pose grave problems for religious autonomy").

With this decision in place, denominations and churches will also be discouraged from communicating even formal results of disciplinary proceedings. A religious organization may conclude, after confirming an allegation of misconduct, that it is not worth the litigation exposure to announce its findings to the congregation—it may conclude that a quiet resolution is safer. This discourages transparency, hinders accountability, and increases the risk of future misconduct. It also deprives church members of information needed to protect themselves and their families.

All these calculations—the prospect and opportunity cost of future litigation, litigiousness of affected parties, and sympathies of judicial actors to various religions—distract from what really matters. They force a religious institution to divert resources and attention from advancing its faith to preparing for litigation, and force these organizations to factor civil litigation exposure into purely ecclesiastical decisions. These ramifications thus confirm why a court has no role to play in a church's

religious affairs. As James Madison warned in his *Memorial and Remonstrance*, the idea that "the Civil Magistrate is a competent Judge of Religious Truth" is "an arrogant pretension falsified by the contradictory opinions of Rulers in all ages, and throughout the world." James Madison, *Memorial and Remonstrance Against Religious Assessments* (1785), *reprinted in* 5 The Founders' Constitution 83 (Philip B. Kurland & Ralph Lerner eds., 1987). The Court of Appeals' decision invites judicial scrutiny of core ecclesiastical communications and undermines religious institutions' ability to supervise ministers, address misconduct, and maintain transparency. It should be reversed.

CONCLUSION

For the reasons stated above, this Court should reverse the decision of the Court of Appeals, and dismiss the suit as barred by the church autonomy doctrine.

Dated: August 27, 2025

Respectfully submitted,

/s/ Marcus Bauer

MARCUS BAUER (TN B.P.R. NO. 037499)
SIDLEY AUSTIN LLP
1501 K Street, N.W.
Washington, DC 20005
(202) 736-8000
marcus.bauer@sidley.com

Attorney for Amici Curiae Tennessee Catholic Conference, Assembly of Canonical Orthodox Bishops of the United States of America, Lutheran Church—Missouri Synod, Anglican Church in North America, and General Conference of Seventh-day Adventists.

CERTIFICATE OF COMPLIANCE

I certify that:

1. This document complies with the word limit of Tennessee Supreme Court Rule 46, § 3.02(a)(1)(c), excluding the sections allowed under the same rule, because this document contains 4,250 words as calculated by Microsoft Word.

2. This document complies with the typeface requirements of Tennessee Supreme Court Rule 46, § 3.02(a)(3), because this document has been prepared in a proportionally spaced typeface using Microsoft Word in 14-point Century Schoolbook font.

Dated: August 27, 2025

Respectfully submitted,

/s/ Marcus Bauer
MARCUS BAUER

CERTIFICATE OF SERVICE

I certify that on August 27, 2025, I served a true and exact copy of the foregoing document via the Court's e-file system upon the following counsel of record:

JOSEPH E. COSTNER
COSTNER GREENE PLLC
315 High St.
Maryville, TN 37804
(865) 983-7642
joecostner@costnergreene.com

BRYAN E. DELIUS
DELIUS & MCKENZIE, PLLC
124 Court Ave.
Sevierville, TN 37862
(865) 684-4464
bryan@deliusmckenzie.com

Attorney for Plaintiffs-Appellees

JOHN R. JACOBSON
KATHARINE R. KLEIN
RILEY & JACOBSON, PLC
1906 West End Ave.
Nashville, TN 37203
(615) 320-3700
jjacobson@rjfirm.com
kklein@rjfirm.com

STEVEN G. MINTZ
TERENCE W. MCCORMICK
MINTZ & GOLD LLP
600 3rd Ave
25th Floor
New York, NY 10016
(212) 696-4848
mintz@mintzandgold.com

MATTHEW C. PIETSCH
GORDON REES SCULLY MANSUKHANI
4031 Aspen Grove Dr.
Suite 290
Franklin, TN 37804
(615) 772-9000
mpietsch@grsm.com

Attorney for Defendants-Appellants Southern Baptist Convention (SBC) and Credentials Committee of the SBC

DANIEL H. BLOMBERG
JORDAN T. VARBERG
AMANDA G. DIXON
THE BECKET FUND FOR RELIGIOUS LIBERTY
1919 PENNSYLVANIA AVE. NW
Suite 400
Washington, DC 20006
(202) 955-0095
dblomberg@becketfund.org

R. BRANDON BUNDREN
COLE S. MANION
BRADLEY ARANT BOULT CUMMINGS LLP
1221 Broadway, Suite 2400
Nashville, TN 37203

mccormick@mintzandgold.com

Attorneys for Defendant Guidepost Solutions, LLC

(615) 252-4647
bbundren@bradley.com

THOMAS J. HURNEY, JR.
JACKSON KELLY PLLC
500 LEE STREET, EAST
SUITE 1600 (25301)
P.O. Box 553
Charleston, WV 25322
(304) 340-1000
thurney@jacksonkelly.com

SCARLETT S. NOKES
SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
2099 Pennsylvania Ave., NW
Suite 100
Washington, D.C. 20006
snokes@sheppardmullin.com

Attorney for Appellants Executive Committee of the Southern Baptist Convention and Christy Peters

Dated: August 27, 2025

Respectfully submitted,

/s/ Marcus Bauer
MARCUS BAUER