



THE EPISCOPAL  
DIOCESE OF SAN JOAQUIN  
*THE CENTRAL THIRD OF CALIFORNIA*

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**FOR IMMEDIATE RELEASE:**

For more information see contacts listed below.

**COURT OF APPEALS AFFIRMS LAMB AS BISHOP OF SAN JOAQUIN**

Fresno, CA -- On November 18, 2010 the Fifth District Court of Appeal in *Schofield et al. v. The Superior Court of Fresno County (The Episcopal Diocese of San Joaquin, Real Party in Interest)*, (November 18, 2010, F058298, 5<sup>th</sup> Dist.) \_\_\_Cal.4<sup>th</sup>\_\_\_, issued a decision<sup>1</sup> regarding the pending litigation against the former Bishop Schofield in Fresno Superior Court.

Yesterday, the Court of Appeal overturned the trial court's order granting summary adjudication in favor of the Episcopal Diocese of San Joaquin and The Episcopal Church on the first cause of action<sup>2</sup> as it "presents a purely ecclesiastical controversy not justiciable by civil courts." While the decision represents a technical procedural setback, the Court of Appeal went on to affirm a number of "ecclesiastical facts" key to the Episcopal Diocese of San Joaquin and the Episcopal Church's position, thus resolving several substantive legal issues in favor of the Diocese and the Episcopal Church:

Three facts are established by the record and are, in any event, "ecclesiastical facts" that the courts have no jurisdiction to adjudicate. First, before and through January 11, 2008, Schofield was the Episcopal Bishop of the Diocese of San Joaquin; on that day, his powers as Episcopal Bishop were suspended by the national church. Second, after March 29, 2008, Lamb was the Episcopal Bishop of the Diocese of San Joaquin, duly recognized by the national church. Third, at some point Schofield became the Anglican Bishop presiding over an Anglican Diocese of San Joaquin, affiliated with the Anglican Province of the Southern Cone of South America. In further proceedings in the trial court, these facts may be relevant to the courts consideration of the issues before it, but the validity of such removals and appointments are not subject to further adjudication by the trial court. **The continuity of the diocese as an entity within the Episcopal Church is likewise a matter of ecclesiastical law, finally resolved, for civil**

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1 A Copy of the decision is attached for reference.

2 There are six additional causes of action or theories of recovery of the real property that neither the trial court, nor the Court of Appeal has ruled upon that remain to be litigated below.

**law purposes, by the Episcopal church's recognition of Lamb as the bishop of that continuing entity.** [Emphasis added.]

Chancellor Michael Glass noted that the Court of Appeal's decision foreclosed all of the Defendants' main arguments in support of their attempt to retain possession of the Episcopal Diocese of San Joaquin's assets and real properties. "The defendants can no longer assert in court that a Diocese has the right to unilaterally accede from The Episcopal Church, or that Bishop Lamb is somehow not the Bishop of the Diocese", said Glass.

After determining that the former Bishop's powers were suspended as of January 11, 2008, the Court of Appeal also noted that the trial court should "resolve issues concerning property transfers assertedly made by Schofield while he was the duly constituted Bishop of the Diocese of San Joaquin." Nearly all of the transfers of the properties in question to the defendant Anglican Diocese Holding Corporation ("ADHC") occurred well after the defendants formed the ADHC when its articles of incorporation were filed with the California Secretary of State in April 2008.

Asked how the Court of Appeal's decision was going to impact the case, Chancellor Glass replied, "Think sacrifice fly-ball. Sure, we might have taken an out, but we just put the rest of the case in scoring position." Chancellor Glass explained that with the issues considerably narrowed in favor of the Episcopal Diocese of San Joaquin and The Episcopal Church that the plaintiffs are cautiously optimistic about moving ahead with the case to recover the assets of the Diocese for the mission of the Episcopal Church.

Previously, the trial court had granted the Episcopal Diocese of San Joaquin and The Episcopal Church's motion for summary adjudication in favor of the Diocese and The Episcopal Church. The trial court held that (a) Bishop Lamb is the Bishop of the Diocese and incumbent of the Corporation Sole and other Diocesan entities; and (b) the attempts to modify the Diocesan Constitution and Canons and Articles of Incorporation of the Corporation Sole to disaffiliate the Episcopal Diocese from the Episcopal Church were null and void. In response, the Defendant and former Bishop Schofield sought review by the Court of Appeal by filing a petition for writ of mandate to overturn the trial court's order.

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