

**IN THE  
SUPREME COURT OF THE UNITED STATES**

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No. \_\_\_\_\_

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MISSISSIPPI DISTRICT COUNCIL ASSEMBLIES OF GOD,  
*Applicant-Petitioner,*

v.

KEVIN BEACHY, EDDIE KINSEY, ANDRE MULET, AND KRIS WILLIAMS,  
*Respondents.*

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**APPLICATION TO THE HON. SAMUEL ALITO  
FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE  
A PETITION FOR WRIT OF CERTIORARI**

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Pursuant to Supreme Court Rule 13(5), Petitioner, Mississippi District Council Assemblies of God, respectfully requests a second extension of time of 28 days, to and including March 15, 2024, for the filing of a petition for a writ of certiorari. Absent an extension of time, the deadline for filing Petitioner's certiorari petition would be February 16, 2024.

In support of this request, Petitioner states as follows:

1. Petitioner is one of approximately fifty-six geographical and non-geographical districts that make up the General Council of the Assemblies of God, which is the world's largest Pentecostal denomination with over 65 million adherents worldwide.
2. Petitioner is a nonprofit corporation with no parent corporation, and no publicly held company owns a 10% or greater ownership interest in it.

3. The Mississippi Supreme Court rendered its opinion on August 24, 2023. (**Appendix A**). It denied Petitioner's timely petition for rehearing on October 19, 2023. (**Appendix B**). Petitioner filed, on January 4, 2024, an application for an extension of time to file a certiorari petition. (**Appendix C**). That application was granted on January 16, 2024, which extended the time to file a certiorari petition to February 16, 2024.

4. Petitioner retained the undersigned as new counsel on February 5, 2024, after previous counsel learned of circumstances that would prevent them from representing Petitioner in this matter. The new counsel of record requires additional time to review the necessary materials and prepare a certiorari petition.

5. Respondents' counsel has stated that he opposes Petitioner's Application.

6. This Court has jurisdiction under 28 U.S.C. § 1257(a).

7. This case concerns the proper application of the First Amendment's ecclesiastical abstention doctrine.

8. In 1988, Gulf Coast Worship Center formally affiliated itself with the General Council of the Assemblies of God. The process of formal affiliation required the Center to agree to and abide by the General Council's constitution and bylaws.

9. Years prior to the Center's initiation, the General Council granted Petitioner, Mississippi District Council Assemblies of God, supervision over all assembles within its territory, including over the Center upon its affiliation. That

supervisory authority required the Center to maintain certain credentials with Petitioner.

10. In 2017, the Center's pastor, Mr. Kevin Beachy, failed to renew his credentials with Petitioner. Petitioner contacted Beachy about the lapse. Beachy refused to renew and rebuffed Petitioner's reconciliation efforts. At that point, Petitioner placed Beachy under investigation and the Center under its direct authority, which meant that the Center lost its sovereignty under the terms of the bylaws and Beachy lost his authority to act on the Center's behalf.

11. Nevertheless, after being placed under investigation, Beachy and other members of the Center held a meeting and voted to disaffiliate with the General Council and adopt their own bylaws. The disaffiliation vote did not conform to the proper procedures as laid out in the binding bylaws. Moreover, the Center's new bylaws purported to remove a provision from the old bylaws that mandated the transfer of the Center's property to Petitioner if the Center were to disaffiliate. The Center's meeting itself violated the General Council's bylaws, as the bylaws mandated the attendance of a representative from Petitioner. No representative from Petitioner attended.

12. Petitioner filed a lawsuit in Mississippi state court against Beachy and other former church members, requesting declaratory and injunctive relief. Count I of Petitioner's Complaint requested a declaration that the Center remain under Petitioner's supervision and control and that the Center's disaffiliation vote was void.

Count II asked for an injunction allowing Petitioner to assume control of the Center and to install an interim pastor.

13. The Mississippi trial court granted declaratory and injunctive relief. It ruled that the Center's property was under Petitioner's control for the express purpose of installing an interim pastor. Given that Beachy and former church leaders had continued to assert authority over the Center, the Mississippi trial court also granted injunctive relief. It ordered Beachy and the other former church leaders to surrender all property to the Center and to stop presenting themselves as holding positions of authority within the church.

14. Beachy appealed, and the Mississippi Supreme Court reversed. Purportedly applying the First Amendment's ecclesiastical abstention doctrine, the Mississippi Supreme Court held that deciding whether the Center "is to remain a member of the General Council and under its control intrudes into the affairs of church government." Appendix A at 11. Thus, in the Mississippi Supreme Court's view, the trial court erred by "undertak[ing] the adjudication of this internal church matter." *Id.*

15. In dissent, two justices applied the ecclesiastical abstention doctrine differently. In their view, under the First Amendment's Establishment Clause, hierarchical churches may establish their own rules and regulations for internal discipline and government, and civil courts must accept and enforce those ecclesiastical decisions. Therefore, they would have held that the trial court correctly "reviewed the controlling documents through a secular lens" to "determine the issue

of control” of church property. *Id.* at 26. When the Center had affiliated with the Assemblies of God, it had agreed to accept and be governed by Petitioner’s bylaws. And there was no dispute that the new bylaws and the disaffiliation meeting violated Petitioner’s bylaws. *See id.*

16. The Mississippi Supreme Court’s holding is constitutionally flawed, departs from the decisions of other courts, and directly conflicts with this Court’s precedents.

17. *First*, the decision below is inconsistent with the First Amendment. Whether the Center honored the terms of the bylaws did not require the trial court to inspect or evaluate church doctrine, which the First Amendment prohibits. The First Amendment declares that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.” U.S. Const. Amend. I. Courts have recognized the so-called “ecclesiastical abstention doctrine” as a byproduct of that constitutional provision.

18. That doctrine recognizes that the First Amendment precludes judicial review of claims that require resolution of “strictly and purely ecclesiastical” questions. *Serbian E. Orthodox Diocese for U.S. and Can. v. Milivojevich*, 426 U.S. 696, 713 (1976). In other words, churches have a constitutional right to make decisions regarding their own internal affairs, including matters of faith, doctrine, and internal governance without the threat of governmental interference. *See Hosanna-Tabor Evangelical Lutheran Church & Sch. v. E.E.O.C.*, 565 U.S. 171, 194 (2012). However, the ecclesiastical abstention doctrine bars judicial intervention only

in those situations where the alleged misconduct is rooted in religious belief. The doctrine is not implicated when the underlying dispute is secular in nature, such as determining the validity of a contract or the application of existing bylaws. *See Kirby v. Lexington Theological Seminary*, 426 S.W.3d 597, 601 (Ky. 2014).

19. The Mississippi Supreme Court’s decision cannot be squared with that historical understanding of the First Amendment. As the dissent below notes, the trial court “reviewed the controlling documents through a secular lens” and did not make subjective determinations about church doctrine. Appendix A at 26. Rather, the trial court approached the matter like any other civil contract, corporate governance, or property dispute using neutral principles of judicial decision-making. The trial court did not need to delve into church doctrine to reach its conclusion.

20. *Second*, the decision below is directly at odds with the decisions of other courts. For example, in *Convention of Protestant Episcopal Church in Diocese of Tennessee v. Rector, Wardens, & Vestrymen of St. Andrew’s Par.*, 2012 WL 1454846 (Tenn. Ct. App. Apr. 25, 2012), the Tennessee courts took the opposite approach from the Mississippi Supreme Court’s ruling here. There, “[a]n Episcopal parish in Nashville asserted its intention to disassociate from the Diocese of Tennessee, resulting in the Diocese filing a declaratory judgment action to determine whether the Diocese or the local congregation owned and controlled the real and personal property where the local congregation worshiped.” *Id.* at \*1. The trial court ruled that the Episcopal Church constituted a hierarchical religious organization and concluded that the local parish held its real property in trust for the Diocese. *Id.* The

local parish appealed, arguing that the trial court lacked subject matter jurisdiction based on the ecclesiastical abstention doctrine. *Id.* at \*6.

21. The Tennessee Court of Appeals rejected that argument, explaining “correctly, that the ecclesiastical abstention doctrine only precludes civil courts from exercising jurisdiction over ‘issues of canon law, religious doctrine, or church governance.’” *Church of God in Christ, Inc. v. L. M. Haley Ministries, Inc.*, 531 S.W.3d 146, 170 (Tenn. 2017) (citation omitted). The Court of Appeals went on to emphasize that the ecclesiastical abstention doctrine does not preclude a court from examining “religious documents such as a church constitution for language of a trust” in order to resolve a church property dispute. 2012 WL 1454846 at \*8 (citation omitted). After examining the governing documents of the Episcopal Church, the Court of Appeals affirmed the trial court, *id.* at \*20, and the Tennessee Supreme Court denied an application to appeal. *Id.* In the years since, the Tennessee Supreme Court has discussed the case in laudable language. *See Church of God in Christ, Inc. v. L. M. Haley Ministries, Inc.*, 531 S.W.3d 146, 170 (Tenn. 2017) (citation omitted).

22. This case’s outcome would have been drastically different were the Center located in Mississippi’s northern border state of Tennessee. That is true for multiple other jurisdictions as well. *See Ohio Dist. Council, Inc. of the Assemblies of God v. Speelman*, 47 N.E.3d 954 (Oh. Ct. App. 2016); *Kirby v. Lexington Theological Seminary*, 426 S.W.3d 597 (Ky. 2014); *Puskar v. Krco*, 20 N.E.3d 1262 (Ill. App. Ct. 2014); *Fluker Cmty. Church v. Hitchens*, 419 So. 2d 445 (La. 1982).

23. *Third*, the Mississippi Supreme Court’s wooden application of the ecclesiastical abstention doctrine conflicts with this Court’s precedents. In *Jones v. Wolf*, 443 U.S. 595 (1979), for instance, this Court remanded a church-based property dispute to the lower court to determine whether the court could decide the case without reference to religious doctrine. As this Court put it: Courts may hear church-related disputes so long as they rely upon “neutral principles of law” when deciding the case and “take special care to scrutinize [church] document[s] in purely secular terms . . . .” *Id.* at 604. This Court further clarified that, while courts are forbidden from answering “questions of religious doctrine, polity, and practice” that are outside their judicial expertise, courts are free to decide a dispute if it turns on “objective, well established” legal principles that have long been “familiar to lawyers and judges.” *Id.* at 603. In other words, where a dispute involves only narrow property and contract issues, without any reference to religious doctrine and practice, courts may apply neutral principles of law to review the language of deeds, terms of charters, church provisions concerning property ownership, and state property and trust statutes without running afoul of the First Amendment. *See id.* at 602–03.

24. Here, the trial court conformed its decision to this Court’s instructions. After reviewing the bylaws and constitutions of the General Council, Petitioner, and the Center, the trial court determined that Beachy lacked the authority to disaffiliate and amend the bylaws. The trial court made that determination through a secular lens without reference to religious doctrine and practice. The Mississippi Supreme Court was thus wrong to reverse.



25. Moreover, this issue is critically important. The scope of the ecclesiastical abstention doctrine directly affects how churches arrange and conduct their affairs. If the decision below is allowed to stand, religious denominations will be left with no legal recourse to prevent break-away churches and spiritual leaders from violating foundational organizing documents and clearly established rules of contract and property law.

26. Indeed, in recent years, members of this Court have expressed an interest in reviewing important questions implicating the ecclesiastical abstention doctrine, including “the degree to which the First Amendment permits civil authorities to question a religious body’s own understanding of its structure and the relationship between associated entities.” *Roman Cath. Archdiocese of San Juan, Puerto Rico v. Acevedo Feliciano*, 140 S. Ct. 696, 702 (2020) (Alito, J., concurring). This case presents this Court with an opportunity to address that important question.

27. The requested extension would provide Petitioner’s counsel the time needed to thoroughly prepare a certiorari petition. This case raises complex issues over which courts are divided. Petitioner’s counsel of record, Michael H. McGinley, was not actively involved in the litigation below and was only very recently engaged to handle this matter.

28. A short extension of 28 days will not cause prejudice to Respondents.

WHEREFORE, for the foregoing reasons, Petitioner respectfully requests that the time to file a petition for writ of certiorari be extended to and including March 15, 2024.

Respectfully submitted,

*s/ Michael H. McGinley*  
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February 6, 2024

**CERTIFICATE OF SERVICE**

A copy of this application was served by email and U.S. mail to the counsel listed below in accordance with Supreme Court Rules 22.2 and 29.3:

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