

No. 25-634

IN THE

Supreme Court of the United States

FAMILY FEDERATION FOR WORLD PEACE AND
UNIFICATION INTERNATIONAL; THE UNIVERSAL PEACE
FEDERATION; AND THE HOLY SPIRIT ASSOCIATION FOR
THE UNIFICATION OF WORLD CHRISTIANITY (JAPAN),
Petitioners,

v.

HYUN JIN MOON; UNIFICATION CHURCH
INTERNATIONAL; MICHAEL SOMMER; JINMAN KWAK;
YOUNGJUN KIM; AND RICHARD J. PEREA,
Respondents.

**On Petition for a Writ of Certiorari
to the District of Columbia Court of Appeals**

**HYUN JIN MOON AND UCI'S
BRIEF IN OPPOSITION**

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QUESTION PRESENTED

The charismatic, messianic religious movement founded by the late Reverend Sun Myung Moon is in schism. Three different camps, led by three different members of Rev. Moon's immediate family, now champion profoundly different visions of what the "Unification Church" is and what its principles are. Petitioners try to paper over this divide simply by defining themselves as *the* "Unification Church." Pet.ii. But Petitioners are not, and never have been, entitled to make that claim. They are merely one side of the ongoing ecclesiastical debate that has divided Rev. Moon's movement. Respondents are on another. The third side is not represented here.

In 2011, Petitioners sued Respondents for allegedly departing from the religious mission embodied in the corporate charter of UCI—an independent D.C. nonprofit founded to support Rev. Moon's movement many decades before the schism. The D.C. Court of Appeals allowed discovery to probe whether this case was amenable to resolution via neutral legal principles or turned instead on religious disagreements that civil courts could not adjudicate. After a decade-plus of litigation, the court ultimately held that the by-then voluminous factual record left no doubt that it was the latter.

Properly framed, the question presented is:

Whether, based on the record below, the D.C. Court of Appeals correctly held that the First Amendment precludes civil courts from adjudicating this dispute, because doing so would require impermissibly determining which side of the Unification Church schism holds the "true" view of the religion.

CORPORATE DISCLOSURE STATEMENT

Pursuant to Rule 29.6, Respondent UCI states that it is a nonprofit corporation. It has no parent corporation and does not issue stock.

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INTRODUCTION

The late Rev. Sun Myung Moon founded a charismatic, messianic, providential religious movement, colloquially known as the Unification Church. This broad-based movement comprised churches, nonprofits, and businesses—all legally autonomous but spiritually united by Rev. Moon’s messianic, “Adamic” leadership. As the movement matured, Rev. Moon declared its “church era” over, pursuing his providential vision of uniting all religions and nations. As part of that transition, he recognized his son, Respondent Dr. Hyun Jin (Preston) Moon, as the “Fourth Adam”—a messianic figure in the line of the Biblical Adam, Jesus Christ, and Rev. Moon himself—to continue his spiritual work of uniting the world as “One Family Under God.”

Unfortunately, in Rev. Moon’s waning years, a cabal of self-interested clerics—whom Rev. Moon branded “worse than Lucifer”—schemed to twist this decentralized, ecumenical movement into a hierarchical, sectarian institution under their control. Knowing Dr. Moon opposed their heretical vision, they propped up his younger brother (Sean Moon) as their pawn, only to later purge *him* for Rev. Moon’s widow (Hak Ja Han). (Rev. Moon never recognized either as an Adamic figure; the latter now styles herself the “only-begotten daughter of God.”) Not content to rend Rev. Moon’s movement into a three-way schism, they have since led their ersatz church into corruption and ruin. At this moment, their Japanese branch (Petitioner HSA-Japan) is under a court order of dissolution, and their spiritual leader (Hak Ja Han) is in jail and on trial for political bribery in Seoul.

Rejecting this downward spiral early on, Dr. Moon and his allies fought to preserve Rev. Moon’s legacy, including through their stewardship of Respondent UCI and its assets. In response, Petitioners—unable to win over the hearts and minds of the faithful—resorted to weaponized litigation. Nearly fifteen years ago, they filed suit in D.C., claiming that the “Unification Church” was a hierarchical denomination like other familiar religions; that they were its true representatives; that Respondents had betrayed UCI’s religious mission by not kowtowing to them; and that they, rather than Dr. Moon, should therefore be given control of UCI. The truth was the exact opposite: Petitioners had betrayed Rev. Moon and perverted his legacy, while Respondents acted faithfully to preserve it.

Under well-established First Amendment jurisprudence, this dispute was never one civil courts could adjudicate. *E.g., Jones v. Wolf*, 443 U.S. 595 (1979). Wary of drawing that conclusion prematurely, the court below allowed discovery, resulting in a massive record that forced Petitioners to abandon most of their claims. Petitioners still insisted they could prevail under “neutral” legal principles, but the D.C. Court of Appeals was not fooled. One interlocutory look at the voluminous record left no doubt that this case “cannot be resolved without answering core questions about religious doctrine.” Pet.App.183a.

Undeterred, Petitioners pivoted on remand to an entirely new theory of the case, which boiled down to an eleventh-hour attack on Respondents’ previously unquestioned religious sincerity. Again, the Court of Appeals rejected the ruse, seeing “no meaningful

evidence” that this case was about anything but an “undisputed religious schism.” Pet.App.45a.

Petitioners have now recast their claims *yet again*, hoping to drag this Court into their heresy hunt. According to Petitioners, their corporate- and contract-law claims implicate a “massive” “split” about whether courts can “identify or defer” to church authorities when resolving church-property disputes. Pet.8, 19. The problem for Petitioners, however, is that this Court has already answered their question: under the First Amendment, courts can identify and defer to church authorities—but only if “the locus of control” within a religious body is “[un]ambiguous.” *Jones*, 443 U.S. at 605. There is no split on that settled, fact-intensive rule. And here, with the relevant “locus” of religious authority very much in dispute, the court below could hardly “defer” to Petitioners’ self-serving characterizations of Church doctrine or polity.

Petitioners’ new theory is also riddled with vehicle problems—from waiver and estoppel, to self-contradiction, to the very real question of how much longer the entities seeking certiorari will even exist. Their claim that, absent relief, churches will be “depriv[ed]” of “both a judicial forum and any remedy” is equally contrived. Pet.1. The decision below applied settled law to unique facts (and claims) that are exceedingly unlikely to recur: it in no way authorized “usurper[s]” to abscond with church property. *Contra* Pet.34.

For these reasons and those described below, the petition should be denied.

STATEMENT

A. Legal Background.

1. The First Amendment's religious-abstention doctrine "severely circumscribes" the role of civil courts in resolving disputes involving religious organizations. *Presbyterian Church in U.S. v. Hull Memorial Presbyterian Church*, 393 U.S. 440, 449 (1969). "In this country," "[t]he law knows no heresy, and is committed to the ... establishment of no sect." *Watson v. Jones*, 80 U.S. 679, 728 (1871). Accordingly, courts must decide such disputes "without resolving underlying controversies over religious doctrine," *Hull Memorial*, 393 U.S. at 449, or engaging in "searching and therefore impermissible inquir[ies] into church polity," *Serbian E. Orthodox Diocese v. Milivojevich*, 426 U.S. 696, 723 (1976).

For example, *Hull Memorial* rejected a state rule authorizing courts to void churches' otherwise-valid property interests upon finding "a 'substantial departure' from [preexisting] tenets of faith and practice." 393 U.S. at 450. That rule improperly "intrude[d] ... the power of the state" for the benefit of whatever faction a secular court judged to have the better "interpretation of particular church doctrines." *Id.* at 448, 450 (quoting *Kedroff v. St. Nicholas Cathedral*, 344 U.S. 94, 119 (1952)).

Likewise, where a case involves disputed questions of "church polity" or "administration," allowing "civil courts to probe deeply" into such questions "would violate the First Amendment in much the same manner as a civil determination of religious doctrine." *Milivojevich*, 426 U.S. at 709-10 (quoting *Md. & Va. Churches v. Sharpsburg Church*, 396 U.S. 367, 369

(1970) (Brennan, J., concurring)). These issues “are at the core of ecclesiastical concern,” *id.* at 717, and religious organizations must have the “power to decide for themselves, free from state interference, matters of church government as well as those of faith and doctrine,” *Kedroff*, 344 U.S. at 116.

2. This does not mean that courts can never adjudicate disputes involving religious entities. *Jones*, 443 U.S. at 602. But if they do, they cannot “resolve ecclesiastical questions.” *Id.* at 604.

To that end, one option is “exclusive[]” reliance “on objective, well-established concepts of trust and property law,” *e.g.*, using “completely secular” “reversionary clauses and trust provisions” that “specify what is to happen ... in the event of a particular contingency, or what religious body will determine the ownership in the event of a schism or doctrinal controversy.” *Id.* at 603. The “advantage[]” of this “neutral-principles” approach (as it is generally called) is to reliably enable courts to resolve disputes without deciding “questions of religious doctrine, polity, [or] practice.” *Id.*..

Alternatively, some church-property disputes can be adjudicated by “defer[ring]” to an “authoritative ecclesiastical body,” *id.* at 604, much as courts traditionally give “effect” to decisions of “judicatory bodies established” by “civil associations” regarding intra-organizational affairs, *Gonzalez v. Roman Catholic Archbishop of Manila*, 280 U.S. 1, 16-17 (1929). That is, courts accept “[t]he decisions of the proper church tribunals ... as conclusive” because “the parties in interest made them so by contract or otherwise.” *Id.* at 16; *see Watson*, 80 U.S. at 725-29; *Parish of the Advent v. Protestant Episcopal Diocese of*

Mass., 688 N.E.2d 923, 931 n.25 (Mass. 1997). In such cases, a church’s established hierarchy effectively affords the neutral principle to resolve disputes that courts could not otherwise adjudicate. Thus, while deference to pre-identified church authorities can be used to *supplement* neutral principles of “trust and property law,” *Jones*, 443 U.S. at 603, it in no way authorizes courts to wade into theological questions.

Milivojevich illustrates both the continued vitality and the limits of judicial deference to church authorities. While this Court relied on the decisions of church tribunals to reject a Serbian Orthodox ex-bishop’s challenge to his removal, those tribunals’ authority was undisputed. 426 U.S. at 709, 715. “[A]ll parties agree[d]” that the Church was “hierarchical” and that the former prelate’s deposition had been decreed “by the religious bodies” with “sole discretion” to do so. *Id.* at 715, 717-18. This Court firmly rebuked the lower court’s choice to scrutinize whether those tribunals’ decisions were compatible with the church’s governing documents, which “were not so express” that they could be analyzed without an “impermissible inquiry into church polity.” *Id.* at 708, 723.

B. Factual Background.

1. In 1954, Rev. Moon founded a religious movement that became known as the Unification Church, although there is “no legal entity” so named. Pet.App.184a. Its adherents “regard Rev. Moon as a non-divine ‘messianic’ figure”—“the ‘third Adam,’ following the Biblical Adam and Jesus Christ.” *Id.*

Rev. Moon inspired “a global movement” comprising a wide variety of “religious, cultural, educational,

media, and commercial enterprises.” Pet.App.184a-85a. This broad-based coalition included churches, *e.g.*, Petitioner HSA-Japan; nonprofits, *e.g.*, Petitioner Universal Peace Federation (UPF) and Respondent UCI; and numerous for-profit corporations, *e.g.*, *The Washington Times*. Pet.App.185a.

Rev. Moon had no “legal authority” over those organizations, notwithstanding his Adamic, “spiritual and charismatic authority” within the religion. *Id.* Indeed, many movement organizations—including UCI, UPF, HSA-Japan, and its American sister church (HSA-USA)—have long paper trails attesting to their independence from Rev. Moon under penalties of perjury. MoonIV.JA.1039-58.

2. In the 1970s, one of Rev. Moon’s followers incorporated UCI (then Unification Church International) in D.C. Pet.App.185a. UCI’s corporate articles recognized Rev. Moon’s “inspiration and spiritual leadership” of “the international Unification Church movement,” while vesting a self-perpetuating Board of Directors with exclusive authority to govern the corporation. Pet.App.184a-85a, 214a-15a. The articles also set forth broad “organizational and operational purposes,” which committed UCI to supporting the theology and values of the Unification Church. Pet.App.186a-187a.

Since its founding, UCI advanced these purposes by (*inter alia*) making charitable donations “to a sweeping array of recipients.” Pet.App.187a. Very little of that support went to brick-and-mortar churches; much more went to “unaffiliated” or “nonsectarian entities,” including a ballet group, a firearms manufacturer, anti-communist organizations, and the Rev. Jerry Falwell’s ministry.

Pet.App.219a-22a. It is undisputed that these donations (and more) were consistent with UCI's broad purposes. Pet.App.222a.

3. From the beginning, Rev. Moon condemned “denominationalism” and aspired to build a “supra-religious, super-national realm” of “ecumenical and interdenominational” unity. MoonIII.JA.3767. In the mid-1990s, he took an important step toward this goal by announcing the “end of the church era.” Pet.App.188a-89a. Burying a Unification Church flag to make his point, he inaugurated a “providential age in which families may receive salvation that transcends the boundaries of religion, nationality and race.” Pet.App.188a-89a.

Rev. Moon called this decentralized, family-focused construct “Family Federation for World Peace and Unification,” leading to the creation of Petitioner FFWPUI and similarly-named national entities worldwide. MoonIII.JA.546, 3757; Pet.App.188a. These Family Federations, like other movement organizations, were legally independent but united by Rev. Moon’s “moral authority.” MoonIII.JA.548. While FFWPUI now purports to lead the movement, it is an unincorporated association with no legal existence, written bylaws, or legal authority over any other entity. Pet.App.215a n.23, 371a-372a.

4. In 1998, Rev. Moon marked a watershed moment for the movement, recognizing his son, Dr. Moon, as the “fourth Adam,” Pet.App.189a, in a ceremony he called “miraculous” and the most “precious” of his life, MoonIV.JA.1746, 1749. Directly comparing the event to the start of Jesus’s public ministry, Rev. Moon explained that, with this “inauguration,” “the era of the fourth Adam c[ould] begin.” MoonIV.JA.1749. Dr.

Moon, like many within the movement, “understood” this passing of the mantle to mean Rev. Moon was recognizing him as a “messianic figure” and “spiritual heir.” Pet.App.189a. Indeed, to transition to this new “era,” Rev. Moon gave Dr. Moon—the only other living Adamic figure Rev. Moon *ever* recognized—authority over movement leaders and members equivalent to that of Rev. Moon himself. MoonIII.JA.3752.¹

For the next decade, Dr. Moon led the movement alongside his father, championing Rev. Moon’s vision of uniting all peoples and faiths as “One Family Under God.” Pet.App.189a-90a. Among other initiatives, Dr. Moon built up FFWPUI and UPF, leading the latter to organize a series of nonsectarian “global peace festivals” promoting world peace and interfaith understanding. Pet.App.189-90a. Rev. Moon supported these endeavors, praising Dr. Moon for leading the movement into “a new stage where huge leaps and bounds can be accomplished.” MoonIII.JA.3778. And in 2006, Dr. Moon was elected the president and chair of UCI, which he restored to financial stability. MoonIV.JA.1861-67.

5. In 2008, with Rev. Moon nearing 90, Dr. Moon sensed that the movement was “at a crossroads,” as he explained in a 25-page letter to his parents (captioned “Report to Parents”). Pet.App.190a. Echoing Rev. Moon’s longstanding end-of-church-era teachings, Dr. Moon emphasized that the religion should further “com[e] out of its ‘church’ skin” to build

¹ While Petitioners suggest the Fourth Adam (unlike the first three) is not “a person,” Pet.16, it is undisputed Respondents sincerely believe Dr. Moon is the Fourth Adam and “as of 1998,” “was leading the Unification Church movement” with his father. Pet.App.47a; MoonIV.JA.533 (same).

“a true inter-faith movement” that would “realize the dream of [One Family Under God].” MoonIV.JA.852. While the report and its nondenominational message were warmly received by Rev. Moon, MoonIV.JA.1857, Dr. Moon was well aware that a Korea-based clerical faction “cl[u]ng” to the notion of the Unification Church as an “institution” because of the power and prestige it supplied, MoonIV.JA.852, 855.² This “clinging” was the root of the schism.

a. One month later, FFWPUI declared that Sean Moon—Dr. Moon’s younger brother—was its new president. Pet.App.190a.

When Petitioners brought this case in 2011, they alleged that this meant Rev. Moon had “appoint[ed]” Sean “leader of the Unification Church.” MoonIV.JA.199. But they no longer so maintain, having cut ties with Sean soon after Rev. Moon’s 2012 death. Pet.App.202a. As events proved, the clerics used Sean to seize control of Rev. Moon’s movement and warp it to their “denominational” vision. Sean was necessary while Rev. Moon lived, because it was understood that, for theological reasons, only a son could be his successor. Pet.App.235a & n.5. After Rev. Moon died, Sean was unceremoniously deposed. Pet.App.202a.

² Petitioners’ description of the report bears little resemblance to reality. Far from “charg[ing]” Rev. Moon with anything, Pet.9, Dr. Moon expressed that *others* had deviated “from Father’s original expectation.” MoonIV.JA.848. And while he proposed rearranging some *organizations*, MoonIV.JA.852-54, he never “petitioned” to become “the head of the Church,” Pet.10. Rather, the letter confirms Dr. Moon believed he was already “leading the Unification Movement.” MoonIV.JA.847.

During his brief ascendancy, Sean renounced Rev. Moon's "ecumenical and interdenominational" vision, instead portraying "Unificationism" as a sectarian religion with FFWPUI as its hierarchical embodiment. Pet.App.191a; MoonIV.JA.679, 1735. To that end, he purported to change the name "Family Federation" to "Unification Church." Pet.App.195a n.10, 213a n.21. And in early 2009, Sean issued a memo asserting unprecedented authority over all movement-related organizations. MoonIV.JA.880.

Soon after, Dr. Moon was summoned to Korea to listen to a "spirit message" purportedly sent—through a medium—by Rev. Moon's deceased eldest son. MoonIV.JA.1970-78. This supposed message from the beyond spelled out an organizational chart with Sean on top—and a decree that the Moon children could approach Rev. Moon only through their mother, Hak Ja Han. MoonIV.JA.1739-43.

Dr. Moon and many others viewed this "spirit message" as an obvious fraud, proof that the aging Rev. Moon was being manipulated by those around him, including his wife. MoonIV.JA.1978-79, 2075-76, 2829-30. During this visit, Rev. Moon asked Dr. Moon to step down from his positions and spend a year with him; Dr. Moon declined, knowing that doing so would let the clerics "hijack" the movement. Pet.App.193a.

FFWPUI later broadcast further evidence of this manipulation, releasing a video of Hak Ja Han and Sean cajoling a semi-conscious Rev. Moon into signing a document naming Sean "representative and heir" of the "command center of cosmic peace and unity." MoonIII.JA.1508. It took a dozen prompts for Rev. Moon to recognize and write *the date*; yet despite Hak

Ja Han's extensive coaching, he refused to add language disavowing Dr. Moon. *Id.*

b. After Rev. Moon passed away in 2012, Hak Ja Han ousted Sean and claimed spiritual headship for herself. Pet.App.202a. She and Petitioners then erased Sean from their narrative, mocking his theological prowess as "middle school" and insisting that he had never been Rev. Moon's successor. MoonIV.JA.1800-01, 1817. They further claimed that Sean had issued numerous fraudulent decrees, including the "Unification Church" name change, which they reversed. MoonIV.JA.1003, 1760-61, 1796.

The record shows that Rev. Moon recognized his betrayal. Months before his death, Rev. Moon publicly denounced Hak Ja Han's machinations and proclaimed the "position of his wife" vacant. MoonIII.JA.3812-13. Weeks before passing, he excoriated her for "le[aving him] and [their] children under the feet of the satanic world" and condemned FFWPUI's clerical leaders as "worse than Lucifer"—individuals "who brought ruin" by insisting "the church is not to be lost." MoonIVJA.3114-15.

c. Since Rev. Moon's death, Hak Ja Han has preached a revisionist dogma that makes her the "only begotten daughter of God" and "a deity" with "more authority" than Rev. Moon (who *never* claimed divinity). MoonIV.JA.1758-59, 1777, 1816. She has abandoned Rev. Moon's core principle of generational succession, empowering an unheard-of clerical "supreme council" to choose her successor. MoonIV.JA.1778-79. She has even introduced her *own* name change: "no longer the Unification Church or Family Federation," her followers (including

Petitioners) are now the “Heavenly Parent Church.” MoonIV.JA.2351-53.

Sean, meanwhile, still claims to be Rev. Moon’s successor and leads a sect called “Sanctuary Church” or “Rod of Iron Ministries.”³ He sued Hak Ja Han and FFWPUI challenging his ouster, but they successfully argued that the First Amendment “bar[s]” judicial “resolution” of “the rightful successor to Rev. Moon.” *Moon v. Moon*, 431 F. Supp. 3d 394, 410 (S.D.N.Y. 2019), *aff’d*, 833 F. App’x 876 (2d Cir. 2020), *cert. denied*, 141 S. Ct. 2757 (2021). A religious-trademark case by HSA-USA against Sanctuary Church was similarly dismissed, as it required deciding whether Sanctuary was a valid “branch” of the religion and whether Sean was Rev. Moon’s “heir.” *Holy Spirit Ass’n for the Unification of World Christianity v. World Peace & Unification Sanctuary*, 2022 WL 969057, at *9 (M.D. Pa. Mar. 30, 2022).

d. Petitioners’ narrative omits all of this. Glossing over Sean and their succession switcheroo, Petitioners avoid *even mentioning* Hak Ja Han. The reasons are not difficult to discern. For one, Petitioners’ current claim that Rev. Moon “alone” had “sole authority” over the movement, Pet.10, 30, fits awkwardly with their insistence below that he and his wife “co-led” the Church, Pet.App.232a; MoonIV.JA.2275; MoonIV.JA.1816 (Hak Ja Han testifying that Rev. Moon could not act “without [her] consent”). And a glance at the international headlines removes any

³ “Rod of Iron” refers to the AR-15 assault rifle, which figures prominently in Sean’s religion. T. Dickinson, *Inside the Bizarre and Dangerous ‘Rod of Iron’ Ministry*, Rolling Stone (Aug. 18, 2022), <https://perma.cc/H2M6-6RFA>.

doubt as to why any reference to Hak Ja Han was scrubbed from Petitioners' brief.

Simply put, under Hak Ja Han's leadership, Petitioners have fallen into unprecedented disgrace. HSA-Japan's predatory fundraising practices, notoriously linked to the assassination of former Prime Minister Shinzo Abe, have led a Japanese court to order its dismantling (a decision stayed pending appeal).⁴ Meanwhile, in South Korea, FFWPUI and UPF are embroiled in a massive, daily-expanding political-corruption scandal.⁵ Hak Ja Han is *currently on trial* for bribery, embezzlement and other charges⁶; FFWPUI's last head was convicted on related charges only days ago.⁷ UPF's former leader, too, has been indicted for illegal political donations.⁸ The scandal has rocked the South Korean government, implicating multiple politicians and leading one cabinet member to resign.⁹ Legal proceedings to dissolve Petitioners'

⁴ M. Yamaguchi, *Court in Japan orders the dissolution of the Unification Church*, Associated Press (Mar. 25, 2025), <https://perma.cc/Z8BN-W7EY>.

⁵ S. Ko, *Task force raids seven Unification Church locations over suspected illegal political donations*, Korea JoongAng Daily (Jan. 23, 2026), <https://perma.cc/MZF7-AGMS>.

⁶ J. Park, *At trial of South Korea's Unification Church head, prosecutors allege luxury bribes*, Reuters (Dec. 1, 2025), <https://perma.cc/R2UW-U2ND>.

⁷ N. Kim, *Former Unification Church Head Gets 1 Year, 2 Months for Bribery*, Chosun Daily (Jan. 28, 2026), <https://perma.cc/GL8Y-E6K8/>.

⁸ W. Kim, *Prosecutors indict Song Gwang-seok for splitting Unification Church donations*, ChosunBiz (Dec. 31, 2025), <https://perma.cc/P8XU-9RE4>.

⁹ H. Yoo, *Unification Church Raided Again Over Political Funds*, Chosun Daily (Jan. 20, 2026), <https://perma.cc/NB2A->

church in South Korea, following Japan’s example, are openly being considered.¹⁰

6. These events frame the precise subject-matter of this litigation: three corporate-governance decisions made by the individual Respondents (the “Directors”) in their capacities as UCI Board members during Sean’s brief FFWPUI presidency. Pet.App.190a-201a.

a. In November 2009, Sean appointed himself chairman of UPF, turning it into a vehicle for proselytizing “Unificationism.” MoonIV.JA.593, 1731-35. Sean attributed this decision to his parents, but contemporaneous emails show Rev. Moon disapproved—insisting that Dr. Moon, not Sean, should be “central” in UPF and “angrily scold[ing]” Hak Ja Han. MoonIV.JA.883. Rather than continuing to support UPF, UCI’s Directors created and funded a new entity, the Global Peace Foundation (GPF), to continue UPF’s prior ecumenical work. Pet.App.194a.

b. In 2010, the Directors amended UCI’s articles. Pet.App.195a. The amendments reaffirmed UCI’s purposes of promoting (*inter alia*) “unification of world Christianity and all other religions,” “the theology and principles of the Unification Movement,” “world peace,” and “interfaith understanding”; dropped one purpose to which UCI had “never devoted substantial resources”; and trimmed some dated or overly-specific religious references, Pet.App.196a-98a, 217a-19a. The

46M9; J. Kim, *South Korea minister resigns amid allegations of Unification Church payments*, Reuters (Dec. 11, 2025), <https://perma.cc/H6HU-ZD2T>.

¹⁰ M. Jung, *Storm brews over Unification Church allegations*, Korea Herald (Dec. 9, 2025), <https://perma.cc/E372-LZAW>.

corporation's name was also shortened to UCI, as it had long been known. Pet.App.214a n.22.

c. The last decision involves a longstanding, preschism project to develop a piece of land in Seoul, which movement members acquired in the 1970s. In 2006, Rev. Moon asked Dr. Moon to oversee efforts to develop the land into an office and retail complex ("Parc1"). MoonIV.JA.1352-54, 1922-25. At that time, the development rights were held by an individual movement member, who donated the interest to UCI for safekeeping. MoonIV.JA.1353, 1928-30. It was then consolidated with other Korean assets, and short-term financing for initial construction was secured. MoonIII.JA.1894, 2074-75, 3113-15, 3483.

Meanwhile, UCI worked with expert advisors to understand long-term ownership-structuring options. MoonIV.JA.895-96, 1359-64. By 2008, they determined that placing the assets in a separate Swiss foundation would be best for tax and financing reasons. MoonIV.JA.895-96, 1359-64.

In 2010, the Directors donated the assets to the Kingdom Investments Foundation (KIF), a Swiss entity formed for this purpose. Pet.App.200a. Although UCI would not control KIF, it would be run by well-known movement members, and the donation agreement required KIF to use the assets to advance UCI's purposes. Pet.App.199a-200a. The Directors believed this intra-movement transfer would achieve Rev. Moon's "lifelong dream" of developing the property while maximizing its value. Pet.App.46a, 201a. The Directors were right: KIF secured long-term financing, Parc1 is a success, and there is zero evidence that KIF has been misgoverned or misspent any proceeds. MoonIV.JA1309-10, 1316, 2642.

C. Procedural Background.

1. In 2011, Petitioners filed this suit, challenging (i) the Directors’ authority to act as UCI’s Board; (ii) the articles amendments; (iii) the donations to GPF (later construed to include KIF); and (iv) three unrelated commercial transactions. *Family Fed’n for World Peace & Unification Int’l v. Moon* (“*Moon I*”), 129 A.3d 234, 241-42 (D.C. 2015).

Originally, Petitioners’ central allegations were that Sean was Rev. Moon’s heir; that FFWPUI headed an institutional “Unification Church”; that UCI’s president was *ex officio* a “trustee” and “agent” for FFWPUI; and that Dr. Moon had breached his duties as such by refusing “direction” from Sean. *Id.* at 240-42. They also alleged that an “implied by-law” required Rev. Moon’s signoff for Board elections. *Id.* at 251. UCI’s corporate documents indisputably evinced none of this. *Id.* at 250-51.

Petitioners also purported to sue the Directors on UCI’s behalf, quasi-derivatively, for allegedly breaching their fiduciary duties to the corporation’s “original purposes.” *Id.* at 245. Additionally, HSA-Japan brought contract-based claims against UCI, predicated on the same “original purposes.” *Id.* at 246-47.

In 2013, the trial court held that the First Amendment required abstention on the pleadings, citing UCI’s “unmistakably religious” purposes and the movement’s ambiguous polity. MoonIV.JA.475-93. The Court of Appeals acknowledged this “understandable concern” but, reasoning that evidence *beyond* UCI’s articles might substantiate the trust, agency, and implied-bylaw allegations, deferred

decision on abstention until after discovery. 129 A.3d at 249, 251-53 & n.26.

2. After “extensive” discovery, Respondents sought summary judgment on all claims. Pet.App.183a. Lacking evidence supporting their trust, agency, and implied-bylaw theories, Petitioners abandoned them. Pet.App.353a-55a, 406a; MoonIV.JA.984-1009, 1039-57. Petitioners sought summary judgment only on their breach-of-fiduciary-duty claims against the Directors targeting the amended articles and donations to GPF and KIF.

These decisions significantly shifted the litigation’s focus. Petitioners no longer claimed the Directors were not UCI’s legitimate Board or that their authority over UCI was limited by any external constraint. Their case now squarely required interpreting the *correct religious meaning* of the broad corporate purposes in UCI’s pre-amendment articles to determine whether that meaning (i) was fundamentally changed by the amendments and (ii) forbade donations to GPF and KIF.

The trial court granted summary judgment for Petitioners, positing that the amendments fundamentally transformed UCI by allowing donations to entities “unaffiliated with the Unification Church,” Pet.App.394a—even though the original articles contained no such bar, Pet.App.224a. The court then held that the GPF and KIF donations contravened this atextual restriction because those organizations were not “affiliated” with FFWPUI. Pet.App.371a, 394a-95a.

After this liability ruling, another trial judge held a bench trial on remedies, where the Directors testified

that they are loyal to the Unification Church Rev. Moon founded, that Dr. Moon is its spiritual leader, and that Petitioners follow a new, heretical religion. Petitioners acknowledged these sincere convictions, insisting they were precisely why the Directors must be removed from UCI's Board. MoonIV.JA.2277, 2280, 2307-10, 2329. Bound by the summary-judgment order, the court largely copied Petitioners' proposed findings to justify removing the Directors, holding them *personally liable* to UCI for over \$500 million, and empowering Petitioners to participate in the nomination of new directors (effectively turning UCI over to a rival religious faction). Pet.App.228a-351a.

3. After staying those extraordinary remedies, the Court of Appeals in *Moon III* reversed the trial court for "repeatedly resolv[ing]" religious controversies. Pet.App.226a. Upon reviewing the now-voluminous record, Pet.App.184a-202a, it held that the claims on appeal "raised a host of" unresolvable religious issues, Pet.App.208a & n.17. Dissecting the trial court's rationales for impugning the amended articles, the court explained that each implicated core religious disputes. Pet.App.208a-20a. It then detailed the impossibility of neutrally determining whether supporting GPF and KIF violated or furthered UCI's "overtly religious" purposes. Pet.App.220a-25a.

4. As Petitioners initially recognized, MoonIV.JA.2522-23, this decision effectively meant the litigation was over. Nonetheless, after replacing their longtime counsel, Petitioners produced "a litany" of new arguments for keeping the case alive. Pet.App.12a. Among other things, Petitioners raised a new "fraud or collusion" argument, claiming for the first time that abstention should not apply because

Respondents' religious beliefs were pretextual. Pet.App.42a-49a.

The trial court rejected those arguments, stopping just short of embracing the "well taken" suggestion of sanctions. Pet.App.177a n.9. Affirming in *Moon IV*, the Court of Appeals recognized that Petitioners' newfound positions involved numerous "about-face[s]" and belated "chang[es]" to their "theory of the case," including their baseless new aspersions on Respondents' "undisputed" religious sincerity. Pet.App.18a n.6, 31a, 45a-47a.

REASONS FOR DENYING THE PETITION

I. THERE IS NO SPLIT.

Petitioners' principal submission is that the Court of Appeals' refusal to resolve the Unification Church schism in their favor deepened a state-court "split" on whether courts may "identify" church authorities in order to "defer" to them. Pet.19-26. No such divide exists.

1. Petitioners ask whether "the First Amendment prohibit[s] courts from examining church-related facts to determine who leads the church." Pet.i. This Court, however, has already provided the answer to that question: "It depends."

As Petitioners observe, a court cannot "defer to a church's authority" if it cannot "identify that authority." Pet.8. Therefore, for deference to play any role, the court must be able to identify that authority *without* "consideration of doctrinal matters," *Jones*, 443 U.S. at 602, or "impermissible inquir[ies] into church polity," *Milivojevich*, 426 U.S. at 723. After all,

those are “exactly” the inquiries “the First Amendment prohibits.” *Id.* at 713.

Petitioners appear to nonetheless insist that the *potential* for deference means courts *must* identify a body to which to defer. Pet.8, 28. But this Court has long rejected a “rule of compulsory deference” that would require courts “to examine the polity and administration of a church to determine which unit of government has ultimate control over church property.” *Jones*, 443 U.S. at 605. To be sure, “[i]n some cases, this task would not prove to be difficult.” *Id.* “But in others, the locus of control would be ambiguous, and a careful examination of the constitutions of the general and local church, as well as other relevant documents, would be necessary.” *Id.* “*In such cases, [a compulsory-deference] rule would appear to require a searching and therefore impermissible inquiry into church polity.*” *Id.* (emphasis added).

Justice Brennan’s *Sharpsburg* concurrence—a foundational text for both *Jones* and *Milivojevich*, *id.* at 602-03; 426 U.S. at 709, 712 n.6, 723—made the identical point: “[W]here the identity of the governing body or bodies that exercise general authority within a church is a matter of substantial controversy, civil courts are not to make the inquiry into religious law and usage that would be essential to the resolution of the controversy.” 396 U.S. at 369-70. Thus, “the use of the [deference] approach is consonant with the prohibitions of the First Amendment *only if the appropriate church governing body can be determined without the resolution of doctrinal questions and without extensive inquiry into religious polity.*” *Id.* (emphasis added).

Petitioners ignore *Sharpsburg* and acknowledge *Jones*' on-point reasoning only in passing. Pet.24. Why is obvious. Anything else would expose their "split" as hollow and their petition as requesting (at best) factbound error correction in applying a settled, context-sensitive rule: Courts may identify and defer to church authorities only when the "locus" of authority is undisputed or "[un]ambiguous." *Jones*, 443 U.S. at 605.¹¹

Indeed, it is hard to imagine how the rule could be otherwise. The point of deference is to respect religious associations' self-governance rights. *Milivojevich*, 426 U.S. at 721-22; *Watson*, 80 U.S. at 728-29. But when "the form of governance adopted" is the very subject of substantial religious controversy, *Jones*, 443 U.S. at 605, courts can no more identify "correct" ecclesiology than "correct" theology. Abstention "applies with equal force" to disputes over doctrine and disputes over "polity." *Milivojevich*, 426 U.S. at 710.

Petitioners, in fact, do not even *propose* a different rule. For all their talk of "deference" as the "default," *e.g.*, Pet.25, they *agree* that inquiries into religious "structure and leadership" must remain "neutral, "objective," "factual," "modest," and "limited," *e.g.*, Pet.2, 26, 36-37. These qualifiers concede meaningful constitutional constraints on judicial efforts to determine "allocation[s] of [religious] power." *Milivojevich*, 426 U.S. at 709.

¹¹ As *Jones* plainly contemplates, that is true even when it means a claim cannot be adjudicated because the rights asserted were not reduced to any "legally cognizable form." *Id.* at 606.

But Petitioners never say what should happen when “the locus of control” remains “ambiguous” even *after* considering neutral, objective facts. *Jones*, 443 U.S. at 605. Their entire petition talks around that question, because the answer is fatal to their position: Courts cannot identify or defer to church authorities if it requires “inquir[ies] that the First Amendment prohibits.” *Milivojevich*, 426 U.S. at 713.

2. Given the context-specific nature of this Court’s controlling rule, Petitioners unsurprisingly fail to substantiate any split. Far from applying different rules, their cases at most demonstrate the unremarkable proposition that different facts lead to different results: where the locus of control is unambiguous, courts may defer; where it is genuinely disputed, there is no sound path to deference.

Petitioners’ first “split” case acknowledges the fact-dependent nature of the inquiry: only in “some cases” are courts required to look to “ecclesiastical documents” to “determin[e] the nature of the church organization.” *Brauzauskas v. Fort Wayne-S. Bend Diocese, Inc.*, 796 N.E.2d 286, 292 (Ind. 2003) (quoting *Draskovich v. Pasalich*, 280 N.E.2d 69, 72 (Ind. Ct. App. 1972)). What is more, the case it quotes for this proposition hailed the *Sharpsburg* concurrence as “the best synthesis of [religious-abstention] principles” and acknowledged that civil courts should not inquire “into religious law and usage” to resolve “substantial controvers[ies]” about a church’s “general authority.” *Draskovich*, 280 N.E.2d at 77.

Petitioners next invoke two pre-*Jones* cases finding that “purely factual matters” proved local churches’ hierarchical associations. *State ex rel. Morrow v. Hill*, 364 N.E.2d 1156, 1159-60 (Ohio 1977); *St. John*

Chrysostom Greek Catholic Church v. Elko, 259 A.2d 419, 422-25 (Pa. 1969). The *Morrow* court understood that it could not resolve “disputes over church polity and church administration” any more than “controversies over religious doctrines.” 364 N.E.2d at 1160. *Elko* (pre-*Milivojevich*) was less explicit, but there was no meaningful ambiguity on the question resolved. 259 A.2d 423-24.

Petitioners’ remaining state-high-court cases recognized that the Episcopal Church in the United States is “hierarchical.” *Protestant Episcopal Church in S.C. v. Episcopal Church*, 806 S.E.2d 82, 85-86 (S.C. 2017) (lead opinion); *Falls Church v. Protestant Episcopal Church in U.S.*, 740 S.E.2d 530, 534 (Va. 2013); *Parish of the Advent*, 688 N.E.2d at 931. Of course, there is no ambiguity about that, *see Episcopal Church in S.C.*, 806 S.E.2d at 93 (Hearn, J., concurring) (noting “overwhelming consensus”), partly because local parish constitutions expressly acknowledge their subordination to the national Church, *see id.* at 85-86 (lead opinion).

On the other side of the “split,” *Samuel v. Lakew*, 116 A.3d 1252 (D.C. 2015), followed *Jones* and declined deference because the “locus of control” was “ambiguous.” *Id.* at 1258 (quoting *Jones*, 443 U.S. at 605). That was so “not just” because the parties “disputed” the general church’s authority, but because they agreed the issue turned on the interpretation of a particular “bylaw,” which delineated that authority only in ambiguous religious terms. *Id.* at 1258-59 & n.8.

As for *Congregation Yetev Lev D’Satmar v. Kahana*, 879 N.E.2d 1282 (N.Y. 2007), that dispute involved separately-elected boards within an Orthodox Jewish

congregation. *Id.* at 1283-84. To the majority, the case was nonjusticiable because the “essential” issue was one board’s leader’s “religious standing” after allegedly being “denounced” by the congregation’s “spiritual authority,” the Grand Rabbi. *Id.* at 1285-86. The dissent parsed the issues differently, but it *agreed* that the case could not be resolved by the Grand Rabbi’s “ambiguous” “spiritual” authority, which implicated the “nonjusticiable” “religious question” of “the scope of a religious leader’s authority over his followers.” *Id.* at 1289 (Smith, J., dissenting).

Overall, this handful of cases does not remotely show “massive inconsistency.” Pet.8 (quoting *Church of God in Christ, Inc. v. L.M. Haley Ministries, Inc.*, 531 S.W.3d 146, 168 (Tenn. 2017)).¹² *Jones*, after all, *expected* different facts to produce different outcomes. See 443 U.S. at 605. An actual split would require one side willing to undertake “inquir[ies] that the First Amendment prohibits,” *Milivojevich*, 426 U.S. at 713, to resolve an “ambiguous” “locus of control,” *Jones*, 443 U.S. at 605. Petitioners (understandably) do not identify a single court willing to do that.

II. THE DECISION BELOW CORRECTLY APPLIED SETTLED LAW TO UNIQUE FACTS AND CLAIMS.

After concluding that “any path of decisionmaking analysis would require deciding actual, disputed questions of religious doctrine or leadership,” the D.C. Court of Appeals deemed this case nonjusticiable. Pet.App.42a. That decision—dictated by an extensive

¹² Petitioners pluck this characterization from an inapposite context. *Church of God in Christ*, 531 S.W.3d at 168 (discussing situations where “hierarchical” church’s “governing documents” include trust provisions but “local church” charters do not).

factual record—was in full accord with this Court’s precedent and the cases above. Indeed, if *ever* a church dispute involved an “ambiguous” “locus of control,” this is it. *Jones*, 443 U.S. at 605.

1. At the outset, it is helpful to remember the actual claims at issue. This case is a “church-property dispute” only in a loose sense, especially since Petitioners abandoned their trust, agency, and implied-bylaw claims. Pet.App.353a-55a, 406a. Despite Petitioners’ attempts to reinject those abandoned issues, *e.g.*, Pet.i, 1, 11-13, none of the surviving claims (i) asserted any property right in UCI’s assets or (ii) challenged the Directors’ authority to act as UCI’s Board.

That leaves only a corporate- and contract-law case against a *legally independent* corporation and its Directors, challenging their corporate governance as inconsistent with the corporation’s purposes. And those purposes—in any iteration—are “extraordinarily broad” and “overtly religious.” Pet.App.42a, 224a; Pet.App.196a-98a (setting out 1980 and 2010 articles in full). The case thus boils down to Petitioners claiming that they are right (and Respondents wrong) about the meaning of that broad religious language.

The constitutional concerns with that claim were obvious all along; even *Moon I* appreciated that Petitioners’ claims likely could not be resolved based on the articles’ language *alone*. 129 A.3d at 251-52. Nonetheless, the court below deliberately eschewed “prematurely resolv[ing] the constitutional issue” without the benefit of a “robust record.” *Id.* at 239, 251.

2. The Court of Appeals embraced religious abstention only after all the evidence was in. *E.g.*, Pet.App.3a-7a & n.1, 184a-202a, 206a n.16, 208a n.17. And that evidence revealed “an undisputed religious schism” within “the Unification Church,” rooted in sincere, “longstanding debates” between the religion’s “interfaith” and “denominational factions.” Pet.45a, 57a, 224a. Accordingly, the court could not resolve this dispute without “pass[ing] judgment on whose vision of the Unification Church … is more faithful to the purposes UCI was established to advance”—and it could not do that “without answering core questions about religious doctrine,” which the First Amendment “preclude[s].” Pet.183a; *supra* 4-5.

a. Take Petitioners’ claim that the 2010 articles amendment “substantially alter[ed]” UCI’s corporate purposes, chiefly through a terminological change from “Unification Church” to “Unification Movement.” Pet.App.209a-20a. As the court below explained, this grievance runs headfirst into disputed religious questions.

To start, there is “no dispute” that the phrase “Unification Church” is *linguistically* ambiguous—sometimes it means “a set of theological beliefs,” sometimes it describes a “broader religious movement,” and sometimes it “colloquially referred to a variety of institutional actors.” Pet.App.212a-13a.¹³ Nor could a court decide which meaning controlled without resolving, “not only the meaning of religious

¹³ It was also undisputed that all sides used “Unification Church,” “Unification Church movement,” and “Unification movement” interchangeably, both before *and after* the schism. MoonIV.JA.973-74.

terms, but a longstanding debate over the very future of the religion,” that pitted “Rev. Moon’s ‘end of the church era’ pronouncement” against Petitioners’ “institutional conception of the ‘Unification Church.’” Pet.App.213a-15a. That would be like deciding, after the Great Schism, that “the Christian church” necessarily meant the Eastern Orthodox Church versus the Roman Catholic Church (or vice versa). Pet.App.214a. As for FFWPUI—which did not even exist when the pre-amendment articles were drafted in 1980—“nothing in the record” “suggest[ed]” that it “ever exercised legal authority over UCI or the other organs of the religion,” and blindly crediting its self-asserted “spiritual authority” would be “far from religiously neutral.” Pet.App.215a n.23. In short, this was precisely the sort of case where the court could not resolve “ecclesiastical controversies” to ascertain a religion’s ambiguous “form of governance,” “let alone” leadership. Pet.App.215a-16a n.23.

Petitioners’ other gripes with the new articles fared no better. One amounted to deeming it “heresy” not to reference a specific theological text by name (though it was concededly “only one of Rev. Moon’s” canonical works); another critiqued the removal of a paragraph about supporting “brick-and-mortar” churches (though UCI, “undisputed[ly],” “never devoted substantial resources” to that end). Pet.App.216a-19a. Accepting Petitioners’ invitation to read a “fundamental shift” into these modifications would require weighing “the relative significance” of particular aspects of UCI’s religious mandate, Pet.App.218a-19a—another foray forbidden by the First Amendment, *Hull Memorial*, 393 U.S. at 449.

b. After nitpicking the articles for their amendment claim, Petitioners ignored their text altogether when challenging the GPF and KIF donations. Nonetheless, those claims likewise led deep into “theological thicket[s].” Pet.App.39a.

Petitioners’ primary theory was that GPF and KIF were not “affiliated with the Unification Church,” as the original articles supposedly required. Pet.App.220a. Even apart from begging the question of what the “Unification Church” is, this theory’s major premise was demonstrably false: UCI’s articles “plainly” never limited donations to “affiliated” entities, Pet.App.224a, and UCI’s long record of supporting “unaffiliated” entities debunked any unwritten “affiliation” requirement, Pet.App.221a; *supra* 7-8.

In response, Petitioners introduced *another* atextual condition: Donations “approved by Rev. Moon” (the Third Adam) *necessarily* “comport[ed] with UCI’s mission,” while donations approved by Dr. Moon (the Fourth Adam) did not. Pet.App.222a-23a. Importantly, it was “not disputed” that Rev. Moon had no “*legal* authority” over UCI; thus, the only basis for this test was Rev. Moon’s “spiritual and charismatic authority.” Pet.App.184a-85a.

The court below concluded this gerrymandered theory implicated at least two religious disputes: (1) whether the Unification Church was “hierarchical” in that “a single individual” “dispositive[ly]” declares what furthers UCI’s purposes; and (2) if so, “the identity of that leader,” or (put differently) who held “spiritual and charismatic authority.” Pet.App.232a-33a; Pet.App.35a-42a. Both are genuinely disputed: (1) the Directors (unlike Sean and Hak Ja Han) do not

understand “Unification polity” as “hierarchical” in that dictatorial sense, Pet.App.215a n.23; and (2) they believe that Dr. Moon (as the Fourth Adam) has “spiritual and charismatic authority” within the religion, Pet.App.223a.

That was the context of the “refus[al] to decide who led the Church” Petitioners push to the forefront of their petition. Pet.i. Like the rest of the reasoning below, it was based on an extensive factual record, which showed not only that the “church polity” is genuinely “contested,” Pet.App.223a, but also that Dr. Moon has “a plausible claim to being Rev. Moon’s rightful successor” under “any view of the evidence,” Pet.App.45a. Insofar as it mattered, the court thus correctly declined to resolve the ambiguous locus of “spiritual and charismatic authority” within the Unification religion. *See Jones*, 443 U.S. at 605.

3. Petitioners virtually ignore the Court of Appeals’ careful analysis, the factual record it rested on, and even the nature of their own claims. Indeed, they go as far as to accuse the court below (at 34) of “fail[ing] to engage with the objective factual record,” insinuating (at 37) that it retreated at the mere “assertion[]” of notional “disputes.” In reality, Petitioners simply do not like the court’s factual conclusions. That is why they omit so many facts analyzed by the court below, particularly those informing its recognition of the “undisputed religious schism” at the heart of this case, Pet.App.45a; *e.g.*, Pet.App.88a-193a, 201a-02a, and the inconvenient reality of UCI’s legal independence, *compare* Pet.App.184a-85a, *with* Pet.30. And it is why much of their petition amounts to barely-concealed relitigation

of the so-called “objective facts.” *E.g.*, Pet.9-11, 16-17, Pet.30-32.

What Petitioners self-servingly call the “objective facts,” moreover, are primarily citations to the reversed summary-judgment and remedies orders. As *Moon III* explained, however, the first was oblivious to the religious (and factual) disputes permeating this case, even as it “repeatedly resolved” them in Petitioners’ favor. Pet.App.208a-26a. And that unconstitutional holding tainted substantially all of the remedial order’s subsequent “findings,” including the “credibility” and “good faith” determinations Petitioners trumpet. Pet.11, 15. The court below explained that too: Take away Petitioners’ deeply contested claim that their faction is the “sole and true” “Unification Church,” and they “simply have no meaningful evidence” that anything Respondents did was “motivated by” anything other than their sincere, religious belief that “the Unification Church [i]s a decentralized and interfaith movement” led by Dr. Moon. Pet.App.37a, 45a-47a.

* * *

At bottom, the petition reduces to a simple request for factbound error correction. That is no basis for this Court’s review, particularly given the absence of any error below.

III. THIS CASE IS A POOR VEHICLE FOR REVIEW.

Although Petitioners still maintain neutral principles could resolve their claims, Pet.36-37, that is not the question they submit for review. Instead, they ostensibly argue that, even after recognizing the polity-and-leadership disputes saturating this case, the court below had to resolve those *religious*

questions, then defer to Petitioners “on any” remaining “doctrinal issues.” Pet.37. As discussed, *Jones* forecloses a deference-based approach where the “locus of [religious] control” is “ambiguous.” 443 U.S. at 605. That leaves only the factbound issue of whether such ambiguity exists here, which it obviously does. *Supra* 25-31. But even putting that aside, this case would still be a poor vehicle—for many reasons.

1. Petitioners’ basic argument is that the Free Exercise Clause entitles them to win via “deference” if “neutral principles” cannot do the job. But they make no effort to satisfy this Court’s Rule 14.1(g)(1) by “specif[ying]” “when” they “raised” this “question[],” how they raised it, and how it was “passed on” below. That alone is sufficient grounds to deny review. S. Shapiro et al., Supreme Court Practice § 6.29 (11th ed. 2019).

In fact, this theory was not properly “raised” or “passed on” below. In *Moon III*, the *first sentence* of Petitioners’ argument stated: “There is *no dispute* that the First Amendment … *prohibits courts from deciding church leadership disputes.*” Appellees’ Br. at 33, *Moon III*, 281 A.3d 46 (D.C. 2022) (Nos. 20-cv-714, -715) (emphasis added). Petitioners’ only argument was that they prevailed under “neutral principles,” “exclusively,” without “any determinations about who leads the Unification Church.” *Id.* at 30.

Even after *Moon III* sent them scrambling for a new theory, Petitioners pivoted to “fraud or collusion,” not “deference”—a concept not even mentioned in post-*Moon III* trial-court filings. The notion that Petitioners were entitled to prevail via deference emerged only on appeal—and even then, only barely.

Plaintiffs-Appellants' Br. at 38-40, *Moon IV*, 338 A.3d 10 (D.C. 2025) (Nos. 23-cv-836, -837, -838).

In short, Petitioners waived this latest theory several times over. *G.W. v. United States*, 323 A.3d 425, 433 (D.C. 2024). That is why the 409-page appendix contains not one line analyzing it.¹⁴ This waiver is likely jurisdictional under 28 U.S.C. § 1257(a): Petitioners' purported "right" to deference (if neutral principles failed) was not "specially set up or claimed" below. *Id.*; *Howell v. Mississippi*, 543 U.S. 440, 443 (2005). But at minimum, it makes this case a poor vehicle.

2. Petitioners' theory also contradicts FFWPUI's successful arguments in other litigation. Tellingly, their case for a "split" ignores that every court that has considered *this* schism has held that courts cannot identify Rev. Moon's successor or what faction embodies the pre-schism "Unification Church." *Moon*, 431 F. Supp. 3d 394, *aff'd*, 833 F. App'x 876; *Holy Spirit Ass'n*, 2022 WL 969057. Petitioners' contrary arguments would in fact create a split, including with their side's own victory vis-à-vis Sean.

There, FFWPUI argued that the First Amendment prohibits courts from resolving the Unification "church leadership dispute" and that "[c]ourts may decide" church-property disputes "only if [they] can be resolved using neutral principles." Appellees' Br. at 19, *Moon v. Moon*, 833 F. App'x 876 (2d Cir. 2020) (No. 20-

¹⁴ Petitioners briefly raised a similar, in-the-alternative theory in *Moon I*. Opening Br. for Appellants/Cross-Appellees at 42-45, *Moon I*, 129 A.3d 234 (Nos. 14-cv-94, -280, -281). But *Moon I* did not pass on it, *see* 129 A.3d 234, and its invocation then did not preserve it for *Moon III* and *IV*, *see Dupree v. Younger*, 598 U.S. 729, 734-38 (2023).

168). FFWPUI also argued that courts “cannot,” “consistent with the First Amendment,” “interpret and enforce” alleged unwritten “hierarchical practices, procedures, policies, and customs that gave all governing authority to Rev. Moon.” *Id.* at 30-31. The Second Circuit accepted those arguments on all fronts. 833 F. App’x at 878-79.

Petitioners now argue the opposite: “if neutral principles failed” to resolve this dispute, the court was “required” to “decide,” by interpreting and enforcing the *same* unwritten “custom[s] and tradition[s],” that “Reverend Moon *alone* had authority to govern the Church” *and* separate entities “like UCI.” Pet.30-31. It is hard to imagine a clearer case of “deliberately changing positions according to the exigencies of the moment,” and judicial estoppel should bar it. *New Hampshire v. Maine*, 532 U.S. 742, 750 (2001).¹⁵

3. Even on its own terms, Petitioners’ deference theory is too slipshod for review. Its cobbled-together elements do not cohere logically, legally, or factually.

Notably, Petitioners waffle on “who or what” was owed deference. Pet.37. Before Rev. Moon’s death, they depict him as an absolute monarch over the entire movement. Pet.8-10, 30-31. After his death, they claim deference for “the Church”—apparently meaning FFWPUI’s litigating positions—without explaining “who leads the[ir] church” now (Hak Ja Han) or what makes it continuous with the prior “polity” (nothing). Pet.16-17, 23-24, 28-31.

¹⁵ UPF and HSA-Japan were not parties to *Moon v. Moon*, but FFWPUI was, and Petitioners believe “the Church” equals FFWPUI. Pet.ii.

Nor do Petitioners draw any consistent line between the issues the court was ostensibly supposed to resolve (via “objective facts”) and those on which it was supposed to “defer.” Sometimes they suggest the Church’s assertedly hierarchical polity (and Rev. Moon’s assertedly monarchical status) go in bucket one. Pet.23-24, 30-31. But then they turn around and demand deference for “the Church’s [read: FFWPUI’s] authoritative explanation of its polity and Reverend Moon’s leadership”—creating an obvious chicken-and-egg problem. Pet.31; *accord* Pet.29-30 (invoking “the *Church’s* authority to decide matters of polity and governance”); *but see* Pet.17 (alternatively, and confusingly, suggesting “defer[ence] to the Church’s [unnamed] leader”).

Petitioners need these equivocations because this dispute does not fit the “deference” model. Rev. Moon’s movement never resembled (for instance) *Milivojevich*’s Serbian Orthodox Church, with its “constitutions,” “canon law,” and “tribunals for adjudicating disputes.” *See* 426 U.S. at 698-724. The purported church “judgments” here would be some conversations between Rev. Moon and Dr. Moon, some memos Sean issued during his tenure at FFWPUI, and FFWPUI’s present litigating positions. Pet.10, 16-17; Pet.App.190a-94a.

These events are far from “determinations of” “established” “judicatory bodies.” *Gonzalez*, 280 U.S. at 16-17. There is no neutral room here to conclude that the Directors of UCI—a legally independent nonprofit with religious purposes—were somehow bound by “implied consent” to play along while actors they believed were corrupt heretics hijacked Rev.

Moon's movement. *Watson*, 80 U.S. at 729. That leaves no basis for deference.

4. Finally, Petitioners' present situation counsels against review. As discussed above (at 14-15), Petitioners are currently under existential legal threats abroad: key leaders within their church are facing substantial prison sentences, and HSA-Japan has *already* been handed a dissolution order subject only to appellate review. If this Court granted review, there is no guarantee that Petitioners would still exist when it rendered a decision, much less on remand—or, if they did, who would be running them.

These concerns apply particularly to FFWPUI—a foreign unincorporated association that purports to be synonymous with “the Unification Church” yet lacks any formal existence. Pet.App.371a-72a. To the extent something called “FFWPUI” persists while its leaders face trial and imprisonment, it is unclear that the “FFWPUI” that exists now, and the “FFWPUI” that might benefit from a favorable decision, would be meaningfully the same.

IV. THE DECISION BELOW HAS NO SIGNIFICANCE FOR OTHER RELIGIONS.

This case is highly important to Respondents and the survival of Rev. Moon's providential vision as they understand it. Its significance for other religions is negligible, and Petitioners' parade of horribles (at 32-36) is easily dismissed.

As discussed, the decision below followed from the unique history of a specific, informally structured religious movement—featuring an Adamic, “messianic” figure” who exerted “moral” but not “legal” authority over a diverse “umbrella” of “legally

independent” entities—that fractured amidst “longstanding debates over [its] direction” and leadership. Pet.App.184a-85a & n.2, 224a. It is inconceivable that similar facts would recur frequently or, indeed, ever.

There is, therefore, no reason to fear “myriad church-property disputes will go unresolved” under the decision below. Pet.33. *Jones* tells hierarchical churches how to “ensure, if they so desire, that the faction loyal to the hierarchical church will retain ... church property” in a dispute. 443 U.S. at 606. As Petitioners’ cases show, the Episcopal Church did so with the “Dennis Canon,” an express trust provision inspired by *Jones* that largely achieved its intended effects. E.g., *Episcopal Church in S.C.*, 806 S.E.2d at 86-88; *Falls Church*, 740 S.E.2d at 540-41. Other hierarchical religions can adopt similar measures, if they have not already.

Petitioners’ comparison to the Catholic Charities Bureau from last Term proves the point. Pet.34. That entity is organized so that the bishop is its president *ex officio*, and all other members “serve at his pleasure.” *Catholic Charities Bureau, Inc. v. Wis. Labor & Indus. Rev. Comm’n*, 605 U.S. 238, 265-66 (2025) (Thomas, J., concurring). Accordingly, it is unclear how “a usurper” could “wrest[] control.” Pet.34. Were there competing episcopal pretenders, the Catholic Church’s unambiguous hierarchy would resolve that dispute. But that is not how UCI, or Rev. Moon’s movement, was organized. Respondents believe that was intentional, but Petitioners (and other churches) are free to create such structures for their hierarchical church going forward.

What Petitioners may not do is conscript the courts to declare their opponents apostates by retroactively resolving “ambiguous” church-polity disputes in their favor. *Jones*, 443 U.S. at 605. Far from “phantom” First Amendment violations, Pet.35, that result would simultaneously “establish[]” Petitioners’ Heavenly Parent Church as Rev. Moon’s true religious legacy, *Hull Memorial*, 393 U.S. at 448, and violate “neutrality” by penalizing Respondents’ free exercise of *their* interpretation of Rev. Moon’s teachings, *Catholic Charities*, 605 U.S. at 254.

The only phantom here is Petitioners’ specter of “closed courthouse[s]” “only to religious bodies.” Pet.33. That talking point has been doubly debunked: “the religious abstention doctrine applies” to “religious *questions*” “regardless of who the parties are,” Pet.App.50a, and “[n]othing could be further from the truth” than the notion that courts staying within neutral principles “somehow frustrate[s] ... free-exercise rights,” *Jones*, 443 U.S. at 606.

CONCLUSION

This Court should deny the petition.

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