

**JUDICIAL COUNCIL
OF THE UNITED METHODIST CHURCH
APRIL 2017 DOCKET
No. 0417-01**

IN RE: Petition for Declaratory Decision from the South Central Jurisdictional Conference concerning the application, meaning, and effect of ¶¶ 304.3, 310.2d, 341.6, 2702.1a), b), and d) of *The Book of Discipline 2012* in regard to the nomination, election, consecration, and/or assignment as bishop of a person who claims to be a “self-avowed practicing homosexual” or is a spouse in a same-sex marriage or civil union.

**OPENING BRIEF OF
THE WESTERN JURISDICTION COLLEGE OF BISHOPS

ORAL ARGUMENT REQUESTED**

On behalf of the Western Jurisdiction College of Bishops
Brief submitted by:
Richard A. Marsh, Chancellor, Rocky Mountain Conference
Llewelyn G. Pritchard, Chancellor, Pacific-Northwest Conference
Date: February 13, 2017

I.

RECOMMENDED ACTION BY JUDICIAL COUNCIL

The Judicial Council does not have jurisdiction to consider this Petition under ¶ 2610.2f of the *Book of Discipline 2012* (“*2012 Discipline*”). If the Council assumes jurisdiction, the Petition must nonetheless be denied. Initially, all of the questions are moot and hypothetical, and therefore improper. Further, none of the paragraphs cited in the Docket entry above, whether taken alone or in combination, speak to or otherwise bar a clergyperson from entering into a same-sex civil marriage. To the extent, if at all, that such a marriage raises disciplinary questions, those questions are unique to the clergyperson in question and cannot be decided on a petition for declaratory decision from a jurisdictional conference. There is a separate process for challenging the clergyperson’s eligibility for nomination, election, consecration and assignment

as a bishop of The United Methodist Church. The SCJ Petition improperly attempts to sidestep absolute guarantees of the clergy person's right to trial by committee and appeal.

II.

STATEMENT OF FACTS

On July 15, 2016, Rev. Dr. Karen Oliveto was elected bishop of The United Methodist Church at the Twentieth Session of the Western Jurisdictional Conference. (*See*, attached **Exhibit 1**: Daily Proceedings of 2016 WJ Conference, p. 36, hereinafter "Daily Proceedings".)

On the same day, by a vote of 109-84, the South Central Jurisdictional Conference passed its Petition For Declaratory Decision ("SCJ Petition"). (Note: The Petition as approved consisted of seven italicized paragraphs setting forth six questions. The Petition as approved did not contain the editorial paragraph following the italicized paragraphs. The docket posting dated July 21, 2016, on the letterhead of Bishop Cynthia Fierro Harvey is potentially misleading in this regard.)

At the time of her nomination, election, consecration and assignment as a bishop of The United Methodist Church, Bishop Oliveto was an ordained elder in full connection and good standing. She is in good standing today.¹ She was duly nominated as a candidate for bishop by her annual conference (Daily Proceedings, p. 23); duly elected as bishop elect on a unanimous ballot by delegates at the Western Jurisdictional Conference (Daily Proceedings, p. 36); duly consecrated as a bishop by the laying on of hands by the other bishops in attendance (*see*, attached **Exhibit 2**: Order of Consecration Service, pp. 5-7); and duly assigned as bishop to the Mountain Sky Area pursuant to recommendation of the Western Jurisdiction Committee on Episcopacy and approval by the delegates (Daily Proceedings, p. 40).

¹ Bishop Oliveto's background and history in ministry are summarized in her resume provided to the Western Jurisdiction delegates. *See*, attached **Exhibit 3**: Karen Oliveto Resume, excerpted from 2016 WJ Pre-Conference Handbook, pp. 153-155.

Bishop Oliveto has never openly acknowledged to a bishop, district superintendent, district committee of ordained ministry, Board of Ordained Ministry, or clergy session that she is a “practicing homosexual” as defined under the *2012 Discipline* and interpreted by the Judicial Council, nor does the SCJ Petition contain a record of any such acknowledgement.

III.

JURISDICTION²

The Judicial Council does not have jurisdiction to entertain the SCJ Petition because the subject matter of the Petition does not relate to or affect the South Central Jurisdiction or its work. ¶2610.2f of the *2012 Discipline* contains the jurisdictional grant for jurisdictional conference petitions, as follows:

“2. The following bodies in The United Methodist Church are hereby authorized to make such petitions to the Judicial Council for declaratory decisions . . . (f) any jurisdictional conference on matters relating to or affecting jurisdictions or jurisdictional conferences or the work therein.”

The Judicial Council has historically interpreted this jurisdictional grant to require that a request for declaratory decision “must have a direct and tangible effect on the work of the body submitting the petition in order for the Judicial Council to have jurisdiction.” JCD 452 (1979) (emphasis added):

“[T]he methods of election of the Jurisdictional Committees on Episcopacy . . . do not relate to work of the General Council of Ministries . . . Accordingly, the Judicial Council determines that it is without jurisdiction.”

In JCD 301 (1968) the Judicial Council declined jurisdiction on a petition for declaratory decision from a jurisdictional conference, stating:

“Since the work of the petitioning conference[] is unaffected in any direct or tangible manner by the action of the General Conference, we are without jurisdiction to entertain the petition[]”

² Unless otherwise noted, references are to the *Book of Discipline 2012*. “JCD” refers to a “Judicial Council Decision”. “JCMemo” refers to a “Judicial Council Memorandum”.

The Judicial Council has embodied this historic interpretation in its current *Rules of Practice and Procedure* concerning petitions for Declaratory Decisions:

“Such petitions must meet two conditions: (1) it must be a matter which affects the body filing the petition and (2) it must involve the constitutionality, meaning, application, or effect of the *Discipline* or some portion thereof, or some act of the General Conference.” (*Rules of Practice and Procedure of the Judicial Council*, revised 10/28/2016, Appendix B, pp.12-13, emphasis added.)

Here, the Western Jurisdiction’s nomination, election, consecration and assignment of Bishop Oliveto has no relationship to the work of the 2016 South Central Jurisdictional Conference. Nor does the approved language of the SCJ Petition make any attempt to show how the Western Jurisdiction’s action directly and tangibly affects the South Central Jurisdiction. The Judicial Council should decline jurisdiction of the SCJ Petition.

This position is further supported by Judicial Council rulings that decline jurisdiction on annual conference petitions for declaratory decision. The jurisdictional grant for annual conference petitions is substantially similar to the jurisdictional grant for jurisdictional conferences, and appears under ¶2610.2j, as follows:

“2. The following bodies in The United Methodist Church are hereby authorized to make such petitions to the Judicial Council for declaratory decisions . . . (j) any annual conference on matters relating to annual conferences or the work therein.”

The Judicial Council has historically limited its power of review of annual conference petitions in the same manner by requiring the same showing of direct and tangible effect on the work of the petitioning annual conference.

In JCMemo 1114 (2009), the petitioning annual conference made no showing on how General Conference action affected work of the annual conference. The Council denied jurisdiction, stating:

“[T]o have jurisdiction, the question submitted for declaratory decision must have a direct and substantial effect on the work of the body submitting the petition.”

In JCMemo 1160 (2010), the petitioning annual conference made no showing on how General Conference action affected work of the annual conference. Again, the Council denied jurisdiction, stating:

“Our longstanding jurisprudence has interpreted ¶2610 to mean that a request for a declaratory decision that comes from an annual conference must be germane to the regular business, consideration, or discussion of the annual conference and must have a direct and tangible effect on the work of the annual conference session.” (Emphasis added.) *Same*, in JCMemo 1157 (2010).

In JCD 255 (1968), the petitioning annual conference made no showing on how Board of Pensions action affected work of annual conference. The Council denied jurisdiction, stating:

“[the questions] are in no substantial sense matters related to the [petitioning] conference or the work therein.”

Finally and most recently, in JCD 1329 (2016), the Council compared a bishop’s question of law to a petition for declaratory decision from a jurisdictional or annual conference, stating that a petition for declaratory decision:

“is limited to situations where the act under scrutiny relates to or affects such Annual Conference or Jurisdiction or ‘the work therein’”, *citing* JCDs 301, 452 and JCMemo 1114 (emphasis added).

Again, there is no showing in the SCJ Petition that the questions raised “have a direct and tangible effect on the work of the [South Central Jurisdiction]”. It is not enough that delegates to the South Central Jurisdictional Conference approved the SCJ Petition, or that Bishop Harvey opined that the Petition will affect all jurisdictions and jurisdictional conferences. Instead, the subject matter of the Petition must relate to work in the South Central Jurisdiction, and the petitioner has the burden of showing this connection. Consistent with its longstanding jurisprudence, the Judicial Council should decline jurisdiction on the SCJ Petition and defer to General Conference action with the Way Forward Commission. *See*, JCD 1321 (May 2016),

(Separate Opinion by Ruben Reyes, encouraging Judicial Council to defer to Way Forward on human sexuality issues.)

IV.

ANALYSIS

OVERVIEW

The SCJ Petition contains six questions. Before addressing each question, this Brief discusses the moot and hypothetical nature of the questions and outlines established legal principles governing this matter.

A. ALL OF THE QUESTIONS IN THE SCJ PETITION ARE MOOT AND HYPOTHETICAL.

None of the questions in the SCJ Petition factually show that any candidate for nomination, election, consecration, and/or assignment as a bishop in the Western Jurisdiction claimed to be a “self-avowed practicing homosexual”, or that any such candidate was or is in a same-sex marriage. The questions ask the Judicial Council to assume facts for which no evidence in the record exists. The Judicial Council cannot assume these alleged facts. In JCD 1286 (2014), the Judicial Council refused to take notice of undemonstrated public reports about members of the Board of Ordained Ministry of the Eastern Pennsylvania Conference, finding the questions based on these alleged public reports to be moot and hypothetical, and therefore improper. The SCJ Petition asks this Council to do the same thing with respect to an undemonstrated public record of marriage and an undemonstrated claim of being a “self-avowed practicing homosexual”. For the same reasons set forth in JCD 1286, the questions in the SCJ Petition are improper.

Additionally, the questions in the SCJ Petition do not name the person who is allegedly a “self-avowed practicing homosexual”, or who is allegedly in a same-sex marriage. This omission

alone renders all of the questions moot and hypothetical, and therefore improper. In JCD 1330 (2016), the Judicial Council affirmed Bishop Middleton’s decision of law on Question #3 which asked whether unnamed candidates were in fact eligible for candidacy, commissioning, ordination or appointment. The defect in Question #3 was its failure to name any specific individual. As stated in Justice Reyes’ Concurring Opinion: “since the two alleged self-avowed practicing homosexuals are unnamed and there is a separate process for challenging or charging them individually, the bishop is correct in ruling that the matters are hypothetical and improper for a bishop’s decision.” (Emphasis added.) All of the questions in the SCJ Petition fail to name an individual. All of the questions are hypothetical and improper.

B. LEGAL PRINCIPLES GOVERNING THIS MATTER.

1. Bishops are elected from the elders.

Bishops are “elected from elders” in full connection and good standing. (§403.1) Elders in full connection and good standing are eligible for nomination (§405.1); election (§405.1); consecration (§405.2c); and, assignment (§406.1) as bishops of The United Methodist Church.

2. A clergy person with a same-sex orientation is eligible to serve as bishop.

Our polity recognizes that a person with a same-sex orientation is eligible for candidacy, ordination and appointment as clergy throughout our denomination.

In JCD 1027 (2005), the Judicial Council held:

“No provision of the *Discipline* bars a person with a same-sex orientation from the ordained ministry of The United Methodist Church.”

Similarly, in JCMemo 722 (1994), the Judicial Council affirmed that “the state of being a homosexual person” is not a bar to candidacy, ordination or appointment as clergy in The United Methodist Church. (Decided under §402.2 of 1992 *Discipline*.) (Emphasis added.)

By extension, a clergyperson with a same-sex orientation is eligible to serve as bishop of The United Methodist Church. No provision of the *2012 Discipline* bars a clergyperson with a same-sex orientation from nomination, election, consecration or assignment as a bishop.

3. The good standing of a clergyperson with a same-sex orientation cannot be changed without administrative or judicial action.

Under our polity, a clergyperson in good standing with a same-sex orientation is entitled to an appointment. *See*, ¶¶ 334.1, 337.1. By extension, a clergyperson in good standing with a same-sex orientation is eligible for nomination, election, consecration and assignment as a bishop and may duly serve as same unless the clergyperson's status changes.

Our polity guarantees that the good standing of a clergyperson, even a clergyperson with a same-sex orientation, cannot be changed or terminated without administrative or judicial action where all fair process rights have been afforded to the clergyperson. JCD 544 ((1984) (must go through complaint process before refusing to appoint); JCD 920 (2001) (clergyperson remains in good standing until action taken to affirmatively change such status); JCD 1074 (2007) (cannot terminate good standing without administrative or judicial action); JCD 1105 (2008) (same); and, most recently, JCD 1330 (2016) (“there is a separate process” for challenging or charging an alleged “self-avowed practicing homosexual”.)

Throughout any such administrative or judicial process, the clergyperson is entitled to a presumption of innocence. JCD 920 (2001), *as modified* by JCD 930 (2002) (“shall suspend” changed to “may suspend”). Suspension is not mandatory while the clergyperson is under review; instead, suspension is left to the discretion of those responsible for the clergyperson's supervision. *See*, ¶363.1d (for clergy under appointment), ¶413.3a (for bishops). *See also*, JCD 930 (2002) (suspension discretionary).

Most importantly, the clergyperson, even a clergyperson with a same-sex orientation, has the absolute right to trial by committee and appeal. Restrictive Rule ¶20. *See also*, JCD 351 (1972) (historic nature of the absolute right); and, JCD 1226 (2012) (absolute right “expressed and upheld repeatedly by the Judicial Council”).

A bishop who is duly nominated, elected, consecrated and assigned to an episcopal area is entitled to the same absolute right and presumption of innocence, even if the bishop has a same-sex orientation.

4. Legal effect of an allegation of same-sex marriage or covenanting.

Here, the SCJ Petition alleges that the unnamed bishop is in a same-sex marriage. Aside from its hypothetical nature, this allegation at most may subject the bishop’s ministerial office to supervisory review. In JCD 920 (2001), the clergyperson in question stated that she was “living in a partnered, covenanted homosexual relationship with another woman.” The Judicial Council held that this statement was a sufficient declaration to subject the person’s ministerial office to review. The review must occur through processes already provided by the *Discipline*.

The SCJ Petition is not the process for subjecting a clergyperson’s ministerial office to review. As discussed above, there is a separate, guaranteed and absolute process for such review, fully attended by all fair process rights and a presumption of innocence throughout. Bishop Oliveto’s ministerial credentials cannot be reviewed on a petition for declaratory decision from another jurisdictional conference. The Judicial Council cannot use the SCJ Petition to challenge the nomination, election, consecration or assignment of Bishop Oliveto. Were it to do so, the Judicial Council would be violating the absolute rights of a clergyperson in full connection and good standing and turning our polity on its head.

5. Marital status does not equate to physical sex.

The word, “practicing”, in the phrase, “self-avowed practicing homosexual”, means physical, genital sex. JCDs 920 (2001) and 980 (2003). The proscription is against past or present acts, not the “state of being a homosexual person.” JCD 722 (1994).

The marital status of a clergyperson does not presume the act of physical sex between the spouses. This is true regardless of the gender of the spouses. While our polity only affirms physical sex within the covenant of a monogamous, heterosexual marriage, *see*, ¶161F and JCD 1228 (2012); our polity is silent on whether the status of a same-sex marriage is allowed or prohibited between a clergyperson and another. Marriage is a covenant and a status, neither of which requires physical, genital sex to live in and realize.

C. QUESTIONS SET FORTH IN THE SCJ PETITION.

1. Question in First Paragraph of SCJ Petition.

“Is the nomination, election, consecration, and/or assignment as a bishop of The United Methodist Church of a person who claims to be a “self-avowed practicing homosexual” or is a spouse in a same-sex marriage lawful under The Book of Discipline of the United Methodist Church.”

This paragraph states two questions. Taken in order, the nomination, election, consecration and/or assignment as a bishop of a person who claims to be a “self-avowed practicing homosexual” is not per se unlawful under the *2012 Discipline*. This is for the reason that such a claim must first be tested through processes recognized under the *2012 Discipline*. In this case, no one has claimed to be a “self-avowed practicing homosexual”. The SCJ Petition cannot create a factual record based on its own allegation.

Secondly, the nomination, election, consecration and/or assignment as a bishop of a person who is a spouse in a same-sex marriage is not unlawful under the *2012 Discipline*. The

2012 Discipline does not bar or prohibit a marriage between a clergyperson and another person of the same sex.

2. Question in Second Paragraph of SCJ Petition.

“What is the application, meaning and effect of ¶ 304.3, ¶ 310.2d, ¶ 341.6, and ¶ 2702.1 (a), (b), and (d) in regard to the nomination, election, consecration and/or assignment as bishop of a person who claims to be a “self-avowed practicing homosexual” or is a spouse in a same-sex marriage or civil union?”

This paragraph states two questions, each with six subparts. The question regarding a person who claims to be a “self-avowed practicing homosexual” is answered immediately above. No one has made such a claim.

The second question in this paragraph asks the Judicial Council to declare whether the six provisions from the *2012 Discipline*, standing alone or in some combination, bar an elder in full connection and good standing from entering into a same-sex marriage. The short answer is that none of these provisions, alone or in combination, bar an elder in full connection and good standing from entering into a same-sex marriage. It is not for this Judicial Council to judicially create patchwork legislation where none exists in the *2012 Discipline*.³

a. ¶304.3

¶304.3 concerns qualifications for ordination and denies ordination to “self-avowed practicing homosexuals”. On its face, ¶304.3 does not speak to marriage and does not bar an elder in full connection and good standing from entering into a same-sex marriage. As discussed above, a clergyperson’s sexual orientation is irrelevant to the person’s qualifications for

³ The Judicial Council should defer to the work of the Way Forward Commission. The human sexuality issues raised in the SCJ Petition were the subject of over 75 Petitions to the 2016 General Conference. *See*, attached **Exhibit 4: 2016 Advance Daily Christian Advocate, Petitions Identified for Group Discernment Process**, pp. 1187-1225. These Petitions were referred to the Commission. It would be preemptive and wrong for the Judicial Council to second-guess the deliberative legislative process now under way.

ordination or, in this case, the clergyperson's qualifications for nomination, election, consecration and appointment as a bishop of The United Methodist Church.

b. ¶310.2d

¶310.2d concerns qualifications for candidacy and certification for licensed or ordained ministry. On its face, ¶310.2d does not bar an elder in full connection and good standing from entering into a same-sex marriage. ¶310.2d does speak to "fidelity in marriage and celibacy in singleness". However, the Judicial Council has ruled that this language does not preclude ordination or appointment of a "self-avowed practicing homosexual". JCD 542 (1984). Necessarily then, the language also does not imply a prohibition against a clergyperson entering into a same-sex marriage.

c. ¶341.6

¶341.6 prohibits a licensed or ordained clergyperson from conducting ceremonies that celebrate homosexual unions. Initially, there is nothing in the record to indicate that anyone conducted such a ceremony. This sub-question is moot for want of a factual basis.

More importantly, on its face, ¶341.6 does not bar an elder in full connection and good standing from entering into a same-sex marriage under civil law.

d. ¶2702.1a

¶2702.1a is the chargeable offense concerning immorality relating to unfaithfulness in a heterosexual marriage or uncelibacy in singleness. Initially, there is no showing in the record that anyone is unfaithful in any marriage or uncelibate in singleness. This sub-question is moot for want of a factual basis.

More to the point, ¶2702.1a on its face does not speak to same-sex marriage or bar an elder in full connection and good standing from entering into a same-sex marriage under civil law.

e. ¶2702.1b

¶2702.1b is the chargeable offense of committing a practice incompatible with Christian teachings, specifically being a “self-avowed practicing homosexual”. Again, there is no showing in the record that anyone has stated or acknowledged to the persons identified in Footnote 1 to ¶304.3 that she or he is a “self-avowed practicing homosexual”. This sub-question is moot for want of a factual basis.

Further, on its face, ¶2702.1b does not speak to marriage at all or otherwise bar an elder in full connection and good standing from entering into a same-sex marriage under civil law.

f. ¶2702.1d

¶2702.1d concerns disobedience to order and discipline. There is no showing of what conduct constitutes disobedience, or who is chargeable with the conduct. This sub-question is moot for want of a factual basis.

Again, on its face, ¶2702.1d does not speak to marriage at all or otherwise bar an elder in full connection and good standing from entering into a same-sex marriage.

3. Question in Third Paragraph of SCJ Petition.

“Does a public record that a nominee for the episcopacy is a spouse in a same-sex marriage disqualify that person from nomination, election, consecration and/or assignment as a bishop in The United Methodist Church?”

The SCJ Petition does not identify or provide the “public record”. The question is moot for want of a factual record. *See*, discussion above on JCD 1286 (2014) (Judicial Council will not take judicial notice of undemonstrated public reports).

The direct answer to the question is “no”. For reasons already stated, a public record showing that a nominee for the episcopacy is a spouse in a same-sex marriage does not disqualify that person from nomination, election, consecration and/or assignment as a bishop in The United Methodist Church.

4. Question in Fourth Paragraph of SCJ Petition.

“If a jurisdictional conference nominates, elects, consecrates, and/or assigns a person who, by virtue of being legally married or in a civil union under civil law to a same-sex partner, would be subject to a chargeable offense, is the action of the jurisdictional conference null and void?”

The direct answer to the question is “no”. Even if subject to a chargeable offense, an elder in full connection and good standing remains in good standing unless and until an administrative or judicial action changes that status. Accordingly, even if subject to a chargeable offense, an elder in full connection and good standing who is married or otherwise joined with a same-sex partner is eligible for nomination, election, consecration and assignment to an episcopal area as a bishop of The United Methodist Church. And a jurisdictional conference acts lawfully in accepting the nomination, electing, consecrating and assigning the person as a bishop.

(Note: The Western Jurisdictional Conference did not nominate Bishop Oliveto. Her annual conference nominated her. *See, Exh 1: Daily Proceedings, p. 23.*)

5. Question in Fifth Paragraph of SCJ Petition.

“Is it lawful for one or more of the bishops of a jurisdiction to consecrate a person as bishop when the bishop-elect is known by public record to be a spouse in a same-sex marriage or civil union?”

Again, the SCJ Petition does not identify or provide the “public record”, rendering the question moot.

The direct answer to the question is “yes”. As discussed above, no provision in the *2012 Discipline* bars an elder in full connection and good standing from entering into a same-sex

marriage. Further, the fact of marriage does not presume the act of physical sex between the spouses. Accordingly, it is lawful under United Methodist Church law for one or more bishops of a jurisdiction to consecrate a person as bishop when the bishop-elect is known by public record to be a spouse in a same-sex marriage or civil union.

6. Question in Sixth Paragraph of SCJ Petition.

“When a bishop, district superintendent, district committee on ordained ministry, Board of Ordained Ministry, or clergy session becomes aware or is made aware that a clergy person is a spouse in a same sex marriage or civil union of public record, does such information in effect and in fact amount to a self-avowal of the practice of homosexuality as set forth in ¶ 304.3, related footnotes and related Judicial Council Decisions?”

The direct answer to the question is “no”. As already discussed, our polity recognizes that a person with a same-sex orientation may be ordained as an elder and serve as a bishop. Church law regarding the “practice” of homosexuality is clear. “Practice” is never presumed. The fact of marriage does not presume the act of physical sex between the spouses. Further, the fact of marriage, whether heterosexual or same-sex, does not amount to or otherwise constitute the self-avowal of the practice of sex between the spouses to the marriage. We make no such presumption for heterosexual couples and there is no just reason to do so with same-sex couples.

D. CONCLUSION.

Under our polity and its unique separation of powers, each jurisdictional conference is constitutionally autonomous from the other jurisdictional conferences where episcopal elections are concerned. *See*, Constitution, Div. 2, §IV, Art.V, ¶27.2. It is improper for one jurisdictional conference to challenge or otherwise interfere with the election, consecration and assignment of a bishop in another jurisdictional conference. It is this constitutional interest in autonomy that is protected under the jurisdictional grant in ¶2610.2f.

No provision in the *2012 Discipline*, standing alone or in combination with other provisions, bars an elder in full connection and good standing from entering into a same-sex marriage. The General Conference has not legislated on this issue and the Judicial Council cannot do so where the General Conference is silent. These very issues are part and parcel of the work of the Way Forward Commission, and the Judicial Council should defer to the Commission and General Conference, and refuse to grant any relief on the SCJ Petition.

To the extent, if at all, that a same-sex marriage raises disciplinary questions, those questions are unique to the elder in question and cannot be decided on a petition for declaratory decision from a jurisdictional conference. It is not within the Judicial Council's constitutional power or responsibility to order or otherwise monitor any disciplinary process that deals with these questions.

For the reasons stated, the Judicial Council cannot undo the nomination, election, consecration or assignment of Bishop Karen Oliveto.

Respectfully submitted,
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Brief submitted by:



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/s/ Llewelyn G. Pritchard

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CERTIFICATE OF SERVICE

This certifies that a copy of the Opening Brief of the Western Jurisdiction College of Bishops, together with Exhibits 1 through 4, was emailed to all parties and *amici curiae* listed below on or before February 13, 2017.

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List of Interested Parties and *Amici Curiae* in Docket No. 0417-1

Updated 1/04/17

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