



THE EPISCOPAL DIOCESE OF FORT WORTH

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THE RT. REV. JACK. LEO IKER, *Bishop*

Sept. 16, 2009

For immediate release

COURT ISSUES DECISION ON RULE 12 MOTION

FORT WORTH, Texas – In a hearing today in the 141st District Court, Judge John Chupp granted the Diocese partial relief under Rule 12 of the Texas Rules of Civil Procedure. He ruled that attorneys Jonathan Nelson and Kathleen Wells do not represent the diocese or the corporation which have realigned under the Province of the Southern Cone. He denied a second aspect of Rule 12 relief which would have removed the plaintiffs' diocese and corporation from the lawsuit filed April 14, 2009.

The judge also ruled that neither the Constitution and Canons of The Episcopal Church nor the Constitution and Canons of this diocese prohibit withdrawal from TEC and realignment under another province. Further, he found that the Diocese had done so at its November 2008 annual convention, saying that "they [the members] took the diocese with them." The action of the November convention was not, he said, *ultra vires* and void, as the suit's plaintiffs have argued. He declared, too, that the Diocese had taken its property with it in realignment. He said he did not consider any court ruling concerning a realigning parish to be applicable in the present case, and he said that he considered it "self-serving on [the part of TEC] to say that [Bishop Iker] abandoned his job."

The hearing on the Rule 12 motion began Wednesday, Sept. 9. At that time, the judge denied a motion for continuance filed by Nelson and Wells. Each party filed a supplemental written statement in the period between the first and second portions of the hearing. The statement submitted by attorney Shelby Sharpe is available on the diocesan Web site.

Commenting on today's ruling, Bishop Iker said, "We are pleased that Judge Chupp has recognized the legitimacy of the vote of our Diocesan Convention in November 2008 to withdraw from the General Convention of The Episcopal Church and has ruled that we had the legal right to amend our Constitution in order to do so. This a positive step in support of the position we have taken. We will continue to keep our concerns before the Lord in prayer."

The date for a further hearing to take up the remaining Motion for Leave to File a Third-Party Petition will be set shortly. A date of October 15 has been set to hear the plaintiffs' motion for partial summary judgement.

The Episcopal Diocese of Fort Worth was organized in 1982. It is a constituent member of the Anglican Communion and the Province of the Southern Cone. The Rt. Rev. Jack L. Iker has served as the third diocesan Bishop of Fort Worth since 1995. The diocese enjoys companion relationships with the Dioceses of Northern Malawi and Northern Mexico.

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