

**Beth-El Temple Church of God in Christ, Inc. v  
Jones**

2019 NY Slip Op 33525(U)

October 1, 2019

Supreme Court, Queens County

Docket Number: 705137/2019

Judge: Leslie J. Purificacion

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This opinion is uncorrected and not selected for official publication.

Short Form Order

NEW YORK SUPREME COURT - QUEENS COUNTY

Present: HONORABLE LESLIE J. PURIFICACION IA Part 39  
Justice

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS

Index  
Number: 705137/2019

-----X  
BETH-EL TEMPLE CHURCH OF GOD IN CHRIST,  
INC., et al.,

Plaintiffs,

- against -

ELOISE JONES,

Defendants.  
-----X

Seq. No. 1  
FILED  
OCT 10 2019  
COUNTY CLERK  
QUEENS COUNTY

The following papers numbered 1 to 18 read on this order to show cause by plaintiffs for injunctive relief and cross motion by defendant for an order dismissing the complaint (order to show cause and cross motion #1), and on this order to show cause by defendant for injunctive relief and cross motion by plaintiff to terminate or amend this court's order which granted temporary injunctive relief (order to show cause and cross motion #2).

PAPERS  
NUMBERED

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| N.C.M. #1, Exhibits and Service.....        | 5-8   |
| O.S.C. #2, Aff., Exhibits and Service.....  | 9-12  |
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Upon the foregoing papers it is ordered that the motions are consolidated and decided as follows:

Plaintiffs commenced this action seeking to enjoin defendant from holding herself out as the pastor of Beth -El Temple Church of God In Christ ("the church"), and

having defendant turn over all money, and corporate and financial documents in her possession. Defendant cross-moved to have the action dismissed. Following oral argument of the matter, this court issued a temporary restraining order ("TRO"), pending the hearing and determination of the application, enjoining defendant from holding herself out as pastor of the church, from engaging in any business in the name of the church, from changing the locks, from bringing in any pastor or advisor to preside over the church, from denying any church member or Trustee access to the church, and directing her to turn over any books, records and bank account information to the Board of Trustees.

Following the issuance of the TRO, defendant brought an order to show cause to vacate the court's order and restore the church to the "status quo of operations prior to the issuance of any injunctive temporary relief ordered by this court." Defendant complains that since the TRO was issued, she has been removed from the Board of Trustees, that a new Board of Trustees is in place, and that it wrongfully appointed a new pastor; Pastor Jonathon Mack. Plaintiffs have cross moved to have the TRO amended to rule that Trustees receive a key to the church, instead of specifying that defendant receive a key, as she is no longer a Trustee.

"To obtain a preliminary injunction, a movant must demonstrate, by clear and convincing evidence, (1) a likelihood of success on the merits, (2) irreparable injury absent a preliminary injunction, and (3) a balancing of the equities in the movant's favor" Yedlin v Licherman, 102 AD3d 769-770. Plaintiffs have demonstrated their entitlement to a preliminary injunction.

The church operates under the auspices of the First Ecclesiastical Jurisdiction of

Eastern New York Church of God In Christ ("COGIC") and part of the National COGIC. According to COGIC bylaws, "The Pastor of a local church shall be appointed by the Jurisdictional Bishop of the Ecclesiastical Jurisdiction of the Church. Part II. Sec. D(1)., COGIC Official Manual. Bishop James Gaylord is the Presiding Bishop of the First Ecclesiastical Jurisdiction of Eastern New York COGIC. Bishop Gaylord has provided the court with an affidavit indicating he never appointed defendant as the church pastor. As such, she was never the properly appointed pastor of this church. Furthermore, she is not a licensed or ordained pastor.

Defendant's cross motion to dismiss is denied. Defendant's argument that plaintiff's complaint necessarily involves an impermissible inquiry into religious doctrine is rejected. See Sieger v Union of Orthodox Rabbis of US and Can., 1 A.D.3d 180,182(1st Dept. 2003). The court has merely interpreted the rules and regulations of the governing treatises of the church and has not interfered with the religious aspects of the church in any way.

Accordingly, the motion for a preliminary injunction is granted and the cross motion to dismiss is denied. Furthermore, that branch of defendant's order to show cause to "terminate" the TRO enjoining her from acting as church pastor is likewise denied.

The remaining branch of defendant's order to show cause is her request to restore the church operations to how they were prior to this action in terms of Jones having a key to the church, being part of the Board of Trustees, and removing the newly appointed pastor. Plaintiffs cross move to have the court modify their order to state that the members of the Board of Trustees be given a key to the church and not specifically

defendant.

The court notes that Bishop Gaylord appointed a new pastor and that Pastor Patterson was properly appointed in accordance with the rules of the church and COGIC. Accordingly, that branch of defendant's motion to remove the pastor is denied.

The court has determined that defendant was never a proper pastor of the church. According to the Official Manual of the church, the Trustees "shall include the pastor." As defendant was never the pastor, she was never properly a member of the Board of Trustees. Accordingly, that branch of defendant's motion to be restored as a Trustee is denied.

As part of the TRO, the court held that defendant was to have a key. Plaintiffs, without leave of this court changed the locks (ostensibly because they feared defendant would not give them keys). They tried to give defendant a key but defendant did not show up to receive same. However, as defendant is not the church pastor or a Trustee, there is no reason for her to have a key. Accordingly, that branch of plaintiff's cross motion to change the court's TRO to give keys to Trustees, and not defendant, specifically, is granted.

This is the decision and order of the court.

Date:

OCT 01 2019

FILED  
OCT 10 2019  
COUNTY CLERK  
QUEENS COUNTY

Hon. Leslie J. Purificacion, J.S.C.