

IN THE CIRCUIT COURT OF ST. CHARLES COUNTY
STATE OF MISSOURI

DARDENNE PRESBYTERIAN CHURCH,)	
INC.,)	
)	CASE NO. _____
Plaintiff)	
)	
v.)	DIVISION NO. _____
)	
PRESBYTERY OF GIDDINGS-LOVEJOY,)	
INC. and PRESBYTERIAN CHURCH)	
(U.S.A.), A CORPORATION,)	
)	
Defendant)	

**TEMPORARY RESTRAINING ORDER and ORDER SETTING HEARING ON
APPLICATION FOR PRELIMINARY AND PERMANENT INJUNCTION**

The Dardenne Presbyterian Church, Inc. (the “Dardenne Church”) has filed a Verified Petition for Declaratory Judgment and Application for Temporary Restraining Order and Preliminary and Permanent Injunction. After considering the Dardenne Church’s verified pleading and exhibits, the Court finds that the Dardenne Church has established the probability of its right to the requested relief under the neutral-principles analysis adopted by the Missouri Supreme Court in *Presbytery of Elijah Par. Lovejoy v. Jaeggi*, 682 S.W.2d 465, 470 (Mo. 1984) (*en banc*), as applied in subsequent decisions that considered similar facts and claims. *See Colonial Presbyterian Church v. Heartland Presbytery*, 375 S.W.3d 190, 201 (Mo. Ct. App. 2012 – W.D.); *Heartland Presbytery v. Gashland Presbyterian Church*, 364 S.W.3d 575, 584 (Mo. Ct. App. 2012 – W.D.). Based upon the facts alleged, that is, the Dardenne Church has sufficiently established that it has never consented to a trust or executed any trust instrument in accordance with Missouri law, such that the church’s property is thus not subject to a legally-cognizable trust in favor of the PCUSA.

The Court further finds that it clearly appears that the PCUSA and Presbytery of Giddings-Lovejoy, Inc. (the “Presbytery”) have threatened immediate and irreparable injury, loss, or damage to the Dardenne Church in connection with this action and that, if the Court does not issue the Temporary Restraining Order, the Dardenne Church faces a sufficient risk of immediate and irreparable injury. Specifically, the Court finds that the Dardenne Church has sufficiently demonstrated that the Presbytery and PCUSA can and potentially will form an “administrative commission” to attempt to seize control of the Dardenne Church’s property, its operations, or both. Such conduct by the Presbytery would deprive the Dardenne Church of an adequate remedy at law, as an award of damages would not adequately compensate the church for the resulting harm to its ability to conduct its ministries and minister to its members.

IT IS THEREFORE ORDERED that a Temporary Restraining Order be and is hereby issued against the Presbytery of Giddings-Lovejoy, Inc. and Presbyterian Church (U.S.A.), A Corporation (the “PCUSA”), and their officers, agents, employees, counsel, and any persons or entities acting in concert with the Presbytery or PCUSA, or acting by or through the Presbytery or PCUSA or on their behalf (collectively, the “PCUSA Defendants”). This injunctive relief pertains to all property held by or for the Dardenne Church, both real (including any buildings and improvements) and personal, wherever located, whether held by, for, or in the name of the Dardenne Church (collectively, “Property”).

IT IS FURTHER ORDERED that the PCUSA Defendants shall be restrained from filing any documents in the mortgage or conveyance records of St. Charles County to assert ownership, use, or control, or rights to determine ownership, use, or control, of any real Property titled in the name of the Dardenne Church. The PCUSA Defendants shall be restrained from asserting a trust on behalf of the Presbytery, the PCUSA, or any other affiliated third party over Property titled in

the name of the Dardenne Church or otherwise held by or for the Dardenne Church, the effect of which would be to place a cloud on the title of the Dardenne Church's Property. The PCUSA Defendants shall further be prohibited from otherwise: interfering with or disturbing the Dardenne Church's ownership, use, control, or disposition of its Property; or interfering with the Dardenne Church's right to determine the ownership, use, control, or disposition of Property held by the Dardenne Church, held for the Dardenne Church, or owned by or titled in the name of the Dardenne Church.

IT IS FURTHER ORDERED that the PCUSA Defendants, and any persons or entities in active concert or participation with them, on their behalf, or in their stead, whether acting directly or indirectly, shall be temporarily restrained from taking any action that could affect the property rights of the Dardenne Church or the control of same, including but not limited to:

- (a) seeking to change the locks of the Dardenne Church or any of its buildings;
- (b) initiating any disciplinary or other retaliatory action against the employees, officers, ministers or members of the Dardenne Church which directly or indirectly arises from or is connected to any property issue raised in, prompted by, or related to the subject matter of this litigation;
- (c) attempting to "dissolve" the Dardenne Church or authorizing or instructing an administrative commission to assert original jurisdiction, directly or indirectly, over the Dardenne Church, the effect of which would be to assume control over the ownership, use, or disposition of the Dardenne Church's Property; or
- (d) otherwise interfering with the normal duties and responsibilities of the officers, ministers, and employees of the Dardenne Church, the governing body of the Dardenne Church (the session or Board of Directors), or any related designees or agents, in any way that pertains to the ownership, control, use, or disposition of the Dardenne Church's property.

IT IS FURTHER ORDERED that nothing in this Temporary Restraining Order shall preclude the PCUSA Defendants from taking ecclesiastical action for non-pretextual ecclesiastical cause that is unrelated to this litigation or any property issue raised therein; or from taking such ecclesiastical action which is not related to or does not affect the ownership, control, use, or disposition of the Property held by, for, or in the name of the Dardenne Church.

IT IS FURTHER ORDERED that the hearing on the Dardenne Church's application for a preliminary injunction is set for the _____ day of _____, 2023, at _____. The purpose of the hearing shall be to determine whether this temporary restraining order should be made a preliminary injunction pending a full trial on the merits and a final adjudication of rights by this Court.

IT IS FURTHER ORDERED that this Temporary Restraining Order shall not be effective unless and until the Dardenne Church executes and files with the clerk a bond in the amount of _____ dollars (\$_____), or otherwise deposits the same amount of cash with the clerk of this Court.

IT IS FURTHER ORDERED that this Temporary Restraining Order shall expire fifteen days from the date and time it is entered, unless the order is extended or dissolved by agreement of the Parties or further order of this Court.

SIGNED this _____ day of _____, 2023, at _____ : _____ a.m./p.m..

JUDGE PRESIDING