

**THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

PASTOR ANDRE JOHNSON, INDIVIDUALLY AND ON BEHALF  
OF MORE THAN 50 OTHER CREDENTIALLED DELEGATES OF  
THE GENERAL ASSEMBLY OF THE CHURCH OF GOD IN  
CHRIST, INC.,

PLAINTIFF

v.

BISHOP JAMES W. HUNT, SR., IN HIS CAPACITY AS  
CHAIRMAN OF THE GENERAL ASSEMBLY OF THE CHURCH OF  
GOD IN CHRIST, INC.; THE CHURCH OF GOD IN CHRIST, INC.;  
PRESIDING BISHOP CHARLES E. BLAKE, SR. IN HIS CAPACITY  
AS CHAIRMAN OF THE GENERAL BOARD OF THE CHURCH OF  
GOD IN CHRIST, INC.; BISHOP PHILLIP A. BROOKS IN HIS  
CAPACITY AS FIRST ASSISTANT PRESIDING BISHOP AND  
FIRST VICE CHAIRMAN OF THE GENERAL BOARD OF THE  
CHURCH OF GOD IN CHRIST, INC.; BISHOP JERRY WAYNE  
MACKLIN IN HIS CAPACITY AS SECOND ASSISTANT  
PRESIDING BISHOP AND SECOND VICE CHAIRMAN OF THE  
GENERAL BOARD OF THE CHURCH OF GOD IN CHRIST, INC.;  
BISHOP LAWRENCE H. WINBUSH IN HIS CAPACITY AS THE  
SECRETARY OF THE GENERAL BOARD OF THE CHURCH OF  
GOD IN CHRIST, INC.; AND BISHOP FRANK O. WHITE IN HIS  
CAPACITY AS ASSISTANT SECRETARY OF THE GENERAL  
BOARD OF THE CHURCH OF GOD IN CHRIST, INC.

DEFENDANTS

**CASE No. 14 cv 8986**

JUDGE: RONALD A. GUZMAN

MAG. JUDGE: MARY M. ROWLAND

**FIRST AMENDED VERIFIED COMPLAINT  
FOR DECLARATORY AND INJUNCTIVE RELIEF**

Pastor Andre Johnson, individually as Pastor of Grace & Mercy Church of God in Christ and a Delegate in good standing of The General Assembly of The Church Of God In Christ, Incorporated (“Pastor Johnson”) and on behalf of more than fifty (50) other fully credentialed Delegates of the General Assembly of The Church of God in Christ, Inc., states as follows as his First Amended Complaint against Defendant Bishop James W. Hunt, Sr., in his capacity as

Chairman of the General Assembly of The Church of God in Christ, Inc. (“Chairman Hunt”), Defendant The Church of God in Christ, Inc., Defendant Presiding Bishop Charles E. Blake, Sr. in his capacity as Chairman of The General Board of The Church of God in Christ, Inc., Bishop Phillip A. Brooks in his capacity as First Assistant Presiding Bishop and First Vice Chairman of The General Board of The Church of God in Christ, Inc., Bishop Jerry Wayne Macklin in his capacity as Second Assistant Presiding Bishop of The Church of God in Christ, Inc. and Second Vice Chairman of the General Board of The Church of God in Christ, Inc., Bishop Lawrence W. Winbush in his capacity as Secretary of the General Board of The Church of God in Christ, Inc. and Bishop Frank O. White in his capacity as Assistant Secretary of the General Board of The Church of God in Christ, Inc.:

### **THE PARTIES**

1. The Church Of God In Christ, Incorporated is a religious denomination headquartered in Memphis, Shelby County, Tennessee and chartered in the State of Tennessee as a not-for-profit religious organization (hereinafter “The Church”). The Church, directly and through its member churches, conducts operations in each of the fifty United States and in numerous foreign countries. The worldwide membership of The Church exceeds six (6) million worshippers. Numerous member churches of The Church are located in Illinois, operate under the auspices and direction of The Church in Illinois, interact with The Church from within Illinois and remit funds to The Church within Illinois.

2. The Church’s internal governance is hierarchical and is governed by its Constitution (“The Church Constitution”). The Church adopted the first version of The Church Constitution in December, 1922. Subsequent thereto The Church has formally amended The Church Constitution through the approval of two-thirds of the General Assembly in 1926, 1952, 1968 and 1972. Under The Church Constitution, The General Assembly operates as the

legislative branch and the General Board (akin to the board of directors in a conventional corporation) operates as the executive branch. The General Board of The Church operates as the board of directors of The Church pursuant to election procedures and term provisions set forth in The Church Constitution.

3. The General Board of The Church is responsible for establishing and executing policies for the membership, as well as sustaining and perpetuating spiritual order within The Church. Executive decisions made by The General Board are final unless revoked or modified by The General Assembly. This action requires consideration only of The General Board's performance with respect to "establishing and execution policies" on matters of Church governance relating to The Church Constitution.

4. Among other amendments, in 1991, the General Assembly ratified Article VIII of The Church Constitution formally establishing the Judiciary Board to serve as the third and co-equal judicial branch of The Church's constitutional structure. See Church Constitution at Article VIII, Preamble. A true and correct copy of Article VIII of The Church Constitution is attached hereto as Exhibit A and is incorporated by reference as if fully set forth herein. In this manner, The Church Constitution is modeled after the United States Constitution. *Id.*

5. Pastor Johnson is a citizen of the State of Illinois and resides exclusively in Illinois. Pastor Johnson is a duly credentialed delegate in good standing in the General Assembly and is the credentialed Pastor of Grace & Mercy Church of God in Christ in South Holland, Illinois, a dues-paying member church in The Church. Pastor Johnson brings this action on his own behalf and, with their express consent, on behalf of more than fifty (50) other duly credentialed delegates of the General Assembly of The Church as a derivative action pursuant to Tennessee Code Annotated Section 48-56-401. Consistent with T.C.A. § 48-53-104, Pastor Johnson further alleges that no third party has acquired any rights in connection with the subject matter of the matters in dispute in the instant Complaint.

6. Defendant Bishop James W. Hunt, Sr. currently is the Chairman of the General Assembly (hereinafter “Chairman Hunt”). In his official capacity, Chairman Hunt is a citizen of the State of Tennessee. Individually, Chairman Hunt is a citizen of the State of Pennsylvania.

7. Presiding Bishop Charles E. Blake, Sr. (“Presiding Bishop Blake”) is the Presiding Bishop of The Church and is Chairman of the General Board. In this regard, Presiding Bishop Blake’s position is analogous to the CEO and Chairman of The Board of Directors of a conventional corporation. Presiding Bishop Blake also has certain duties as the spiritual leader of The Church, none of which are at issue in this action. In his official capacity, Presiding Bishop Blake is a citizen of the State of Tennessee; individually, Presiding Bishop Blake is a citizen of the State of California.

8. Bishop Phillip A. Brooks (“Bishop Brooks”) is the First Assistant Presiding Bishop of The Church and is First Vice Chairman of the General Board. Bishop Brooks is a citizen of the State of Tennessee in his official capacity and, individually, is a citizen of the State of Michigan.

9. Bishop Jerry Wayne Macklin (“Bishop Macklin”) is the Second Assistant Presiding Bishop of The Church and is Second Vice Chairman of the General Board. Bishop Macklin is a citizen of the State of Tennessee in his official capacity and, individually, is a citizen of the State of California.

10. Bishop Lawrence H. Winbush (“Bishop Winbush”) is the Secretary of the General Board. Bishop Winbush is a citizen of the State of Tennessee in his official capacity and, individually, is a citizen of the State of Louisiana.

11. Bishop Frank O. White (“Bishop White”) is the Assistant General Secretary of the General Board. Bishop White is a citizen of the State of Tennessee in his official capacity and, individually, is a citizen of the State of New York.

**JURISDICTION AND VENUE**

12. Jurisdiction is founded on 28 U.S.C. §§ 1331 (original jurisdiction) and 1332(a) (diversity jurisdiction). Original jurisdiction is based on the issues requiring resolution implicate jurisprudential issues deemed to arise under the First Amendment to the United States Constitution. Diversity jurisdiction derives from the fact that the parties are completely diverse and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

13. Venue is appropriate in this district pursuant to 28 U.S.C. § 1391 on the basis that a substantial number of the events pertinent to Pastor Johnson’s claims for relief occurred within this district.

**FACTUAL BACKGROUND**

14. In material part, Article VIII of The Church Constitution expressly states as follows with respect to the vital role the Judiciary Board plays in the checks and balances system effectuating The Church’s internal governance procedures:

The establishment of the Judiciary Board of The Church of God in Christ, Incorporated shall bring into existence a third branch of church government, which shall exist in conjunction with the two present branches of government, the Executive Branch and the Legislative Branch. This branch of government shall be established as both an ecclesiastical and appellate court, hearing disputes upon appeal from lower dispute resolution forums in The Church and serving as the ultimate authority on matters of constitutional interpretation. . . . the Judiciary Board shall balance the Legislative and Executive Branches by being a final authority on questions of constitutionality and the final appellate forum of The Church for disputes.

\* \* \*

This independent objective branch of Church government shall have as its highest objective the protection of the rights of every member of The Church of God in Christ, Incorporated as set forth in The Church Constitution. The protection of those rights shall be without regard for official position or social station. Therefore, it shall be crucial that the Judiciary Board decisions are rendered without intimidation, coercion, or undue influence and that the members of said Board are fair, sober, objective and seasoned in their decision making.

The Judiciary Board shall serve to prevent the intrusion of civil authorities into the affairs of The Church wherever inevitable disputes shall arise. Generally the secular legal system has been reticent to intervene in the internal affairs of any religious body, preferring that said disputes are resolved internally. Where the decisions of the Judiciary Board have been made objectively consistent with previous precedent setting resolutions, or with reasonable grounds for modifying interpretation of The Church's constitution, the civil court would not readily overturn said decisions.

\* \* \*

### DUTIES

The Judiciary Board shall determine the constitutionality of any act of the General Assembly upon the appeal of the majority of that Assembly.

1. The Judiciary Board shall determine the constitutionality of any act of the General Board upon the appeal of the majority of that Board.
2. The Judiciary Board shall determine the constitutionality of any act of a jurisdictional assembly or a jurisdictional bishop upon the appeal of the majority of the pastors of the jurisdiction.
3. The Judiciary Board shall decide any election dispute referred to it by the General Assembly.
4. The Judiciary Board shall be the final appeal court for all matters arising under the church discipline.
5. The Judiciary Board shall receive cases referred by the General Board, the Board of Bishops, the Council of Pastors and Elders or the General Assembly.

\* \* \*

11. . . . The Judicial Council of the General Assembly shall be the trial court for the trial of the chairman [of the General Assembly], presided over by a temporary chairman elected by the General Assembly. The procedures for the trial of the General Assembly chairman shall be the same as the procedure for the trial of a Judiciary Board member. The decision of the Judicial Council shall not become effective unless the Council's decision is sustained by the Judiciary Board.

Church Constitution at Article VIII (Exhibit A hereto) (emphasis added).

15. Pursuant to Article VIII of the Constitution, The Church's Judiciary Board is the ultimate and final authority on all matters within its purview. No other Constitutional

amendment ratified and passed by the General Assembly since the Judiciary Board was created in 1991 has amended or abrogated the rights, duties, powers or obligations of the Judiciary Board. Indeed, as recently recognized by the Constitutional Committee of the General Assembly:

Judicial Branch

The Judiciary Board is (1) the final court of appeals, hearing disputes appealed from decisions of subordinate tribunals and (2) an ecclesiastical court of first instance as prescribed by the Constitution and (3) the ultimate authority on matters of constitutional interpretation.

The Legislative Branch does not execute the laws; The Executive Branch does not make the laws and The Judicial Branch does not execute the laws.

The description of each branch of government constitutes separation of power, the prevention of any entity's motivation of self-interest to violate the rights of others.

See Official Minutes of the General Assembly, November 2012 Session, at Attachment D (emphasis added).

16. Article VIII also sets forth the procedures through which The General Assembly reviews and approves (or rejects) candidates for membership on the Judiciary Board. See Article VIII, Judicial Qualifications and Nominations Committee. Among other things, the operative provisions of Article VIII require the General Assembly to establish a Standing Committee to assess a candidate's credentials and ability to serve and, if finding one or more candidates qualified, "shall submit all qualified nominees for each vacancy to the General Assembly for consideration." Id. (emphasis added).

17. No provision in Article VIII or elsewhere in The Church Constitution authorizes either The General Assembly or the Presiding Bishop to repudiate or otherwise fail or refuse to give effect to any final determination of the Judiciary Board unless and until a Constitutional Amendment is approved by a 2/3 vote of the full General Assembly. See The Church Constitution at Article III (Structure of Church, Civil and Ecclesiastical), Part II (Ecclesiastical

Structure), at Section B., The General Assembly, Part IV (Meetings of the General Assembly) at Paragraph 3 (“The General Assembly shall not enact and rules or conduct contrary to the Constitution of The Church of God In Christ, Inc. without first offering an amendment to the constitution, in a regular session with 2/3<sup>rd</sup> of the registered delegates present and voting . . .”).

18. As set forth in greater detail below, Pastor Johnson has notified the General Assembly and the General Board of formal charges he lodged with the Secretary of the General Assembly asserting, among other things, that Chairman Hunt has engaged in conduct that is “repugnant to the [Church] Constitution.” Specifically, Pastor Johnson has identified and provided detailed accounts of the manner in which Chairman Hunt has refused to respect or abide by duly issued orders of the Judiciary Board and has otherwise exceeded the scope of his authority under (and thus repudiated) The Church Constitution, including but not limited to:

- a. Usurping the exclusive authority of the Judiciary Board to determine the constitutionality of matters arising under The Church’s tri-partite governmental structure;
- b. Purporting to unilaterally “override” a duly rendered final order of the Judiciary Board outside the scope of the Constitution’s formal amendment process and otherwise without the concurrence of a majority of the General Assembly delegates in proper session;
- c. Purporting to take official General Assembly action despite the absence of the requisite number of credentialed delegates necessary to advance and approve any matters before the General Assembly;
- d. Ignoring the Constitutional mandate to elect a Parliamentarian, Chaplain and Sergeant at Arms for the General Assembly;
- e. Failing or refusing during the April 2014 session of the General Assembly to fill a vacancy on the Judiciary Board.

19. As credentialed and voting members of the General Assembly of The Church, Pastor Johnson and the more than fifty credentialed and voting delegates he represents have a vested interest in ensuring that the business of the General Assembly is conducted in a manner that comports with The Church Constitution. In addition, to the extent Chairman Hunt or any

other Constitutional Officer of The Church engages in conduct repugnant to The Church Constitution, Pastor Johnson's vote and the votes of other members of the General Assembly are nullified and said delegates are thereby disenfranchised.

20. Pursuant to Article VIII of The Church Constitution, the procedures for the trial of the General Assembly chairman shall be the same as the procedure for the trial of a Judiciary Board member. See Article VIII, Duties at Paragraph 11. Paragraph 2. B. 1. of the Section entitled Term of Office of Article VIII of The Church Constitution states that "a delegate in good standing in The Church of God in Christ having just cause to believe that a member of the Judiciary Board has committed an act repugnant to the Constitution of The Church of God in Christ may file a charge." Subparagraph a. of that provision directs that "the written petition shall be filed with the office of the Secretary of the General Assembly specifically setting out the charges and things complained of and copies shall be filed with the secretary of the Judiciary Board." See Article VIII at Term of Office, Paragraph 2. B. 1. a.

21. Accordingly, to initiate disciplinary proceedings against the Chairman of the General Assembly, a Church delegate in good standing having just cause to believe that the Chairman of the General Assembly has committed an act repugnant to The Church Constitution must file a written petition with the Secretary of the General Assembly specifying the charges and provide a copy of same to the Secretary of the Judiciary Board. *Id.*

22. On or about June 23, 2014, Pastor Johnson transmitted to the Secretary of the General Assembly a list of specific charges of misconduct by Chairman Hunt that Pastor Johnson considers to be repugnant to The Church Constitution (the "Charges"). A true and correct copy of the Charges Pastor Johnson transmitted to the Secretary of the General Assembly is attached hereto as Exhibit B and is incorporated by reference as if fully set forth herein.

23. On or about July 15, 2014, the Secretary of the General Assembly acknowledged receipt of the Charges by letter, in which letter the Secretary referred to sending the Charges to the body responsible for proceeding on them. A true and correct copy of the Secretary's July 15, 2014 letter is attached hereto as Exhibit C and is incorporated by reference.

24. The Secretary's July 15, 2014 letter reflects on its face that it was transmitted to, among others, the Presiding Bishop of The Church (as head of the General Board), The Church's General Counsel and Chairman Hunt.

25. The Charges identify several circumstances Pastor Johnson contends constitute unconstitutional behavior by Chairman Hunt as categorized in the non-exhaustive description below.

***Specific Instances of Misconduct – Justice Clemmons***

26. In 2013, the General Board affirmed Auxiliary Bishop Joseph Clemmons' service on the Judiciary Board in his capacity as a representative of the ministerial constituency of the General Assembly.

27. Thereafter and prior to April 10, 2014, Justice Clemmons was consecrated as an Auxiliary Bishop full Bishop in The Church. Upon Bishop Clemmons' consecration, an issue arose regarding his capacity to serve on the Judicial Board in a seat reserved by The Church Constitution for a member of the ministerial constituency.

28. Prior to April 10, 2014, the Judiciary Board rendered its decision that, consistent with The Church Constitution, Auxiliary Bishop Joseph Clemmons no longer met the requirements to serve on the Judiciary Board in the capacity in which he was elected and, therefore, could not continue to serve as a member of the Judiciary Board.

29. The Church Constitution recognizes that the Judiciary Board alone has the authority to interpret The Church Constitution. See The Church Constitution, Article VIII (the

“Judiciary Board shall balance the Legislative and Executive Branches by being a final authority on questions of constitutionality and the final appellate forum of The Church for disputes” (emphasis added).

30. Shortly after receipt of the Judiciary Board’s decision, Chairman Hunt declared to other members of the General Assembly in both public and private communications that the Judiciary Board’s decision regarding Auxiliary Bishop Clemmons had to be “ratified” by the General Assembly, that the decision otherwise was not valid and binding and that the ruling was “unconstitutional. “

31. Thereafter, Chairman Hunt, through an undated letter transmitted to the Judiciary Board, took the position that the Board’s removal of Auxiliary Bishop Clemmons from the Judiciary Board was “unconstitutional” and demanded that Auxiliary Bishop Clemmons be restored to the Board. The Judiciary Board responded by affirming its prior order deciding that Bishop Clemmons could not serve on the Board occupying a seat designated for the ministerial constituency.

32. Thereafter, on April 10, 2014, during open proceedings in the General Assembly during the Spring Call Meeting, Chairman Hunt unilaterally declared that Auxiliary Bishop Clemmons’ membership on the Judiciary Board was deemed restored by the General Assembly.

33. Chairman Hunt’s attempted abrogation of the Judiciary Board’s exclusive jurisdiction with respect to Auxiliary Bishop Clemmons through the conduct described in the immediately preceding paragraphs was unauthorized and represents an attempt by the Legislative Branch to override a duly rendered decision of the Judicial Branch through actions other than a formal amendment to The Church Constitution. See Article III (Structure of Church, Civil and Ecclesiastical), Part II (Ecclesiastical Structure), at Section B. The General Assembly, Part IV (Meetings of the General Assembly); see also Article VIII and Constitution Committee Notes,

Official Minutes, November 2012 Session at Attachment D (“The Judiciary Board is . . . . 3) the ultimate authority on matters of constitutional interpretation.”).

34. To the extent Chairman Hunt genuinely believed that the decision of the Judiciary Board in removing Auxiliary Bishop Clemmons was not correct and was contrary to The Church’s interests, The Church Constitution required that a proposed amendment to the Constitution be timely brought before and approved by 2/3 of the registered delegates of the General Assembly through three (3) separate readings. See Church Constitution at Article III (Structure of Church, Civil and Ecclesiastical), Part II (Ecclesiastical Structure), at Section B., The General Assembly, Part IV (Meetings of the General Assembly) at Paragraph 3.

***Specific Instances of Misconduct – Improper Amendment Attempt***

35. The General Assembly is deemed to be in session only during either the National Convocation of The Church Of God In Christ or a “special session” called with due notice to all credentialed delegates. See Church Constitution at Article III (Structure of Church, Civil and Ecclesiastical), Part II (Ecclesiastical Structure), at Section B., The General Assembly, Part IV (Meetings of the General Assembly) at Paragraph 4 (a), (b). Actions purporting to amend The Church Constitution must be approved by two-thirds of the credentialed membership of the General Assembly. See Paragraph 11 above.

36. On April 10, 2014, two-thirds of the credentialed membership of the General Assembly was not present. Accordingly, to the extent Chairman Hunt’s conduct declaring Auxiliary Bishop Clemmons restored to his seat on the Judiciary Board by decree of the General Assembly could be characterized as an attempt to amend The Church Constitution, any such action was procedurally deficient due to the absence of a sufficient percent of the General Assembly’s membership to take official action.

37. Chairman Hunt's statement that Auxiliary Bishop Clemmons was restored to the Judiciary Board by decree of the General Assembly therefore was unauthorized under The Church Constitution. Chairman Hunt's conduct in this regard undermines the doctrine of separation of powers upon which The Church Constitution is founded and represents a breach of his duty as a Constitutional Officer of The Church to respect, uphold and enforce The Church Constitution.

***Specific Instances of Misconduct – Failure to Timely Appoint Officers***

38. The Church Constitution includes provisions designed to ensure that mechanisms and protocols are in place to protect the rights of all members and, to that end, requires the Chairman of the General Assembly to establish a leadership framework. See Church Constitution, Article I, Part II, Section B, Paragraph 3 (c).

39. Specifically, among the Chairman's other duties, the following is to occur:

(c) The General Assembly shall elect by majority vote of the members, present and voting, the following additional officers, to wit: (1) Parliamentarian, who shall advise the Chairman as to points of parliamentary law and procedure; (2) Chaplain, who shall conduct devotional services of General Assembly; (3) Sergeant at Arms, who shall keep and maintain order in all sessions of the General Assembly.

40. Chairman Hunt has been derelict in his duty to fulfill this mandate of The Church Constitution and therefore represents an act of misfeasance thereunder. Chairman Hunt's failure to abide by the unambiguous requirements of The Church Constitution reflects contumacious disregard of the formally expressed will of the entire body of The Church he undertook to serve.

***Specific Instances of Misconduct – Breach of Judicial Nomination Protocol***

41. Article VIII of The Church Constitution directs that the General Assembly form a Standing Committee on Judicial Qualifications and Nomination for membership of the Judiciary Board with each member thereof to serve for a four-year term. See Paragraph 5 above.

42. Once the Committee has determined a candidate for a vacancy on the Judiciary Board meets the criteria set forth in The Church Constitution for service on the Judiciary Board and is otherwise qualified to serve, the nomination is to be tendered to the General Assembly for approval or disapproval by a majority of the credentialed members. Id.

43. There is no duly enacted provision in The Church Constitution or in any other binding authority requiring that a specific number of candidates be submitted for one or more vacancies on the Judiciary Board. Likewise, there is no authorization within Article VIII or anywhere else in The Church Constitution to defer the date a duly nominated and approved candidate for the Judiciary Board begins service on the Board.

44. In April, 2014, the Screening and Nominating Committees of the General Assembly forwarded to the General Council of Pastors and Elders a qualified candidate to fill the vacancy on the Judiciary Board allotted to the general membership resulting from the death of Justice Thomas Hammonds. The General Council in turn voted to approve the candidate as one of its representatives on the Judiciary Board.

45. Pursuant to the procedures specified in The Church Constitution, The Chairman was required to submit the candidate approved by the General Council to the General Assembly for concurrence on the candidate's appointment to the Judicial Board.

46. Chairman Hunt failed or refused to call for a vote on the candidate forwarded through the Screening Committee, Nominating Committee and General Council. Chairman Hunt stated that he would not proceed with a vote on the grounds that the General Council of Pastors and Elders was required to present two or more nominees for each vacant seat.

47. No such requirement exists in The Church Constitution or otherwise and Chairman Hunt's unilateral imposition of this condition unconstitutionally interfered with the duly enacted provisions of The Church Constitution.

48. Chairman Hunt's unilateral demands regarding the number of candidates to be submitted and his refusal to implement the process to fill vacancies on the Judiciary Board thus constituted conduct outside the scope of his authority as Chairman of the General Assembly and, again, represent a contumacious disregard for the duly enacted procedures mandated under The Church Constitution. In combination with the incidents cited above, Chairman Hunt's conduct reflects his repudiation of rather than respect for The Church Constitution that empowered the Chairmanship in the first instance.

*Specific Instances of Misconduct – Refusal to Seat a Duly Elected Justice*

49. No provision of The Church Constitution authorizes the Chairman of the General Assembly or any other officer or member to prevent a member of the Judiciary Board duly approved by the General Assembly from immediately assuming his or her duties on the Board. To the contrary, it has been the consistent practice of the General Assembly to allow duly elected members of the Judiciary Board to be seated as soon as the same day as the confirmation vote.

50. At the November 2013 Session of the General Assembly, Casandra Lewis and Auxiliary Bishop Enoch Perry were elected for seats on the Judiciary Board.

51. Following the November 2013 Session of the General Assembly, the Judiciary Board was requested to rule upon whether Auxiliary Bishop Perry (who was not a jurisdictional Bishop) was qualified to assume responsibilities on the Judiciary Board consistent with The Church Constitution. The Judiciary Board subsequently held that the seat for which Auxiliary Bishop Perry had been elected was reserved for a jurisdictional Bishop. Because there was no dispute that Auxiliary Bishop Perry was not a jurisdictional Bishop as specified in The Church Constitution, the Judiciary Board ruled that he could not continue to serve in the seat for which he was elected.

52. The question regarding Auxiliary Bishop Perry's credentials to serve on the Judicial Board was distinct from and raised no issues regarding Ms. Lewis' credentials or her approval by the General Assembly for her seat on the Judiciary Board.

53. Without the express consent of the General Assembly or any other authority under The Church Constitution, Chairman Hunt refused to allow duly elected Justice Lewis to be seated or to carry out her duties on the Judiciary Board until April of 2014 (the next meeting of the General Assembly). During this intervening period, the Judiciary Board was comprised of only five (5) members.

54. Chairman Hunt had no justifiable reason under The Church Constitution to defer seating Justice Lewis and his conduct in doing so was unauthorized and unwarranted.

***Inaction on the Charges against Chairman Hunt***

55. By Order dated October 8, 2014, the Judiciary Board, in its capacity as the Supreme Court of The Church and indisputably the ultimate authority on The Church's Constitution, the Board found Chairman Hunt – in his capacity as Chairman of the General Assembly – was in contempt of court for his failure or refusal to follow the mandates of the Board's prior orders and in defying the Board's authority to fully and finally decide all matters of Constitutional significance. The Judiciary Board specifically found that the election within the General Assembly was valid and that Bishop Paul Fortson properly should be recognized as the winner of the election.

56. Chairman Hunt has not purged his contempt before the Judiciary Board as, among other things, he has not complied with the Board's Order directing that Bishop Fortson be seated on the Judiciary Board immediately. Rather, in defiance of the Board's Order, Chairman Hunt ordered that new elections be held during the November 2014 Holy Convocation and meeting of the General Assembly, which Pastor Johnson and each of the fifty other delegates he represents attended. On information and belief, the manner in which Chairman Hunt directed the new

elections be held purposely circumvented the election procedures specified in The Church Constitution and Rules of the General Assembly.

***COUNT I***  
***DECLARATORY RELIEF***

57. Pastor Johnson incorporates by reference the allegations of Paragraphs 1 through 56, inclusive, as the allegations of Paragraph 57 as if fully set forth herein.

58. Pastor Johnson has exhausted all means of obtaining relief within The Church with respect to Chairman Hunt's conduct. The Judiciary Board has found Chairman Hunt's conduct to violate The Church Constitution yet Chairman Hunt – unchecked by the General Board -- persists in conducting himself in a manner that undermines the Constitutional authority of the Judiciary Board.

59. The General Board, the highest authority within the Executive Branch of The Church, has not to date discharged its obligation under The Church Constitution to enforce the Judiciary Board's interpretation thereof as the "law of the land." Based on its inaction regarding the Charges against Chairman Hunt despite its knowledge that said Charges had been lodged against Chairman Hunt months before the November 2014 Holy Convocation, the General Board's conduct appears to be complicit in Chairman's Hunt's misconduct.

60. The highest judicatory authority of The Church – the Judiciary Board – has duly issued rulings that The Church Constitution expressly deems to be "the ultimate authority on matters of constitutional interpretation." See Exhibit A, Article VIII of The Church Constitution, at Preamble.

61. To the extent neither the Executive Branch nor the Legislative Branch of The Church will take action in conformity with The Church Constitution and the Judicial Board's

interpretation of same, Pastor Johnson has no remedy within The Church to compel compliance with The Church Constitution.

62. Pastor Johnson and the delegates he represents are entitled to a declaration under The Church Constitution that Chairman Hunt is bound by and is obligated to respect and enforce the provisions of The Church Constitution and any Judiciary Board decisions interpreting that Constitution.

63. Pastor Johnson and the delegates he represents are entitled to a declaration under The Church Constitution that the General Assembly (currently under the control of Chairman Hunt) is obligated to formally address the Charges and to initiate the process through which Chairman Hunt will be investigated for and, if appropriate, tried for the conduct identified in the Charges.

64. Pastor Johnson and the delegates he represents are entitled to a declaration under The Church Constitution that inaction on the part of the General Assembly with respect to the Charges requires the General Board to initiate proceedings in the General Assembly to ensure that the Charges are investigated and a disposition reached (as directed by Special Order SO-10-2014 issued by the Judiciary Board on October 30, 2014).

65. In the alternative, Pastor Johnson and the delegates he represents respectfully request that the Court certify the three issues identified in the immediately preceding paragraphs to the Judiciary Board of The Church (as the highest judicatory of the Church for matters arising under The Church Constitution) for decision and for the Court to direct compliance with same.

WHEREFORE, Pastor Johnson and the delegates he represents respectfully request that this Court enter an order declaring that:

- a) Chairman Hunt is bound by and is obligated to respect and enforce The Church Constitution as interpreted by duly issued rulings of the Judiciary Board;

- b) The General Assembly is obligated under The Church Constitution to address the Charges and to initiate the process through which Chairman Hunt will be investigated for and, if appropriate, tried for the conduct identified in the Charges;
- c) Should the General Assembly fail or refuse to initiate the process of investigating and trying the Charges (as appropriate), the General Board of The Church must take action on the Charges in a manner consistent with the Judiciary Board's October 30, 2014 Order; and
- d) In the alternative, to certify any questions arising from the allegations above that are genuinely in dispute to the Judiciary Board -- the highest judicatory of the Church -- for resolution.

**COUNT II**  
**INUNCTIVE RELIEF**

66. Pastor Johnson incorporates by reference the allegations of Paragraphs 1 through 65, inclusive, as the allegations of Paragraph 66 as if fully set forth herein.

67. Pastor Johnson notified the General Assembly and the General Board of conduct by Chairman Hunt he considered to be repugnant to the Church Constitution, including but not limited to Chairman Hunt's still-pending contempt citation before the Judiciary Board. Neither the General Assembly nor the General Board took any affirmative action whatsoever to address -- much less resolve -- the Charges, including but not limited to Chairman Hunt's documented contempt for the Judiciary Board, the co-equal governmental branch of The Church and the ultimate authority on The Church Constitution.

68. The failure or refusal of Chairman Hunt and the General Board to respect, comply with and enforce The Church Constitution threatens imminent and irreparable harm to The

Church. The failure of the respective governmental branches to abide by the duly enacted Church Constitution already has resulted in a state of Constitutional chaos.

69. As alleged *supra*, among other acts in violation of The Church Constitution, Chairman Hunt and the General Board (individually or collectively) have engineered improper elections seeking to “stack the court” on the Judiciary Board. The manner in which Chairman Hunt and the General Board have proceeded has effectively disenfranchised Pastor Johnson and the entire body of the credential delegates and voting members of the General Assembly, including those delegates Pastor Johnson represents herein.

70. By failing or refusing to take action to enforce the duly issued orders of the Judiciary Board with respect to Bishop Fortson and Chairman Hunt, among others, Presiding Bishop Blake did not act in a manner that is in the best interests of the membership of The Church.

71. In light of Presiding Bishop Blake’s abdication of his authority to act consistent with his obligations under The Church Constitution as Chairman of the General Board, First Vice Chairman and First Assistant Presiding Bishop Brooks was obligated to step forward and exercise that authority. By failing or refusing to take action to enforce the duly issued orders of the Judiciary Board with respect to Bishop Fortson and Chairman Hunt, among others, Bishop Brooks did not act in a manner that is in the best interests of the membership of The Church.

72. In light of First Assistant Presiding Bishop Brook’s abdication of his authority to act consistent with his obligations under The Church Constitution as interim Chairman of the General Board, Second Vice Chairman and Second Assistant Presiding Bishop Macklin was obligated to step forward and exercise that authority. By failing or refusing to take action to enforce the duly issued orders of the Judiciary Board with respect to Bishop Fortson and Chairman Hunt, among others, Bishop Macklin did not act in a manner that is in the best interests of the membership of The Church.

73. In light of interim Presiding Bishop Macklin's abdication of his authority to act consistent with his obligations under The Church Constitution, General Secretary of the General Board Bishop Winbush was obligated to step forward and exercise that authority. By failing or refusing to take action to enforce the duly issued orders of the Judiciary Board with respect to Bishop Fortson and Chairman Hunt, among others, Bishop Winbush did not act in a manner that is in the best interests of the membership of The Church.

74. In light of interim Presiding Bishop Winbush's abdication of his authority to act consistent with his obligations under The Church Constitution as Chairman of the General Board, Assistant General Secretary Bishop White was obligated to step forward and exercise that authority. By failing or refusing to take action to enforce the duly issued orders of the Judiciary Board with respect to Bishop Fortson and Chairman Hunt, among others, Bishop White did not act in a manner that is in the best interests of the membership of The Church.

75. The Church Constitution does not empower Chairman Hunt or the General Board to defy duly issued orders of the Judiciary Board. The conduct cited above therefore constitutes action that is unauthorized and therefore *ultra vires* pursuant to T.C.A. § 48-53-104, thereby threatening The Church's ability to maintain its standing as a non-profit corporation under § 48 of the Tennessee Code Annotated.

76. One of the services/benefits The Church provides to its member churches is maintaining certain exemptions from taxation obtained through the Internal Revenue Service, which exemptions are deemed to apply for the benefit of each member church. In the event The Church is found to have acted *ultra vires* and is deemed to have forfeited its status as a non-profit religious organization, said exemptions will be inapplicable to the individual member churches. In reliance on the representations of The Church, most if not all of the member churches have foregone the opportunity to register individually with the IRS or respective state authorities to enjoy exempt status. Should The Church be found to have acted *ultra vires*, thousands of

member churches throughout the United States will face financial ruin, having not had the chance to prepare for such an extraordinary change in circumstances.

77. Separate and apart from the *ultra vires* concerns, if the “court-stacking” conduct of the General Board and Chairman Hunt is not enjoined, it will be impossible to restore the current status quo at a subsequent date. As of today, the new justices purportedly elected through the process improperly initiated in November of 2014 have not been seated on the Judiciary Board. If these “justice-elects” are allowed to take their seats, there is no Constitutional mechanism to dislodge them from office absent an amendment to the Constitution or serious misconduct, either of which would invoke proceedings lasting years.

78. In the meantime, the entire Church governance structure – particularly the Judiciary branch – is paralyzed and rendered incapable of performing its duties under the Constitution. The Church’s tri-partite governmental structure inevitably will implode. The Judiciary Board will not honor the results of the purported November 2014 elections for a seat that the Judiciary Board dispositively determined was not vacant and thus did not have to be filled. The Judiciary Board likewise will not respect the legitimacy of a surreptitious “resolution” representatives of the General Board offered before the General Assembly in violation of the specific requirements of The Church Constitution and Tennessee’s non-profit corporation statutory provisions regarding due notice to voting member of the General Assembly as to the Constitutional credentials for candidates for the Judiciary Board.

79. Thereafter, either the General Assembly or the General Board (or both) will demand that the Judiciary Board honor the November 2014 elections. However, neither the General Assembly nor the General Board can compel the Judiciary Board to take action without itself seeking a determination in a secular, civil court. Ironically, the Preamble to Article VIII of The Church Constitution notes that the General Assembly and General Board expressly established the ultimate authority for the interpretation of The Church Constitution with the

Judiciary Board precisely to avoid such a result. See Exhibit A, Article VIII, Preamble (“The Judiciary Board shall serve to prevent the intrusion of civil authorities into the affairs of The Church wherever inevitable disputes shall arise.”)

**WHEREFORE**, Pastor Johnson and the General Assembly delegates he represents respectfully request this Court to:

- a) enjoin Chairman Hunt from repudiating the rulings of the Judiciary Board or taking any other action inconsistent with the Board’s issued orders;
- b) enjoin the General Board and Bishops Blake, Brooks, Macklin, White and Winbush, individually and collectively, from taking any action inconsistent with the issued orders of the Judiciary Board;
- c) with the exception of Bishop Fortson and Elder Davis (the election of whom is not in issue), enjoin any “justices-elect” from being seated on the Judiciary Board pending a resolution of whether the “justices-elect” had a vacancy to run for in the first instance and whether the candidate met the qualifications specified in The Church Constitution (which determination must be made by the Judiciary Board without the participation of the justices-elect);
- d) to the extent Pastor Johnson ‘s prosecution of this action is deemed to be successful as defined by T.C.A. § 48-53-104 (f), to award Pastor Johnson and the delegates he represents their reasonable expenses in bringing this action (including counsel fees);  
and
- e) grant Pastor Johnson and the delegates he represents such other and further relief as may be just and fair under all of the circumstances.

Respectfully submitted,

PASTOR ANDRE JOHNSON, OVERSEER AND DELEGATE IN GOOD STANDING OF THE GENERAL ASSEMBLY OF THE CHURCH OF GOD IN CHRIST, INC., INDIVIDUALLY AND ON BEHALF OF MORE THAN FIFTY CREDENTIALLED VOTING DELEGATES OF THE GENERAL ASSEMBLY OF THE CHURCH OF GOD IN CHRIST, INC.

s/ Matthew R. Wildermuth

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One of his Attorneys

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**VERIFICATION OF PLAINTIFF'S FIRST AMENDED VERIFIED  
COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

Plaintiff Pastor Andre Johnson, being over the age of 21 and being otherwise fully capable of testifying in open court regarding the subjects addressed below, state as follows:

1. I am the a duly credentialed delegate in good standing in the General Assembly of The Church of God in Christ, Inc. and am the credentialed Pastor of Grace & Mercy Church of God in Christ in South Holland, Illinois. Grace & Mercy is a member church in The Church of God in Christ, Inc.

2. I have personal knowledge regarding the events described in the foregoing First Amended Verified Complaint for Declaratory and Injunctive Relief. I have reviewed the allegations of Plaintiff's First Amended Verified Complaint for Declaratory and Injunctive Relief.

3. I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the allegations of the First Amended Verified Complaint for Declaratory and Injunctive Relief that assert specific facts (as distinguished from the language of statutes and other allegations of specific legal import) are true and correct to the best of my knowledge, information and belief.

Dated: January 19, 2015

  
Pastor Andre Johnson, Individually and on behalf of more than Fifty Other Credentialed Delegates of the General Assembly of The Church of God in Christ, Inc.