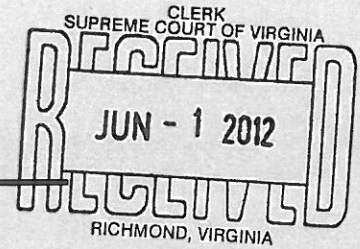


Record No. \_\_\_\_\_



**IN THE  
SUPREME COURT OF VIRGINIA**

**THE FALLS CHURCH, DEFENDANT-APPELLANT**

**v.**

**THE EPISCOPAL CHURCH AND THE PROTESTANT EPISCOPAL CHURCH  
IN THE DIOCESE OF VIRGINIA, PLAINTIFFS-APPELLEES**

**On Appeal from the Circuit Court for Fairfax County**

**THE ATTORNEY GENERAL'S AMICUS BRIEF  
IN SUPPORT OF  
THE FALLS CHURCH'S PETITION FOR APPEAL  
ON THE ISSUE OF DONOR INTENT**

**KENNETH T. CUCCINELLI, II**  
Attorney General of Virginia

**CHARLES E. JAMES, JR.**  
Chief Deputy Attorney General

**E. DUNCAN GETCHELL, JR.**  
Virginia State Bar No. 14156  
Solicitor General of Virginia  
dgetchell@oag.state.va.us  
*Counsel of Record*

**WESLEY G. RUSSELL, JR.**  
Virginia State Bar No. 38756  
Deputy Attorney General  
wrussell@oag.state.va.us

**MICHAEL H. BRADY**  
Virginia State Bar No. 78309  
Assistant Attorney General  
mbrady@oag.state.va.us

**OFFICE OF THE ATTORNEY GENERAL**  
900 East Main Street  
Richmond, Virginia 23219

Telephone: (804) 786-7240  
Facsimile: (804) 371-0200

June 1, 2012

*Counsel for the  
Commonwealth of Virginia*

## TABLE OF CONTENTS

	Page
TABLE OF CONTENTS .....	i
TABLE OF AUTHORITIES .....	ii
I. INTRODUCTION .....	1
II. ASSIGNMENT OF ERROR SUPPORTED .....	1
III. NATURE OF THE CASE AND MATERIAL PROCEEDINGS BELOW .....	2
IV. STATEMENT OF FACTS .....	5
V. AUTHORITIES AND ARGUMENT .....	5
A. Donor Intent Governs the Disposition of Charitable Donations In The Event of Conflicting Claims By Religious Entities. (Assignment of Error 5) .....	5
B. Virginia Statutes Must Be Construed To Avoid Conflicting With the Constitutions of the United States and of Virginia. (Assignment of Error 5) .....	9
VI. CONCLUSION .....	12
CERTIFICATE .....	14
CERTIFICATE OF SERVICE .....	17

TABLE OF AUTHORITIES

	Page
<b>CASES</b>	
<i>Clark v. Oliver</i> , 91 Va. 421, 22 S.E. 175 (1895).....	3
<i>Coll. Bldg. Auth. v. Lynn</i> , 260 Va. 608, 538 S.E.2d 682 (2000).....	10
<i>Commonwealth v. Doe</i> , 278 Va. 223, 682 S.E.2d 906 (2009).....	10
<i>Copeland v. Todd</i> , 282 Va. 183, 715 S.E.2d 11 (2011).....	10
<i>Dodge v. Trs. of Randolph-Macon Woman's Coll.</i> , 276 Va. 10, 661 S.E.2d 805 (2008).....	3
<i>Eastlack v. Commonwealth</i> , 282 Va. 120, 710 S.E.2d 723 (2011).....	8
<i>Everson v. Bd. of Educ. of Ewing</i> , 330 U.S. 1 (1947) .....	11
<i>Gallego's Ex'rs v. Att'y Gen.</i> , 30 Va. (3 Leigh) 450 (1832) .....	4, 11
<i>Glassman v. Arlington Cnty.</i> , 628 F.3d 140 (4th Cir. 2010).....	10
<i>Green v. Lewis</i> , 221 Va. 547, 272 S.E.2d 181 (1980).....	5
<i>Hughes v. Cole</i> , 251 Va. 3, 465 S.E.2d 820 (1996).....	8
<i>Lee v. Weisman</i> , 505 U.S. 577 (1992) .....	10
<i>Norfolk Presbytery v. Bollinger</i> , 214 Va. 500, 201 S.E.2d 752 (1974).....	5

<i>Protestant Episcopal Church v. Truro Church</i> , 280 Va. 6, 694 S.E.2d 555 (2010).....	1, 5, 7, 11
<i>Tauber v. Commonwealth</i> , 255 Va. 445, 499 S.E.2d 839 (1998).....	3
<i>Trustees of Asbury United Methodist Church v. Taylor &amp; Parrish, Inc.</i> , 249 Va. 144, 452 S.E.2d 847 (1995).....	5
<i>Va. Soc’y for Human Life v. Caldwell</i> , 256 Va. 151, 500 S.E.2d 814 (1998).....	10
<i>Virginia v. Amer. Booksellers Ass’n</i> , 484 U.S. 383 (1988) .....	10
STATUTES	
Va. Code Ann. § 2.2-507.1 .....	3
Va. Code Ann. § 2.2-507.1(A).....	3
Va. Code Ann. § 22.1-122 .....	6
Va. Code Ann. § 23-9.2 .....	6
Va. Code Ann. § 55-532 .....	3
Va. Code Ann. § 57-1 .....	7, 8, 11
Va. Code Ann. § 57-10 .....	6, 7, 8, 9, 12
Va. Code Ann. § 57-2 .....	8
Va. Code Ann. § 57-4 .....	4
Va. Code Ann. § 57-7 .....	5
Va. Code Ann. § 57-7.1 .....	5, 7, 8, 9
Va. Code Ann. §57-1 .....	2
CONSTITUTIONAL PROVISIONS	
U.S. Const. amend. I.....	10
U.S. Const. amend. XIV.....	10

Va. Const. art. I, § 16.....10

## I. INTRODUCTION

The Falls Church ("TFC" or "the Church") petitions for an appeal of the trial court's decision in a church property dispute between itself and The Episcopal Church (TEC) and The Protestant Episcopal Church in the Diocese of Virginia ("the Diocese"), the hierarchical entities to which TFC had previously belonged (collectively, "the plaintiffs"). This appeal is the continuation of a long-standing dispute between the Church and the plaintiffs that was previously addressed in *Protestant Episcopal Church v. Truro Church*, 280 Va. 6, 694 S.E.2d 555 (2010). TFC challenges, inter alia, the trial court's award to the plaintiffs of several million dollars worth of charitable donations originally made to the Church on the express condition that they not be shared with the plaintiffs. To protect the public interest in honoring the wishes of donors to charitable institutions, the Attorney General of Virginia presents this Amicus Brief in support of that aspect of the Church's Petition for Appeal and urges the Court to grant review of the trial court's transfer of TFC charitable donations to the plaintiffs.

## II. ASSIGNMENT OF ERROR SUPPORTED

The trial court erred in awarding TFC's personal property to plaintiffs—even though plaintiffs never had any control over TFC's funds or their use, and TFC's donors, for religious reasons, gave on the express

condition that their gifts *not* be forwarded to plaintiffs—in violation of Va. Code §57-1 and the Religion Clauses of the U.S. and Virginia Constitutions.<sup>1</sup>

### III. NATURE OF THE CASE AND MATERIAL PROCEEDINGS BELOW

The Attorney General hereby incorporates the Nature of the Case and Proceedings Below statement provided by The Falls Church in its Petition for Appeal, but expresses no opinion regarding matters relevant to the other errors therein assigned. The Church's petition presents a foundational question of fundamental principles: whether an express condition placed on a charitable donation by a donor to a religious congregation may be contravened and the donation forwarded to another religious body, when the donor has expressed an unequivocal unwillingness to support that body. The nature and seriousness of this issue compels the Attorney General's participation.

The Attorney General of Virginia has the authority, and duty, "to act on behalf of the public with respect to" assets held by "charitable entities" that are "incorporated in or doing any business in Virginia," such as those

---

<sup>1</sup> The assignment of error supported corresponds with Assignment of Error 5 in The Falls Church's Petition for Appeal. TFC Pet. for Appeal at 5. Citations to the record showing where the issue was preserved appear in that petition in that Assignment of Error.

at issue here, and "to seek such judicial relief as may be necessary to protect the public interest in such assets." Va. Code Ann. § 2.2-507.1(A). See *Dodge v. Trs. of Randolph-Macon Woman's Coll.*, 276 Va. 10, 16, 661 S.E.2d 805, 808-09 (2008) ("This statute further gives the Attorney General the authority to act on behalf of the public when a charitable corporation incorporated in or doing business in Virginia uses charitable property in a manner inconsistent with the corporation's governing documents *or applicable law.*" (emphasis added)). See also, Va. Code Ann. § 55-532 (requiring non-profit entities to notify the Attorney General before disposing of assets so that the Attorney General "may exercise his common law and statutory authority over the activities of these organizations"); accord *Tauber v. Commonwealth*, 255 Va. 445, 451, 499 S.E.2d 839, 842 (1998) (The Supreme Court of Virginia "long ago recognized the common law authority of the Attorney General to act on behalf of the public in matters involving charitable assets." (citing *Clark v. Oliver*, 91 Va. 421, 427-28, 22 S.E. 175, 177 (1895))).

The Attorney General here asserts the public interest in the wishes of donors being honored -- that the charitable gifts of donors be used "for such purposes as are established by . . . the gift or bequest made to" the religious body in question. Va. Code Ann. § 2.2-507.1. This venerable



principle of charitable trusts has been vindicated time and again before this Court, *see, e.g., Gallego's Ex'rs v. Att'y Gen.*, 30 Va. (3 Leigh) 450, 461 (1832) (reciting that "[t]he attorney general filed an information and bill, to have [the charitable gifts] applied to the objects for which they were bequeathed, and to enforce the execution of the trusts in respect to them"), and pervades Virginia law governing charitable assets of a religious institution. *See, e.g., Va. Code Ann. § 57-4* (directing that assets donated "for a charitable purpose" to a "vestry" that was no longer in existence be managed by the governing body of the locality in which the vestry lay and that the governing body "shall apply such money or other thing in such manner *as may have been directed by the donor.*" (emphasis added)).

Because the Church presents a prima facie case that the clearly expressed wishes of donors to a charitable institution are being contravened, and in a manner raising grave constitutional concerns, the Attorney General, pursuant to his common law and statutory authority and in pursuit of the public interest, urges this Court to grant TFC's petition for appeal insofar as it concerns the disposition of charitable donations to the plaintiffs.

#### IV. STATEMENT OF FACTS

The Attorney General hereby incorporates the Statement of the Facts provided by The Falls Church in its petition for appeal, but expresses no opinion regarding any recitation relevant to the other errors therein assigned.

#### V. AUTHORITIES AND ARGUMENT

##### A. Donor Intent Governs the Disposition of Charitable Donations In The Event of Conflicting Claims By Religious Entities. (Assignment of Error 5)

This Court affirmed in this very case that church property disputes are to be resolved with reference to the general laws of property and contract. *See Protestant Episcopal Church*, 280 Va. at 29, 694 S.E.2d at 567-68 (citing, Va. Code Ann. § 57-7.1; *Trustees of Asbury United Methodist Church v. Taylor & Parrish, Inc.*, 249 Va. 144, 452 S.E.2d 847 (1995); *Green v. Lewis*, 221 Va. 547, 272 S.E.2d 181 (1980); and *Norfolk Presbytery v. Bollinger*, 214 Va. 500, 201 S.E.2d 752 (1974)). That donor intent is paramount and governs the disposition of property, both real and personal, by one entrusted with its management is a principle beyond dispute and interwoven throughout the law governing charitable trusts. *Compare* Va. Code Ann. § 57-7.1 ("Any such conveyance or transfer that fails to state a specific purpose shall be used for the religious and benevolent purposes of the church, church diocese, religious congregation

or religious society as determined appropriate by the authorities which, under its rules or usages, have charge of the administration of the temporalities thereof."), with Va. Code Ann. § 22.1-112 ("Any donations made to the Board of Education or to any member thereof for the benefit of any public school or schools in the Commonwealth . . . shall be expended by the Board in accordance with the wishes of the donor."); Va. Code Ann. § 23-9.2 (declaring "the public policy of the Commonwealth" with regard to financing higher education to be that private donations "be used in accordance with the wishes of the donors thereof"). There are a number of reasons to conclude that it controls this case as well.

In ruling for the Plaintiffs, the trial court relied upon Va. Code Ann. § 57-10, which provides that:

When personal property shall be given or acquired for the benefit of an unincorporated church or religious body, to be used for its religious purposes, the same shall stand vested in the trustees having the legal title to the land, to be held by them as the land is held, and upon the same trusts or, if the church has created a corporation pursuant to § 57-16.1, to be held by it as its land is held, and for the same purposes.

Va. Code Ann. § 57-10. Having concluded that the real property belonged to plaintiffs, the trial court relied upon this section to conclude that all of TFC's personal property as of a certain date was also the plaintiffs'. See TFC Pet. for Appeal at 30-31. Assuming for purposes of argument that

Code § 57-10 is relevant to the disposition of the charitable donations, a point TFC contested below and contests now on appeal, see Mot. for Partial Recons. at 9, TFC Pet. for Appeal at 30-31 & n.10, this default rule - - that personal property "is held" in the same manner and for the same purposes as a religious body's real property -- does not evince an intent to amend the bedrock principle that assets donated to a charitable organization *be reserved to the organization and use that the donor intended*. Nor does this section speak at all to the situation presented: a dispute over ownership of personal property between a congregation and a hierarchical church body with which the congregation had previously associated. Yet the Court below stretched this statute to cover situations it was not contemplated to control, dislodging general principles of trust law. See *Truro Church*, 280 Va. at 29, 694 S.E.2d at 567-68.

Other statutes, such as Va. Code Ann. §§ 57-1 and 57-7.1, caution against this overbroad reading of Section 57-10. Va. Code Ann. § 57-1, passed by the General Assembly within ten years of the Commonwealth's independence, declares "that to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves, is sinful and tyrannical, and even the forcing him to support this or that teacher of his own religious persuasion, is depriving him of the comfortable liberty of

giving his contributions to the particular pastor whose morals he would make his pattern." Toward preventing this violation "of the natural rights of mankind," *id*; Va. Code Ann. § 57-2, the General Assembly enacted the principle "[t]hat no man shall be compelled to frequent or support any religious worship, place or ministry whatsoever." Va. Code Ann. § 57-1. The principles of reading statutes "in pari materia" and not presuming a repeal by implication, see *Eastlack v. Commonwealth*, 282 Va. 120, 125, 710 S.E.2d 723, 725-26 (2011) (citing *Hughes v. Cole*, 251 Va. 3, 14, 465 S.E.2d 820, 828 (1996), for the proposition that "repeal of a statute by implication is not favored, and there is a presumption against a legislative intent to repeal where express terms indicating such intent are lacking"), require reading Va. Code Ann. § 57-10 so as not to partially repeal Va. Code § 57-1 by involuntarily transferring donations from one religious congregation to another, over the religious objections, and in violation of the clearly expressed intent, of the donors.

And Va. Code Ann. § 57-7.1 lends further support to the conclusion that Code § 57-10 should not be read as an (implicit) command to ignore donor intent when resolving disputes between religious organizations over personal property. That section, entitled "What transfers for religious purposes valid," provides in pertinent part: "[a]ny such conveyance or

*transfer that fails to state a specific purpose* shall be used for the religious and benevolent purposes of the [recipient religious entity] as determined appropriate by the authorities" designated by the recipient entity. Va. Code Ann. § 57-7.1 (emphasis added). The emphasized language implies that "any such conveyance or transfer" that does "state a specific purpose" is not subject to the rule that the religious authorities may decide upon an appropriate use. If the Court concludes from the record that the donors' "conveyance or transfer" of charitable contributions to The Falls Church were conveyed with the specific purpose that they *not* be used to benefit the plaintiffs, the Court should conclude that the trial court misapplied Virginia law in vesting in the plaintiffs legal right to those charitable contributions.

**B. Virginia Statutes Must Be Construed To Avoid Conflicting With the Constitutions of the United States and of Virginia. (Assignment of Error 5)**

In addition to the reasons advanced for adopting the natural interpretation of Va. Code Ann. § 57-10 urged above, another rule of construction weighs heavily against the Court allowing the trial court's disposition of the charitable donations to stand. Courts "have a duty to construe statutes subject to a constitutional challenge in a manner that 'avoid[s] any conflict with the Constitution.'" *Copeland v. Todd*, 282 Va.

183, 193, 715 S.E.2d 11, 16 (2011) (quoting *Commonwealth v. Doe*, 278 Va. 223, 229, 682 S.E.2d 906, 908 (2009)). "In this context," this Court, like others, has reiterated that it "will narrowly construe a statute where such a construction is reasonable and avoids a constitutional infirmity." *Va. Soc'y for Human Life v. Caldwell*, 256 Va. 151, 157, 500 S.E.2d 814, 816-17 (1998); see also, *Virginia v. Am. Booksellers Ass'n*, 484 U.S. 383, 397 (1988) (holding, in the First Amendment context, that no overbreadth exists if curative construction is one to which the statute is "readily susceptible").

The religious freedoms protected by the First Amendment of the United States Constitution, as applied to the Commonwealth through the 14th Amendment, as well as Article I, § 16 of the Virginia Constitution,<sup>2</sup> prohibit the forced donations to benefit a religious organization. See *Lee v. Weisman*, 505 U.S. 577, 587 (1992) ("It is beyond dispute that, at a minimum, the Constitution guarantees that government may not coerce anyone to support or participate in religion or its exercise"); see also, Va. Const. art. I, § 16 ("No man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever . . . . it shall be left free to every person to select his religious instructor, and to make for his support

---

<sup>2</sup> "[T]he protections under the Virginia Constitution are 'parallel' to those of the U.S. Constitution." *Glassman v. Arlington Cnty.*, 628 F.3d 140, 149 (4th Cir. 2010) (citing *Coll. Bldg. Auth. v. Lynn*, 260 Va. 608, 626, 538 S.E.2d 682, 691 (2000)).

such private contract as he shall please."). As Thomas Jefferson wrote in the preamble to the bill that would become Va. Code Ann. § 57-1, "to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves, is sinful and tyrannical" and "that even the forcing him to support this or that teacher of *his own religious persuasion*, is depriving him of the comfortable liberty of giving his contributions to the particular pastor, whose morals he would make his pattern." *Everson v. Bd. of Educ. of Ewing*, 330 U.S. 1, 13 (1947) (emphasis added). See *Gallego's Ex'rs*, 30 Va. (3 Leigh) at 473 ("Does it not strike the most common understanding as an invasion of right, to give an estate which is devised to a roman catholic charity, to a charity of the church of England, on the principle, that the first was void at law, and the next is cy pres the testator's intention, when nothing in the world could have been farther from his intention?").

Although courts may and must resolve disputes over property rights, and thus necessarily will recognize property interests in one religious body and not another, they must do so, as this Court directed, see *Protestant Episcopal Church*, 280 Va. at 29, 694 S.E.2d at 567-68, in reliance upon neutral principles of private law, which require that donor intent be honored. In obedience to that mandate and the Constitution, the trial court was



obliged to reject an interpretation of Va. Code Ann. § 57-10 that ignores donor intent for purposes of church property disputes, especially where donors have expressed in no uncertain terms that they object on grounds of conscience to their donations supporting a particular religious body. This Court should grant an appeal to determine whether the record makes out such a scenario; however, in the judgment of the Attorney General, the Church raised below and now raises in its petition a prima facie case that the trial court's decision failed to honor donor intent. See (TFC Pet. for Appeal at 8-9, 31-32.)

VI. CONCLUSION

For the reasons previously stated, the Attorney General of Virginia requests that the Court grant The Falls Church's Petition for Appeal insofar as it concerns the disposition of charitable donations to the plaintiffs.

Respectfully submitted,

COMMONWEALTH OF VIRGINIA

By: E. Duncan Getchell, Jr.  
E. Duncan Getchell, Jr.

KENNETH T. CUCCINELLI, II  
Attorney General of Virginia

E. DUNCAN GETCHELL, JR.  
(VSB #14156)  
Solicitor General of Virginia  
dgetchell@oag.state.va.us

MICHAEL H. BRADY  
(VSB #78309)  
Assistant Attorney General  
mbrady@oag.state.va.us

CHARLES E. JAMES, JR.  
Chief Deputy Attorney General

OFFICE OF THE ATTORNEY GENERAL  
900 East Main Street  
Richmond, Virginia 23219  
Telephone: (804) 786-7240  
Facsimile: (804) 371-0200

*Counsel for the  
Commonwealth of Virginia*

June 1, 2012

CERTIFICATE

Pursuant to Va. Sup. Ct. Rule 5:17(i), I hereby certify that:

The Appellant is The Falls Church (also known as The Church at the Falls—The Falls Church). The names, addresses, telephone numbers, facsimile numbers, email addresses, and Virginia State Bar numbers (where applicable) of its counsel are:

Scott J. Ward (VSB #37758)  
sjw@gg-law.com  
Timothy R. Obitts (VSB #42370)  
tro@gg-law.com  
Gammon & Grange, P.C.  
8280 Greensboro Drive, 7th Floor  
McLean, VA 22102  
703-761-5000 (telephone)  
703-761-5023 (facsimile)

James A. Johnson  
jjohnson@semmes.com  
Paul N. Farquharson  
pfarquharson@semmes.com  
Tyler O. Prout (VSB #74180)  
tprout@semmes.com  
Semmes, Bowen & Semmes, P.C.  
25 South Charles Street, Ste. 1400  
Baltimore, Maryland 21201  
(410) 539-5040 (telephone)  
(410) 539-5223 (facsimile)

The appellees are The Protestant Episcopal Church in the United States of America and The Protestant Episcopal Church in the Diocese of Virginia.

The names, addresses, telephone numbers, facsimile numbers, email

Gordon A. Coffee (VSB #25808)  
gcoffee@winston.com  
Gene C. Schaerr  
gschaerr@winston.com  
Steffen N. Johnson  
sjohnson@winston.com  
Andrew C. Nichols (VSB #66679)  
anichols@winston.com  
Winston & Strawn LLP  
1700 K Street N.W.  
Washington, D.C. 20006  
(202) 282-5000 (telephone)  
(202) 282-5100 (facsimile)

addresses, and Virginia State Bar numbers (where applicable) of its counsel are:

Bradfute W. Davenport, Jr., Esquire  
(VSB #12848)  
brad.davenport@troutmansanders.com  
George A. Somerville, Esquire  
(VSB #22419)  
george.somerville@troutmansanders.com

Mary C. Zinsner, Esquire  
(VSB #31397)  
mary.zinsner@troutmansanders.com  
Brian D. Fowler (VSB #44070)  
TROUTMAN SANDERS, LLP  
P.O. Box 1122  
Richmond, VA 23218  
Telephone: (804) 697-1200  
Facsimile: (804) 697-1339

David Booth Beers, Esquire  
dbeers@goodwinprocter.com  
GOODWIN PROCTER, LLP  
901 New York Ave., N.W.  
Washington, D.C. 20001  
Telephone: (202) 346-4000  
Facsimile: (202) 346-4444

Mary E. Kostel  
mkostel@goodwinprocter.com  
The Episcopal Church  
c/o GOODWIN PROCTER, LLP  
901 New York Ave., N.W.  
Washington, D.C. 20001  
Telephone: (202) 346-4000  
Facsimile: (202) 346-4444


Counsel for The Protestant Episcopal  
Church in the Diocese of Virginia

Counsel for The Protestant  
Episcopal Church in the United  
States of America

---

Additional appellees not aligned with either party include William W. Goodrich and Steven Skancke, in their capacity as trustees for The Falls Church (also known as the Church at the Falls—The Falls Church). The name, address, telephone number, facsimile number, and email address of their counsel is:

Thomas C. Palmer, Esquire  
tpalmer@thebraultfirm.com  
BRAULT PALMER GROVE  
WHITE & STEINHILBER, LLP  
3554 Chain Bridge Road, Suite 400  
Fairfax, VA 22030  
Telephone: (703) 273-6400  
Facsimile: (703) 273-3514

  
\_\_\_\_\_  
E. Duncan Getchell, Jr.  
Solicitor General of Virginia  
(VSB No. 14156)  
Office of the Attorney General  
900 East Main Street  
Richmond, Virginia 23219  
(804) 786-7240 – Telephone  
(804) 371-0200 – Facsimile  
dgetchell@oag.state.va.us  
*Counsel for the  
Commonwealth of Virginia*

CERTIFICATE OF SERVICE

I certify that on this 1st day of June, 2012, seven (7) copies of this Amicus Brief of the Attorney General of Virginia have been filed in the Office of the Clerk of the Supreme Court of Virginia; a copy has been mailed by first class, postage prepaid, U.S. Mail to counsel listed below; and an electronic copy of the Brief has been filed with the Clerk of the Supreme Court of Virginia by e-mail at [scvbriefts@courts.state.va.us](mailto:scvbriefts@courts.state.va.us).

Gordon A. Coffee (VSB #25808)  
Gene C. Schaerr  
Steffan N. Johnson  
Andrew C. Nichols (VSB #66679)  
WINSTON & STRAWN LLP  
1700 K Street N.W.  
Washington, DC 20006  
Telephone: (202) 282-5000  
Facsimile: (202) 282-5100  
*The Falls Church*

James A. Johnson  
Paul N. Farquharson  
Tyler O. Prout (VSB #74180)  
SEMMES, BOWEN & SEMMES,  
P.C.  
25 South Charles Street  
Ste. 1400  
Baltimore, MD 21201  
Telephone: (410) 539-5040  
Facsimile: (410) 539-5223  
*The Falls Church*

Bradfute W. Davenport, Jr. (VSB  
#12848)  
George A. Somerville (VSB #22419)  
Joshua D. Heslinga  
Andrea M. Sullivan (VSB #41944)  
Nicholas R. Klaiber (VSB #80563)  
TROUTMAN SANDERS, LLP  
P.O. Box 1122  
Richmond, VA 23218  
Telephone: (804) 697-1200  
Facsimile: (804) 697-1339  
*The Protestant Episcopal  
Church in the Diocese of Virginia*

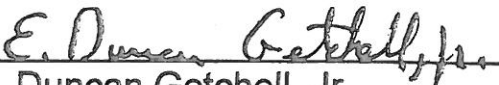
Scott J. Ward (VSB #37758)  
Timothy R. Obitts (VSB #42370)  
GAMMON & GRANGE, P.C.  
8280 Greensboro Drive  
7th Floor  
McLean, VA 22102  
Telephone: (703) 761-5000  
Facsimile: (703) 761-5023  
*The Falls Church*

Mary E. Kostel  
The Episcopal Church  
c/o GOODWIN PROCTER, LLP  
901 New York Avenue, N.W.  
Washington, DC 20001  
*The Episcopal Church*

Gregory Sagsetter, Esquire  
Law Clerk to Hon. Randy Bellows  
Circuit Court for Fairfax County  
4110 Chain Bridge Road  
Fifth Floor Judges' Chambers  
Fairfax, VA 22030

David Booth Beers (*pro hac vice*)  
GOODWIN PROCTER, LLP  
901 New York Ave., N.W.  
Washington, D.C. 20001  
Telephone: (202) 346-4000  
Facsimile: (202) 346-4444  
*The Episcopal Church*

Thomas C. Palmer, Esquire  
BRAULT PALMER GROVE  
WHITE & STEINHILBER, LLP  
3554 Chain Bridge Road  
Suite 400  
Fairfax, VA 22030  
Telephone: (703) 273-6400  
Facsimile: (703) 273-3514  
*Trustees of the Church at the Falls  
- the Falls Church, including  
William W. Goodrich and Steven  
Skancke*

  
E. Duncan Getchell, Jr.  
Solicitor General of Virginia  
(VSB No. 14156)  
Office of the Attorney General  
900 East Main Street  
Richmond, Virginia 23219  
(804) 786-7240 – Telephone  
(804) 371-0200 – Facsimile  
dgetchell@oag.state.va.us  
*Counsel for the  
Commonwealth of Virginia*