



FOURTH JUDICIAL CIRCUIT OF VIRGINIA
CIRCUIT COURT OF THE CITY OF NORFOLK

MARY JANE HALL
JUDGE

February 8, 2023

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NORFOLK, VIRGINIA 23510

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RE: Scott Rimer v. Michael Seiler
Docket No.: CL22-1163

Dear Counsel:

This matter came before the Court on Defendant's Motion to Dismiss and Demurrer. The Court heard oral argument on December 15, 2022 and directed Plaintiff to file a written response to the motions. The matter has now been fully briefed. For the reasons stated herein, the Court SUSTAINS the Motion to Dismiss.

Background

At the time of the events that give rise to the Complaint, Plaintiff Scott Rimer worked as a Pastor for the Elizabeth River District of the Virginia Conference of the United Methodist Church ("UMC"). The Complaint alleges that in July of 2019, Defendant Michael Seiler sent two different letters to two of Plaintiff's superiors within the UMC organization. In these letters, Defendant raised concerns about the relationship between Plaintiff and Defendant's ex-wife, reporting that they are "living in sin" and violating UMC tenets by doing so. In the letters, Defendant expressed concerns about the impact of Plaintiff's conduct on Defendant's two sons and on the UMC congregation of which Plaintiff served as Pastor.¹ Defendant moves to dismiss for lack of subject matter jurisdiction.

¹ Defendant's ex-wife was not then, but is now, married to Plaintiff and goes by the name Vicky Rimer. Vicky Rimer has filed a similar defamation action against Defendant (*See* CL22-1160) arising out of the same facts, to which Defendant has filed a similar Motion to Dismiss and Demurrer, however, counsel indicated at oral argument that only Scott Rimer's case is before the Court on this set of arguments.

Analysis

The Virginia Supreme Court has interpreted the First Amendment of the United States Constitution and Article I § 16 of the Virginia Constitution to prohibit courts from reviewing ecclesiastical disputes: “The constitutional guarantees of religious freedom have no deeper roots than in Virginia. . . . These principles prohibit the civil courts from resolving ecclesiastical disputes which depend upon inquiry into questions of faith or doctrine.” *Cha v. Korean Presbyterian Church of Washington*, 262 Va. 604, 610 (2001)(quoting *Reid v. Gholson*, 229 Va. 179, 187 (1985)).

In its two seminal cases addressing the ecclesiastical abstention doctrine as applied to claims for defamation, *Cha v. Korean Presbyterian Church of Washington*, 262 Va. 604 and *Bowie v. Murphy*, 271 Va. 127 (2006), the Virginia Supreme Court reached opposite conclusions. In *Cha*, the plaintiff had served as one of several pastors for the Korean Presbyterian Church. 262 Va. at 608-09. After meeting with church members who suspected that certain church officials were misusing church funds, the plaintiff advocated for hiring an independent auditor to investigate the church’s finances. *Id.* at 609. In response, church officials threatened the plaintiff, terminated his employment, and publicly accused him of borrowing and failing to repay over \$100,000 from the church. *Id.*

The plaintiff sued for wrongful termination, tortious interference with employment, and defamation. *Id.* at 607. The Court affirmed the circuit court’s ruling that it lacked subject matter jurisdiction over Cha’s claims, concluding that if the circuit court tried the case, it would have “become entangled in issues regarding the church’s governance as well as matters of faith and doctrine.” *Id.* at 613. Specifically addressing the defamation claims, the Court wrote, “we hold that the plaintiff’s allegations of defamation against the individual defendants cannot be considered in isolation, separate and apart from the church’s decision to terminate his employment.” *Id.* at 615. The Court noted that the defamatory remarks had been uttered at meetings of the church’s governing bodies “that had been convened for the purpose of discussing certain accusations against the plaintiff.” *Id.*

The other Virginia Supreme Court decision on ecclesiastical abstention and defamation held that the circuit court could exercise subject matter jurisdiction. The dispute in *Bowie* arose out of an angry division within a church about internal governance. 271 Va. at 129. The Greater Little Zion Baptist Church scheduled a vote to determine whether its pastor, James Murphy, would be removed. *Id.* Plaintiff David Bowie was a deacon of the church assigned to provide security to the voting area, where one of the pastor’s supporters was engaged in disruptive and harassing conduct against congregation members who were trying to vote. *Id.* at 129-30. That supporter accused Bowie of assaulting her, and a week later Pastor Murphy repeated that allegation at a church meeting and in a letter to the congregation that called for Bowie’s removal as a church deacon. *Id.* at 130-31.

Bowie sued for defamation, claiming that the assault accusations against him “were made with knowledge of the falsity of the allegation or reckless disregard for the truth.” *Id.* at 131. The Court considered whether Bowie’s claim was barred by its decision in *Cha* and reaffirmed that defamation claims cannot be addressed if doing so would cause it to “become entangled in issues regarding the church’s governance as well as matters of faith and doctrine.” *Id.* at 134 (quoting *Cha*, 262 Va. at 613).

The Court explained that in *Cha*, “the plaintiff’s defamation claims were so connected to his wrongful termination claim as to mix with ‘ecclesiastical decisions regarding the appointment and removal’ of church officials.” *Bowie*, 271 Va. at 135 (quoting *Cha*, 262 Va. at 613). In contrast, “Bowie’s defamation claims arise solely from allegations made by the defendants that Bowie perpetrated an assault.” *Bowie*, 271 at 135. The Court reasoned that the “circuit court can evaluate these statements for their veracity and the impact they had on Bowie’s reputation the same as if the statements were made in any other, non-religious context.” *Id.*

The Court’s observation that Bowie’s claims could be addressed without considering matters of faith and doctrine, was equally true in *Cha*, where the pastor was accused of procuring himself a sizeable loan from church funds and then not paying the money back. Further, some of the defamatory statements in *Bowie* were made at a church meeting at which Bowie’s continuing on as deacon was the primary issue – clearly a matter of internal church governance. As the *Cha* Court held, “a civil court may neither interfere in matters of church government nor in matters of faith and doctrine.” *Cha*, 262 at 611. Nonetheless, the *Bowie* defamation claims were permitted to proceed.

Against the backdrop of those two controlling decisions, this Court must determine whether Defendant’s written correspondence to church officials complaining of Plaintiff’s conduct, bears closer similarity to *Cha* or to *Bowie*. Plaintiff quotes ten statements contained in Defendant’s letters of July 19, 2021 to Reverend Kim and July 29, 2021 to Bishop Lewis, including:

- “Scott and Vicky are ... living under the same roof”
- “[T]hey are in clear violation of the United Methodist Church tenants [*sic*]”
- “[T]hey publicly [*sic*] espouse one set of Christian values to the congregation and to the families they each counsel yet abide by a much different, lower standard in their personal lives”
- They are “‘living in sin,’ which includes both pre-marital sex and unmarried cohabitation.”
- “Worse yet they are doing so half the time with Vicky and my two sons, Ryan Seiler and Evan Seiler”
- “When our son, Ryan, was 12 years old, Pastor Rimer shared a ‘story/joke’ of priests who rape 12 year old boys”
-

Compl. ¶¶ 5, 11.

The letter to Reverend Kim includes Defendant's direct request that Pastor Rimer be relieved of his position, and the letter to Bishop Lewis queries whether Methodist pastors are "allowed" to do the various things of which he accuses Plaintiff (implying that Pastor Rimer should face some job-related consequence). See Compl. Exs. A - B. Plaintiff pleads that these statements were published intentionally and maliciously to harm him, to cause him damage and prejudice to his profession and his professional reputation, and to impute unfitness for service as a Methodist pastor. Compl. ¶ 18.

Defendant's Motion to Dismiss urges the Court to abstain from hearing this matter lest it "become entangled in issues regarding the church's governance as well as matters of faith and doctrine." *Cha*, 262 Va. at 613. Plaintiff, in opposition, relies upon *Bowie*: When "disputes can be decided without reference to questions of faith and doctrine, there is no constitutional prohibition against their resolution by civil courts." *Bowie*, 271 Va. at 135 (quoting *Reid*, 229 Va. at 187). Despite the religious context of this dispute, Plaintiff argues that the neutral legal principles of defamation, without reference to religious doctrine, may be applied.

Any evaluation into the truth or falsity of claims about Plaintiff's adherence to "Christian values" and to the tenets of the United Methodist Church necessarily involves inquiry into what those values and tenets are. Additionally, in both counts (defamation and defamation *per se*), Plaintiff claims that the statements damaged his professional reputation and imply an unfitness to perform the duties of his employment. As he alleges in paragraph 8 of the Complaint:

The defamatory statement contained in paragraph 5(c) is defamatory by implication as it contains a provably false statement and implies that he is a hypocrite in his employment and to his parishioners. This implies an unfitness to perform the duties of Rimer's employment and a want of integrity in the discharge of those duties. It also prejudices Rimer in his profession and implies that Rimer is unable to counsel his parishioners on values of the congregation.

An evaluation of these claims of professional harm and alleged unfitness to perform job duties, will require wading into the particulars of those pastoral duties and the criteria for evaluating effective and ineffective Methodist pastors.

Plaintiff attaches significance to the fact that the Complaint does not involve a dispute between members of a church. While relevant Virginia cases have factually been between church leaders and church community members, the Court does not extrapolate church affiliation as a requirement for the ecclesiastical abstention doctrine to apply. Here, regardless of who made the statements, Plaintiff has pleaded that the defamatory statements imply an unfitness to do his job. The Court "can only conclude that if a civil court were to exercise jurisdiction . . . under these circumstances, the [C]ourt would be compelled to consider the church's doctrine and beliefs because such matters would undoubtedly affect the plaintiff's fitness to perform pastoral duties." *Cha*, 262 Va. at 615. Determining whether Plaintiff is fit or unfit to perform his duties as a religious leader, requires that the Court make factual findings regarding those very duties.

In an attempt to ward off this ruling, Plaintiff offered at oral argument to remove any ecclesiastical dispute that might have otherwise existed by stipulating that cohabiting and having sex prior to marriage constitutes a violation of UMC tenets. If the fact-finder concludes that Plaintiff committed those acts, the stipulation would establish that he had “liv[ed] in sin” and violated Christian values., *i.e.*, that Defendant's allegedly defamatory statements are true. With these concessions, Plaintiff argues, the Court need not wade into religious doctrine at all.

The Court does not foresee that such a stipulation would remove all determinations about religious doctrine in the case. Acknowledgement that an act is sinful or a violation of UMC tenets does not instruct the Court on what UMC doctrines say should be done in response to such violations. If the jury decides that Defendant is liable for defaming Plaintiff, it is not clear how they could evaluate the impact of that defamation on the church community or on Plaintiff's discharge of pastoral duties, except by wading into religious matters. The Court has no confidence that the proposed stipulation would disentangle this controversy from church governance and practice.

Further, Defendant's letters included statements other than those relating to accusations of premarital sex; he refers to an inappropriate sexual joke allegedly told by Plaintiff to Defendant's son, and he claims that Plaintiff lives by a lower set of Christian values than those that he espouses. This latter statement is not necessarily limited to the alleged premarital sex. The Court does not conclude, therefore, that the proposed stipulation would succeed in scrubbing all religion from the case.

Finally, in his Demurrer to the Complaint, which the Court does not reach considering its determination that it lacks subject matter jurisdiction, Defendant persuasively argues that allegations of premarital cohabitation and sexual activity lacks “the requisite defamatory ‘sting’ to one's reputation.” *Schaefer v. Bouffault*, 290 Va. 83, 91 (2015); *see Freedlander v. Edens Broadcasting, Inc.*, 734 F. Supp. 221, 227 (E.D.Va. 1990)(“cohabitation, in the context of today's social mores, cannot be said to be behavior involving moral depravity or deviation”). An allegation that only “stings” when evaluated in the context of one's religious beliefs and practices, suggests that it cannot be decided “by reference to neutral principles of law, without reference to issues of faith and doctrine.” *Bowie*, 271 Va. at 135.

Conclusion

The Court acknowledges that both parties can credibly support their opposing positions with Virginia Supreme Court authority. Application of the *Cha* holding requires that Defendant's motion be granted; *Bowie* supports overruling the motion and permitting the suit to proceed. The Court concludes that the Complaint articulates claims regarding both liability and damages that will require it to refer to questions of Methodist faith and doctrine. The defamation alleged in this case is not as “neutral” as the assault alleged in *Bowie*. Because the Court cannot decide these claims exclusively by reference to neutral principals of law, the Court concludes that it lacks subject matter jurisdiction to hear the dispute.

Defendant's Motion to Dismiss is GRANTED.

Counsel for Defendant is DIRECTED to prepare and circulate an Order that incorporates the Court's ruling herein. The Order should be presented within two weeks.

Sincerely,

A handwritten signature in black ink that reads "Mary Jane Hall". The signature is written in a cursive style with a large, stylized initial "M".

Mary Jane Hall
Judge

MJH/lrb