CAUSE NO. 2015-CI-07858

FIRST PRESBYTERIAN SAN ANTONIO	CHURCH	OF §	IN THE DISTRICT COURT
		§	
Plaintiff,		§	
••		§ 9	
v.		§ §	
MISSION PRESBYTERY,		§	BEXAR COUNTY, TEXAS
T) (0 1 4		§	
Defendant,		\{\s\} \{\s\}	
v.		§ §	
		§	
ED BONDURANT, et. al.,		§	
Intervenors.		§ §	73 RD JUDICIAL DISTRICT
		U	

INTERVENORS' REPLY TO PLAINTIFF'S BRIEF IN OPPOSITION TO EMERGENCY MOTION FOR RECONSIDERATION OF INTERVENORS' APPLICATION FOR TEMPORARY INJUNCTION DUE TO NEW EVIDENCE OF IMMINENT HARM

I. FPC IS ARGUING THE WRONG CASE

FPC (not Intervenors), invoked the jurisdiction of this Court over what it has previously characterized as a "property dispute."

Now, when FPC is acting to do something different with that property – which, of course, is why it filed suit in the first case – it claims that the Court doesn't have jurisdiction over this dispute. FPC cannot have it both ways. And it is not both ways: FPC's brief argues against some sort of "relief" that nobody in this case is seeking.

The temporary injunction requested by Intervenors would not prevent a single person from exercising his/her faith as he/she sees fit. Every single member of FPC is free to practice the faith of their choosing, from now until forevermore.

The *only* issue raised herein is this: can FPC take property and assets that were built up with the charitable purpose of use for PC(USA) and dedicate them to the use of another

denomination? Note how the individual worshipping decisions of any person with a First Amendment right is not implicated in that question at all. The church doors remain open (to people going in *or out*), and any person is free to exercise their chosen faith elsewhere. Any person or persons can worship as they please . . . they just can't use property that has a different charitable purpose to do so.

A person has a right to practice his or her faith just like any person has a constitutionally protected right to travel freely about the country. They just can't use someone else's car to do so. FPC stands before the Court, holding the keys to a car dedicated to the limited purpose of PC(USA), and says "we can freely travel to ECO" as its argument for being able to take the car donated for the charitable purpose of PC(USA). It argues the wrong point, and answers the wrong question. Any and all of the members of FPC, individually or collectively, are free to "travel to ECO." What they cannot do is take property that is dedicated to another purpose with them.

FPC invoked this Court's jurisdiction to determine what can/can't be done with the church's property. And by its hasty action to pack up that property and use it for a purpose other than the express charitable purpose for which it was donated, FPC has now made this Court's exercise of that jurisdiction necessary.

Intervenors have attached their proposed Temporary Injunction Order again, for the Court's convenience. The Intervenors ask that this Court sign that Order to protect the Intervenors' interest in property that they have helped build over the years with thousands of dollars of donations. The ruling cabal of FPC doesn't just want to travel to ECO; they want to take every single piece of the church's property with them.

They can't do that.

The property can only be used for its charitable purpose, determined at the time of donation. Any other use is denying the property from use for its intended purpose, and is exactly the imminent and irreparable harm that this Court can—and should—prevent.

II. PRAYER

Intervenors hereby request that this Court grant Intervenors' Emergency Motion, grant Intervenors' Application for Temporary Injunction, and pray for any and all other relief to which they may be justly entitled.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been forwarded to the following attorneys via e-service and electronic mail on this 22nd day of October, 2015:

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