

CALIFORNIA COURT OF APPEAL, FOURTH APPELLATE DISTRICT,
DIVISION THREE

Carol Wimber et al. v. Alan Scott et al.

Wimber v. Scott · No. G064170 · Decided July 30, 2025

SUMMARY

The California Court of Appeal, Fourth Appellate District, Division Three, affirmed a judgment sustaining demurrers without leave to amend in a dispute involving the disaffiliation of a nonprofit religious corporation from Vineyard USA. The court held that the plaintiffs lacked standing to assert representative claims on behalf of the church and failed to allege sufficient facts supporting their individual claims. The court further concluded that allowing the action to proceed would impermissibly infringe the defendants’ First Amendment rights.

CASE DETAILS

COURT	California Court of Appeal, Fourth Appellate District, Division Three
WRITING FOR THE COURT	Sanchez, Acting P. J.; Gooding, J.; Scott, J.
JURISDICTION	California Court of Appeal, Fourth Appellate District, Division Three
DECIDED	July 30, 2025
DOCKET	G064170
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a judgment entered after the superior court sustained respondents' demurrers to appellants' first amended complaint without leave to amend.
STANDARD OF REVIEW	De novo review of an order sustaining a demurrer; the court accepts properly pleaded material allegations as true, but not contentions, deductions, or legal conclusions.
PRECEDENTIAL VALUE	Published in part; only parts I, II, and III of the Statement of Facts, part I of the Discussion, and the Disposition are certified for publication.
PARTIES	Carol Wimber, Steve Bray, Nancy Bray, Stephanie Rupp, David Edmondson, Lance Pittluck, Don Salladin, Joe Gillentine, James Gillentine v. Alan Scott, Kathryn Scott, Jeremy Riddle, Katie Riddle, Gregory Scherer, Banning Leibscher, Julian Adams, Dwelling Place

TOPICS

appellate procedure corporate governance corporate law first amendment free exercise clause

PRACTICE AREAS

appellate procedure nonprofit religious corporations corporate governance constitutional law
church property

QUESTIONS PRESENTED

1. Whether the plaintiffs had statutory standing under California's Nonprofit Religious Corporation Law to bring representative claims on behalf of Dwelling Place.
2. Whether the complaint alleged facts sufficient to state individual claims for fraud, negligent misrepresentation, declaratory relief, permanent injunction, or constructive trust.
3. Whether the First Amendment barred adjudication of the claims because resolving them would require the court to decide religious doctrine, polity, or practice and interfere with church governance.
4. Whether the plaintiffs sufficiently alleged a trust over Dwelling Place's assets under Corporations Code section 9142.

HOLDINGS

1. The plaintiffs lacked standing to bring representative claims on behalf of Dwelling Place. Congregants who were only associate members lacked the statutory representative rights of corporate members, and former directors were not current members when the alleged disassociation occurred.
2. The complaint did not allege a trust over Dwelling Place's assets within the meaning of Corporations Code section 9142, and section 9142 is not merely a rebuttable presumption.
3. The individual plaintiffs did not allege sufficient facts to state claims for fraud or negligent misrepresentation because they did not establish a duty to disclose, justifiable reliance, or damages caused by the alleged representations.
4. The plaintiffs could not obtain declaratory relief, a permanent injunction, or a constructive trust because they failed to plead an underlying cognizable legal claim, and an injunction or constructive trust is not an independent cause of action.
5. Even if the complaint stated viable causes of action, the First Amendment barred the case because resolving the claims would require the court to determine what constitutes being 'Vineyard through and through' and whether the Scotts' actions were consistent with Vineyard doctrine, polity, or practice.

KEY QUOTATIONS

“The statute means what it says: “No assets of a religious corporation are or shall be deemed to be impressed with any trust, express or implied, statutory or at common law” unless one of the exceptions applies.” (at 16)

“Permanent injunctions and constructive trusts are not causes of action.” (at 23)

“We could not decide that without determining “what doctrines or practices characterize a [Vineyard] church as such, and then . . . evaluate the actions taken by [the Scotts] in order to determine whether [their actions could be] considered [“Vineyard through and through”].”” (at 26)

FACTUAL BACKGROUND

Dwelling Place Anaheim is a California nonprofit religious corporation formerly known as Vineyard Christian Fellowship of Anaheim and affiliated with Vineyard USA. The complaint alleged that Alan and Kathryn Scott represented during the 2018 hiring process that they were committed to the Vineyard Movement and would not remove the church from it, while concealing their dissatisfaction and alleged plan to use the church's assets to fund a new movement. In 2022, Alan Scott announced that the church would disassociate from Vineyard USA and allegedly took control of approximately \$62 million in assets for that purpose; the then-board of directors ratified the decision. The plaintiffs, congregants and former directors, sought representative and individual relief including damages, declaratory relief, an injunction, and a constructive trust.

PROCEDURAL HISTORY

Appellants filed individual and representative claims alleging that Alan and Kathryn Scott misrepresented their commitment to the Vineyard Movement and Vineyard USA to obtain senior-pastor positions, control Dwelling Place's assets, and disassociate the church. The trial court first sustained demurrers with leave to amend on First Amendment grounds, then sustained demurrers to the first amended complaint without leave to amend. The Court of Appeal reviewed the pleading de novo and affirmed the judgment.

DISPOSITION

affirmed

CASES CITED

- *Schmier v. City of Berkeley*, 76 Cal. App. 5th 549, 553 fn. 4 (2022)
- *Arce v. Kaiser Foundation Health Plan, Inc.*, 181 Cal. App. 4th 471, 482 (2010)
- *John's Grill, Inc. v. The Hartford Financial Services Group, Inc.*, 16 Cal. 5th 1003, 1008, 1013 (2024)
- *Brown v. Crandall*, 198 Cal. App. 4th 1, 8 (2011)
- *Bader v. Anderson*, 179 Cal. App. 4th 775, 787-789 (2009)
- *Smart Corner Owners Assn. v. CJUF Smart Corner LLC*, 64 Cal. App. 5th 439, 459-460 (2021)
- *Rattagan v. Uber Technologies, Inc.*, 17 Cal. 5th 1, 32, 39, 43 (2024)
- *Cicone v. URS Corp.*, 183 Cal. App. 3d 194, 203 (1986)
- *Hahn v. Mirda*, 147 Cal. App. 4th 740, 745 (2007)
- *Gilead Tenofovir Cases*, 98 Cal. App. 5th 911, 948 (2024)

- United States Liability Insurance Co. v. Haidinger-Hayes, Inc., 1 Cal. 3d 586, 595 (1970)
- Prakashpalan v. Engstrom, Prakashpalan v. Engstrom, Lipscomb & Lack, 223 Cal. App. 4th 1105, 1131 (2014)
- Peterson Development Co. v. Torrey Pines Bank, 233 Cal. App. 3d 103, 116 (1991)
- Hadland v. NN Investors Life Ins. Co., 24 Cal. App. 4th 1578, 1586 (1994)
- Hoffman v. 162 North Wolfe LLC, 228 Cal. App. 4th 1178, 1185 (2014)
- Dore v. Arnold Worldwide, Inc., 39 Cal. 4th 384, 393-394 (2006)
- Olincy v. Merle Norman Cosmetics, Inc., 200 Cal. App. 2d 260, 267 (1962)
- Central Coast Baptist Assn. v. First Baptist Church of Las Lomas, 171 Cal. App. 4th 822, 845, 851 (2007)
- Episcopal Church Cases, 45 Cal. 4th 467, 475-478, 485, 489 (2009)
- Service by Medallion, Inc. v. Clorox Co., 44 Cal. App. 4th 1807, 1818-1819 (1996)
- Fladeboe v. American Isuzu Motors Inc., 150 Cal. App. 4th 42, 65 (2007)
- Goehring v. Chapman University, 121 Cal. App. 4th 353, 365 (2004)
- National Union Fire Insurance Co. of Pittsburgh, PA v. Cambridge Integrated Services Group, Inc., 171 Cal. App. 4th 35, 50 (2009)
- Venice Town Council, Inc. v. City of Los Angeles, 47 Cal. App. 4th 1547, 1562 (1996)
- Cutter v. Wilkinson, 544 U.S. 709, 719 (2005)
- Employment Division, Department of Human Resources of Oregon v. Smith, 494 U.S. 872, 877 (1990)
- Presbyterian Church v. Hull Church, 393 U.S. 440, 449 (1969)
- Concord Christian Center v. Open Bible Standard Churches, 132 Cal. App. 4th 1396, 1412 (2005)
- Our Lady of Guadalupe School v. Morrissey-Berru, 591 U.S. 732, 746 (2020)
- Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC, 565 U.S. 171, 188, 194-195 (2012)