

**THE PERMANENT JUDICIAL COMMISSION
OF THE SYNOD OF THE PACIFIC
OF THE PRESBYTERIAN CHURCH (U.S.A.)**

Candace Adam-Medefind,)	
Elder, Sierra Presbyterian Church,)	
)	
Complainant,)	FINAL DECISION AND ORDER
)	Objection to Stay of Enforcement
v.)	and Motion to Dismiss
)	
Presbytery of Stockton,)	Remedial Case 10-02
)	
Respondent.)	
)	

ARRIVAL STATEMENT

This remedial case came before the Synod Permanent Judicial Commission (this Commission or SPJC) on a case of original jurisdiction filed by the Complainants, Marc Medefind *et al.* (Sierra), following action taken by the Presbytery of Stockton (Presbytery) at its Special meeting on May 15, 2010.

HISTORY

Upon recommendation of the Committee on Ministry, Presbytery voted on September 12, 2009, to form an Administrative Commission (AC) pursuant to G11.0103s, to assume original jurisdiction over certain powers of the Session of Sierra Presbyterian Church, Merced. After a series of meetings, the AC recommended at a Special meeting of Presbytery on May 15, 2010, that Presbytery dissolve Sierra Presbyterian Church. At that meeting, Presbytery voted to dissolve Sierra Presbyterian Church. A Complaint and Request for Stay of Enforcement was filed with the Synod of the Pacific on June 29, 2010. On July 15, 2010, the Moderator and Clerk of the SPJC answered all preliminary questions in D-6.0305 in the affirmative and accepted the case for trial at a date and time to be determined. On July 20, 2010, the Stated Clerk of the Synod of the Pacific, having received at least three certifications from members of the SPJC, entered a Stay of Enforcement (D-6.0103a(3)(d)). On August 16, 2010, Respondent filed an Objection to the Stay of Enforcement and a Motion to Dismiss.

APPEARANCES

The Complainants (Sierra) did not appear or send representation. The Respondent (Presbytery) was represented by Committee of Counsel: Jeff Ogden, Troy Onsager, and Cindy Zellman. Since Complainants did not appear, the Respondent's Committee of Counsel was

dismissed with thanks. The SPJC made its decision on these motions based solely upon the record before it.

PRELIMINARY QUESTIONS

The SPJC, in considering the Respondent's appeal of the findings of the Moderator and Clerk on the Preliminary Questions posed in D-6.0305, finds that:

JURISDICTION

This commission has jurisdiction (D-6.0305a). Neither party contested jurisdiction.

STANDING

Among the parties listed on the original complaint, only Candace Adam-Medefind has standing to file the case (D-6.0305b).

In order to file a remedial complaint against a Presbytery, an elder must have been an enrolled member of the Presbytery when the alleged irregularity took place (D-6.0202a(1)). From the list of those who filed this complaint, only Candace Adam-Medefind was a commissioner to the Presbytery meeting on May 15, 2010, at which the alleged irregularity occurred.

TIMELINESS

The complaint was timely filed (D-6.0305c). Neither party contested timeliness.

RELIEF

The complaint does not state a claim upon which relief can be granted (D-6.0305d).

The Administrative Commission did not assume original jurisdiction at any time and therefore made no decision that can be complained against. It only made a recommendation to the Presbytery to dissolve Sierra Presbyterian Church. In voting to dissolve the Sierra Church, the Presbytery was acting within its proper authority (G-11.0103i). The Presbytery did not err in its exercise of that authority; therefore, there is no relief the SPJC can grant.

DECISION AND ORDER

Having answered at least one of the Preliminary Questions in D-6.0305 in the negative, the case is dismissed.

The Stay of Enforcement is hereby lifted.

After much discussion and consideration this commission is saddened by the prospect of a church closure. This is an action which should never be taken lightly.

We acknowledge the gifts of the members of the Sierra Presbyterian Church and encourage the Presbytery to help the members of Sierra during this transition in their spiritual lives. We would encourage Stockton Presbytery to investigate means by which the Saving Grace Homeless Project, a hallmark of the Sierra Presbyterian Church mission in the Merced community, might be continued in some form.

ABSENCES

Ken Robbins, Commissioner from the Presbytery of Stockton was recused and did not take part in the deliberations. In addition, Donald Baird, Commissioner from the Presbytery of Sacramento, and Jean McClain, Commissioner from the Presbytery of Nevada, were absent and did not take part in the deliberations. At the time of this hearing, there was not a Commissioner from the Presbytery of Redwoods.

DATE

Dated this 25th day of September, 2010.

Signed _____
Ruth Goldthwaite, Moderator
Permanent Judicial Commission of the Synod of the Pacific

James Bennett, Clerk
Permanent Judicial Commission of the Synod of the Pacific

CERTIFICATES

We certify that the foregoing is a full and correct copy of the decision of the Permanent Judicial Commission of the Synod of the Pacific, Presbyterian Church (U.S.A.), in Remedial Case 10-02, Candice Adam-Medefind, Complainant, v. The Presbytery of Stockton, Respondent, made and announced at Oakland, CA, on September 25, 2010.

Ruth Goldthwaite, Moderator
Permanent Judicial Commission of the Synod of the Pacific

James Bennett, Clerk
Permanent Judicial Commission of the Synod of the Pacific

I certify that I did transmit a certified copy of the foregoing to the following persons by certified mail, return receipt requested, directing Wendy G. Warner to deposit it in the United States mail at Modesto, CA, on September 27, 2010.

Marc Medefind, Clerk
Session of Sierra Presbyterian Church
3603 M Street
Merced, CA 95348-2807

Candice Adam-Medefind
2381 Lakeside Dr.
Merced, CA 95340

Keith Drury, Stated Clerk
Stockton Presbytery
3973 Black Hawk Ct.
Merced, CA 95340

The Rev. Wendy Warner
Stated Clerk
Synod of the Pacific
200 Kentucky St, Suite B
Petaluma, CA 94952-3825

The Permanent Judicial Commission of the Synod of the Pacific

I further certify that I did transmit a certified copy of the foregoing to the Stated Clerk of the Synod of the Pacific by delivering it in person to Wendy G. Warner on September 25, 2010.

James Bennett, Clerk
Permanent Judicial Commission of the Synod of the Pacific

I certify that I received a certified copy of the foregoing, that it is a full and correct copy of the decision of the Permanent Judicial Commission of the Synod of the Pacific, made on September 25, 2010, in Remedial Case 10-02, Candice Adam-Medefind, Complainant, v. The Presbytery of Stockton, Respondent, made and announced at Oakland, CA, on September 25, 2010.

Dated at Oakland, CA, on September 25, 2010.

Wendy G. Warner, Stated Clerk
Synod of the Pacific