

**IN THE SUPERIOR COURT OF DEKALB COUNTY
STATE OF GEORGIA**

KIDIST MARIAM ETHIOPIAN ORTHODOX
TEWAHEDO CHURCH, INC.,

Plaintiff,

v.

ABBA YAKOB a/k/a ABBA GEBREMARIAM
AYALEW, EYOB W/TEGEGN, FASIL BEKELE,
KEBEDE GESSESSE, MEKONNEN YAYNE,
MISGANAW ABEBE, NEGA WONDIMU,
NEGUSSE DEMIE, WOSSENSEGED KEBEDE,
JOHN/JANE DOES 1-30,

Defendants,

MULEGETA ZELEKE, BENIAM SHAREW, and
MANDEFRO NEGUSSE,

Intervenors.

LEGITIMATE HOLY SYNOD OF THE
ETHIOPIAN ORTHODOX TEWAHEDO
CHURCH, Inc.

Applicant for Intervention.

CIVIL ACTION FILE
NO. 16CV11400-3

**INTERVENOR COMPLAINT OF THE LEGITIMATE HOLY SYNOD
OF THE ETHIOPIAN ORTHODOX TEWAHEDO CHURCH, INC.**

The Legitimate Holy Synod of the Ethiopian Orthodox Tewahedo Church, Inc. (“Holy Synod”) files this Intervenor Complaint to protect its religious interests under the U.S. and Georgia Constitutions, and states as follows:

1. The Ethiopian Orthodox Tewahedo Church (the “Ethiopian Church”) is the largest of the Oriental Orthodox Christian churches, with an estimated membership of between 45-50 million people. It is among the oldest continually existing Christian churches in the world.

2. In the United States, the Holy Synod of the Ethiopian Church has incorporated in Maryland, under the corporate name “The Legitimate Holy Synod of The Ethiopian Orthodox Tewahedo Church, Inc.”

3. The Ethiopian Church has a hierarchical organization, headed by a Patriarch – currently His Holiness Abune Merkorios.

4. The Ethiopian Church is governed by the *Fetha Nagast* or “The Law of Kings” – an ancient compendium of Ecclesiastical and Canon Law to which all churches and church members within the Ethiopian Church are subject (the “Canon Law”).

5. Abune Merkorios leads the Holy Synod, which is a council of twenty (20) Archbishops under the authority of the Patriarch. The Holy Synod is the highest ecclesiastical council of the Ethiopian Church, subject only to the Patriarch.

6. Each Archbishop has responsibility local churches within a defined geographical area. Defendant Abune Yaekob is a member of the Holy Synod, and the Archbishop over Georgia, South Carolina, North Carolina, and Tennessee.

7. Under the Canon Law, an individual appointed as Archbishop serves only in that role. An Archbishop cannot also be a priest, which is a different defined role. An Archbishop does not become – or serve in the role as – a priest when he performs religious services. Rather, he performs those services as Archbishop only.

8. Under the Canon Law, priests are subordinate to the Archbishop in all matters.

9. Disputes exists among individuals claiming to be members of the Kidist Mariam Ethiopian Orthodox Tewahedo Church, Inc. (the “Atlanta Church”), as set forth in the pleadings of the parties and other intervenors in this case.

10. The Atlanta Church has been designated by the Holy Synod as a Cathedral, and is the seat of the local Archbishop, Defendant Abune Yakob.

11. The Atlanta Church, through its Bylaws and Internal Guidelines, has submitted itself to the ecclesiastical and spiritual authority of the Ethiopian Church.

12. The Ethiopian Church's ecclesiastical and spiritual authority covers, among other things, church membership, the role of clergy, the appointment or suspension of clergy, who can perform church services (and when), and how disputes within the Atlanta Church are to be resolved.

13. The Holy Synod has, until recently, exercised its authority over matters affecting the Atlanta Church sparingly and indirectly, in the hopes that the disputants would be able to resolve their differences without its intervention.

14. The recent submission of the Report and Recommendation from the Special Master in this case, however, has necessitated that the Holy Synod intervene to protect its ecclesiastical authority, and to oppose the interference with that authority under the First Amendment to the United States Constitution and under Article 1, Section 1, Paragraph IV of the 1983 Constitution of Georgia.

15. On November 22, 2017, the Holy Synod suspended, and then on December 8, 2017 excommunicated, three (3) priests: Aba Haile Giorgis Teshome, Kesis Abraha Bogale, and Kesis Alemeshet Abraha, all of whom formerly served at the Atlanta Church (the "Excommunicated Priests"). The Excommunicated Priests support the Plaintiffs in this case.

16. On December 20, 2017, the Holy Synod suspended the membership in the Atlanta Church of any individual who attended services presided over by the Excommunicated Priests after their suspension on November 22, 2017, including Plaintiffs.

17. Because they are no longer members of the Atlanta Church, Plaintiffs have no standing to pursue their claims in this matter, and it this matter should immediately be dismissed.

18. The Holy Synod seeks a declaratory judgment pursuant to O.C.G.A. § 9-4-2, holding that:

(i) The Holy Synod has the authority to determine who is a member of the Atlanta Church;

(ii) The Holy Synod has the authority to determine who can act as clergy at the Atlanta Church;

(iii) The Holy Synod has the authority to determine when and by whom church services are held at the Atlanta Church;

(iv) The Holy Synod has the authority to define the roles and titles of its clergy;

(v) As a result of the Holy Synod's decisions, Plaintiffs are no longer members of the Atlanta Church;

(vi) As a result of the Holy Synod's decisions, Plaintiffs can no longer hold offices for the Atlanta Church; and

(vii) As a result of the Holy Synod's decisions, Plaintiffs are not entitled to participate in any General Assembly of the Atlanta Church.

19. To the extent necessary, the Holy Synod pleads, as affirmative defenses, the following:

A. Any action by the Court or the Special Master in this case that infringes upon the Holy Synod's ecclesiastical authority violates the First and Fourteenth Amendments to the United States Constitution;

B. Any action by the parties, Court or Special Master in this case that infringes upon the Holy Synod's ecclesiastical authority violates the 1983 Georgia Constitution, Article 1, Section 1, Paragraph IV; and

C. The Court lacks subject matter jurisdiction to adjudicate any issue that is spiritual or ecclesiastical in nature.

WHEREFORE, for the reasons set forth herein, the Holy Synod requests as follows:

- (a) That it be allowed to intervene as a matter of right in this action, or alternatively by permission;
- (b) That the Court not take any action or enter any order that interferes with the Holy Synod's exercise of its ecclesiastical and spiritual authority;
- (c) That the Court immediately withdraw and rescind any currently-entered Order in this case that interferes with the Holy Synod's exercise of its ecclesiastical and spiritual authority;
- (c) That the Court protect the Holy Synod's religious rights and privileges under the U.S. and Georgia Constitutions, including through preliminary and permanent injunctions;
- (d) That the Special Master's Report and Recommendation not be considered;
- (e) That the Plaintiffs' complaint be dismissed for lack of standing; and
- (f) That the Holy Synod has such further relief as the Court deems just and appropriate.

[signature on following page]

Respectfully submitted this 21st day of December, 2017.

**HAWKINS PARNELL
THACKSTON & YOUNG ^{LLP}**

/s/ Matthew A. Boyd

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CERTIFICATE OF SERVICE

This is to certify that I have this day served the within and foregoing **Intervenor Complaint**, by mailing a copy of same to all counsel of record via United States Mail and with adequate postage attached addressed as follows:

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This 21st day of December, 2017.

/s/ Matthew A. Boyd

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