

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A22-0414**

Stephen Svendsen,
Appellant,

vs.

William Lobb, et al.,
Respondents,

Woodland Baptist Church,
Defendant,

Darrell R. Friar,
Respondent,

Minnesota Association of Regular Baptist Churches,
Defendant.

Filed November 14, 2022

Affirmed

Slieter, Judge

Otter Tail County District Court
File No. 56-CV-21-1596

Stephen Svendsen, Fergus Falls, Minnesota (*pro se* appellant)

Jonathan P. Norrie, Beth L. LaCanne, Bassford Remele, P.A., Minneapolis, Minnesota (for respondents William Lobb and Earl Peasley)

Sylvia Ivey Zinn, Brendel and Zinn, Ltd., St. Paul, Minnesota (for respondent Darrell R. Friar)

Considered and decided by Bryan, Presiding Judge; Bjorkman, Judge; and Slieter,
Judge.

NONPRECEDENTIAL OPINION

SLIETER, Judge

Appellant challenges the district court's dismissal of his complaint for failure to state a claim upon which relief can be granted. Because adjudicating appellant's claims would require interpretation of church doctrine, and the ecclesiastical-abstention doctrine prevents the courts from considering his claims, we affirm.

FACTS

Appellant Stephen Svendsen sued respondents William Lobb, Earl Peasley, and Darrell Friar for defamation and civil conspiracy.¹ The following facts, which we accept as true, derive from Svendsen's complaint.

Respondents each hold a church-leadership position: Lobb is the pastor of Woodland Baptist Church, Peasley is a deacon, and Friar is a representative of the Minnesota Association of Regular Baptist Churches. Svendsen alleged that respondents made false statements "sufficient to identify Svendsen as a person that needed to be excommunicated and barred from attending any [church] services. The causes for excommunication and banning in church discipline cases are unrepented of Apostasy, Fornication, Heresy, Murder."

¹ Defendants Woodland Baptist Church and the Minnesota Association of Regular Baptist Churches were voluntarily dismissed pursuant to Minn. R. Civ. App. P. 142.01, and Svendsen does not appeal the dismissal of his claims of fraud and intentional infliction of emotional distress.

The district court dismissed Svendsen’s complaint pursuant to the ecclesiastical-abstention doctrine and, in the alternative, for failure to state a claim upon which relief can be granted. Svendsen appeals.

DECISION

The ecclesiastical-abstention doctrine is “root[ed] in a line of U.S. Supreme Court decisions regarding church property and church schisms,” and is applied to prevent excessive judicial entanglement with religion, in violation of the First and Fourteenth Amendments to the U.S. Constitution. *Pfeil v. St. Matthews Evangelical Lutheran Church*, 877 N.W.2d 528, 532, 533, 537 (Minn. 2016) (affirming rule 12 dismissal on ecclesiastical-abstention grounds). Courts must decline to decide an issue on ecclesiastical-abstention grounds when the decision would: (1) involve “purely ecclesiastical concerns, such as internal church governance or church discipline” or (2) “require the court to resolve doctrinal conflicts or interpret church doctrine.” *Id.* at 534. A court should only decide disputes involving religious organizations if, among other things, “the adjudication does not interfere with an internal church decision that affects the faith and mission of the church itself.” *Id.* (quotation omitted). “[D]ecisions regarding [church] membership” are one of the internal decisions ecclesiastical abstention “no doubt” protects. *Id.* at 539; *see also Schoenhals v. Mains*, 504 N.W.2d 233, 236 (Minn. App. 1993) (concluding that adjudicating a defamation claim based on statements made in support of terminating church membership “would require an impermissible inquiry into Church doctrine and discipline”).

“The sole question on appeal” from a rule 12.02(e) dismissal “is whether the complaint sets forth a legally sufficient claim for relief.” *Engstrom v. Whitebirch, Inc.*, 931 N.W.2d 786, 790 (Minn. 2019) (quotation omitted). “We review de novo whether a complaint sets forth a legally sufficient claim for relief. We accept the facts alleged in the complaint as true and construe all reasonable inferences in favor of the nonmoving party.” *Walsh v. U.S. Bank, N.A.*, 851 N.W.2d 598, 606 (Minn. 2014) (citation omitted).

A defamation claim requires the plaintiff to prove that the defendant made a false statement to a third party, which tends to harm the plaintiff’s reputation in the community, and the third party reasonably understands the statement to refer to the plaintiff. *Larson v. Gannett Co., Inc.*, 940 N.W.2d 120, 130-31 (Minn. 2020). Whether a statement reasonably carries a defamatory meaning is a question of law, and the words are construed as a whole and as “an ordinary person understands the language used in the light of surrounding circumstances.” *McKee v. Laurion*, 825 N.W.2d 725, 731 (Minn. 2013) (quotation omitted). “Minnesota law has generally required that in defamation suits, the defamatory matter be set out verbatim.” *Moreno v. Crookston Times Printing Co.*, 610 N.W.2d 321, 326 (Minn. 2000). Statements which cannot be proven true or false, such as “a subjective view, an interpretation, a theory, conjecture, or surmise” are not actionable because they do not assert “objectively verifiable facts.” *Schlieman v. Gannett Minn. Broad., Inc.*, 637 N.W.2d 297, 308 (Minn. App. 2001) (quotation omitted), *rev. denied* (Minn. Mar. 19, 2002).

Svendsen alleged in his complaint that respondents made defamatory statements “sufficient to identify Svendsen as a person that needed to be excommunicated and barred

from attending any services.” He alleged that Lobb and Peasley made these statements “to Woodland congregants and Baptist Church leaders.” Svendsen alleged Friar “referenced the [Bible] verses that are commonly understood to be the basis for excommunication,” Friar “intended to apply statements he made in front of the Woodland congregation . . . to Svendsen,” and Friar’s statements “if applied to Svendsen were sufficient to identify Svendsen as a person that should be excommunicated and barred from attending any services.” Svendsen also quotes the Bible verses he asserts are the basis for excommunication which, he alleges, Friar intended to apply to him.

We first note that Svendsen did not allege the defamatory statements *verbatim*, as is generally required to state a claim for defamation. *Moreno*, 610 N.W.2d at 326. Although in certain situations failure to allege the exact defamatory statement may not be fatal to a claim, the complaint must provide defendants enough information to reasonably identify the offending statements. *See Schibursky v. Int’l Bus. Machs. Corp.*, 820 F. Supp. 1169, 1181 (D. Minn. 1993) (noting that “fail[ure] to recite the exact language spoken [was] not fatal to [the defendant’s] defamation claim,” but dismissing the complaint which did “not notify any of the individual defendants of what defamatory remarks he or she allegedly made”).

Svendsen, in his complaint, alleged no timeframe, location, or identifiable hearer of Lobb’s and Peasley’s purported statements. And the complaint makes no allegation that Svendsen was named or that congregants other than respondents had any reason to connect Friar’s sermon to Svendsen, who had not attended the church in over three years. But because we agree with the district court that the ecclesiastical-abstention doctrine precludes

adjudication of Svendsen's claims, we need not base our decision on these failures to sufficiently allege defamation.

Svendsen alleged that the defamatory statements "identif[ied] Svendsen as a person that needed to be excommunicated and barred from attending any [church] services." Excommunication is the "[e]xpulsion from a church or religious society, esp[ecially] as a formal sentence of censure pronounced by a spiritual court for an offense falling under ecclesiastical cognizance." *Black's Law Dictionary* 712 (11th ed. 2019). Thus, determining whether a statement that someone "needed to be excommunicated" carries a defamatory meaning "would require an impermissible inquiry into Church doctrine and discipline." *Schoenhals*, 504 N.W.2d at 236. Therefore, the district court properly dismissed the complaint pursuant to the ecclesiastical-abstention doctrine.²

Affirmed.

² Adjudication of Svendsen's civil conspiracy claim is also precluded by the ecclesiastical-abstention doctrine because it is derivative of his defamation claim, which we have determined cannot be adjudicated under the doctrine. *Harding v. Ohio Cas. Ins. Co.*, 41 N.W.2d 818, 824 (Minn. 1950) ("Liability for damage done by the concerted action of several persons acting as a combination is predicated upon civil wrong done to plaintiff by the defendants, and not upon the conspiracy or combination.").