



## **A NOTE FROM MBC ELDERS ON THE FOLLOWING REPORT**

Dear MBC Family,

Over recent years the Church across our country has experienced widespread division over issues ranging from responses to a pandemic to racial and political tensions. Professing Christians have lobbed labels at one another like stones, accusing some of being too “liberal” or “woke” and others of being too “conservative” or “oppressive.” Such divisiveness has been exacerbated by a culture that thrives on clicks, controversies, and accusations that spread through social media.

In the midst of this cultural climate, our church family has sought to unite around Jesus, the authority of His Word, and the centrality of His commission to make disciples of all nations over and above political parties and personal ideologies. In the process, our church family and leaders have been labeled in all the ways above (and more) by different people at different times. We realize this is part of the price of being a church filled with brothers and sisters in Christ from over 100 countries with different backgrounds and diverse perspectives, united together by a resolve to follow all of God’s Word and live for the spread of God’s glory in all of the world. We are not under any illusion that our mission together will ever be easy, and we are committed to carrying out Jesus’ commands with supreme love for God and selfless love for others, no matter what that may cost our church family or our church leaders.

Since at least 2021, a small group of members and non-members at MBC who labeled our church family and/or leaders “liberal” or “woke” has carried out a coordinated and stated strategy to deride and “oust” David Platt as well as other elders, pastors, and/or staff leaders who are committed to leading the church according to God’s Word instead of this group’s particular ideologies.

As part of this strategy, almost a dozen people in this group have filed an ongoing series of separate lawsuits, followed by multiple amended complaints, injunctions, and appeals against our church family regarding our church’s constitution. Over the course of almost four years of litigation, every single one of these legal claims has either been rejected or dismissed by the courts and/or withdrawn by the plaintiffs themselves. In December 2024, the last remaining active lawsuit was fully dismissed.

In addition to the repeated filing of legal claims, this group's strategy has also included spreading accusations against church leaders, specifically our Lead Pastors Mike Kelsey and David Platt. These accusations have ranged from public claims that MBC was planning to sell our Tysons building to Muslims so that a mosque could be built on our location, to conspiracy theories about how church leaders were somehow secretly working to hijack the church for the Southern Baptist Convention (SBC).

Not only have allegations from this group been proven meritless in independent courts, but we as elders have specifically examined every pertinent detail, email, transaction, and interaction in Mike and David's lives and leadership over these years. We want to reiterate what we have [said](#) numerous times: these brothers have both exemplified what it means to be above reproach, the accusations against them are completely untrue, their ministries consistently testify to their faithfulness to the gospel and God's Word, and we praise God for their devotion to Jesus and love for His church, even when that has come at profound personal cost.

Throughout these years, we have provided updates to our church family addressing concerns or answering questions our members have raised, all of which can still be found at [mccleanbible.org/elderupdates](https://mccleanbible.org/elderupdates). In addition, we have repeatedly tried to pursue peace with this group in good faith. These efforts toward peace and reconciliation have been rejected or ignored by the group. As has been the case at every step since the start of this group's accusations, our church leaders remain open and glad to meet with any member of our church family who has any questions about the direction of our church, decisions and/or financial transactions we have made, or any other concerns you may have.

Following the court's recent dismissal in December 2024 of the last active lawsuit against our church family, MBC Executive Pastor Wade Burnett prepared the following report for our members sharing his personal perspective on the litigation our church was subject to from 2021-2024, as well as subsequent church discipline of two members during that same time period. Wade's report contains information from these years that we have chosen not to share with our church family until the lawsuits against MBC were fully dismissed. As elders, we are making his report available now to MBC members who may be helped by it for a number of reasons.

First, we believe it is helpful for MBC members to understand the destructive effect of even a small group of people - including people inside and outside MBC - who choose not to follow biblical instructions regarding conflict resolution. In His Word, God specifically outlines ways to handle conflict in the body of Christ while also commanding us to make every effort to promote the unity of the Spirit in the bond of peace. Obedience to God's

Word as a church family means actively guarding against the worldly tactics that this group has used over recent years. Wade's report describes many of these tactics and demonstrates why it is imperative for us to pursue biblical reconciliation whenever there are concerns or disagreements in the body. We are sharing this report because we want to shepherd our church to trust and obey God's Word over and above the ways of this world.

Second, we are making this report available to MBC members for the sake of biblical faithfulness and pastoral transparency regarding church discipline. As part of his report, Wade includes information regarding the only two individuals from this group who have been removed from membership through biblical church discipline at MBC. Jesus makes clear that any biblical church discipline process includes His specific instruction to "tell it to the church." Subsequent Scriptures make clear that there are times when the church must name individuals who are harming the church or leading others to spiritual unhealth (1 Corinthians 5:1-13; 1 Timothy 1:19-20; 2 Timothy 2:17-18). This is one of the reasons our previous church constitution - the one that was in effect during much of the conduct outlined in this report - specified that church members "shall be publicly dismissed from the Church fellowship (Matthew 18:15-18)" for either doctrinal disagreement or "conduct that is a reproach to Christ," and our current church constitution specifies our commitment to "biblical accountability and discipline" according to Matthew 18:15-20. In light of our commitment to Scripture and our love for you as well as for individuals in this group that we desire to be restored to Christ and His church, we hope that sharing this report will help you (1) to understand why and how we have carried out biblical church discipline, (2) to be aware of activity that certain individuals are continuing, and (3) to pray all the more for restoration to Christ and the church of individuals who have been removed from membership at MBC.

Finally, we hope Wade's report will provide a step toward closure for those of you who have been harmed by these challenges that MBC has endured and overcome. Some may wonder why we would make a report on the past four years available now, particularly after we have experienced significant growth and health over the course of these years. Indeed, the Lord has shown much grace to and through MBC, much of which we recently celebrated in our [2024 Ministry Report](#). At the same time, as Wade describes in his report, we do not want to gloss over the hurt these past years may have caused for some members, both directly and indirectly. We believe, just as the Bible teaches, that greater clarity about what has happened will help members of our church family move more fully and finally toward healing, forgiveness, and restoration.

Wade's report is not exhaustive, and it addresses only a representative portion of the conduct that has occurred in connection with ongoing internal and external attacks against

our church family. As such, this report may not answer every question you may have. Again, please feel free to explore [mcleanbible.org/elderupdates](http://mcleanbible.org/elderupdates) for additional questions we have answered in the past, or as always, please do not hesitate to reach out to a pastor at your location.

In a fallen world filled with many challenges in each of our lives, families, and church family, we praise God for His promises to bring us through as we keep our eyes fixed on Him, loving Him with all our hearts and loving others as ourselves.

We love you, church.

In Christ,

MBC Elders

NOTE: For some members who may not know Wade's background before coming to MBC, we have attached to the end of his report a brief biography of God's grace in his life not just as a pastor, but also as a lawyer and a consultant to many churches and their leaders.

**A REPORT ON LITIGATION AND  
CHURCH DISCIPLINE  
FROM 2021-2024**

**TO THE ELDERS AND MEMBERS OF MCLEAN BIBLE CHURCH**

**BY WADE BURNETT,  
EXECUTIVE PASTOR**

**FEBRUARY 2025**

## REPORT OVERVIEW

Over the past ten years, first as a consultant and then as a pastor at McLean Bible Church, I have given numerous formal and/or informal reports and updates to the elders and/or members of MBC. The following is a formal report for MBC elders and members regarding litigation and church discipline from 2021-2024. I am submitting this report to the elders in February 2025 because, in a significant answer to prayer in December 2024, a trial court fully and finally dismissed the last of the remaining active lawsuits against our church family. I have attached this legal decision to this report, and I should note here that the plaintiffs have yet again indicated their intent and notice to appeal.

My hope in submitting this report is to help our church family move forward from past hurt and with information that can prevent future harm. MBC belongs to Jesus, and many of our brothers and sisters in Christ have been adversely affected by this turmoil and conflict, either directly because of personal relationships or indirectly because it brings up past church hurts. Many of us in our church family have been praying for a full resolution of this conflict and restoration of peace for years. I believe that as fellow members of one body, we need to be able to communicate with each other about what actually happened to our church family so that we can fully and finally move beyond it.

While this report is long, it does not include all of the details behind each legal claim that was filed against MBC regarding our church's constitution or each action that individuals have taken to oppose the direction and leadership of our church. Instead, this report shares my perspective in response to a coordinated, publicly affirmed strategy of a small group of people inside and outside of MBC to try and remove our lead pastors and/or elders against the repeatedly stated and confirmed will of our church. As reflected in the report, the two self-identified leaders of this group are the only individuals who have been removed from MBC membership through church discipline during these years.

I have intentionally included these church discipline matters in this report in light of Jesus' command in the Bible for us to "tell it to the church" in the process of naming sin and pursuing restoration within a church family. We are literally practicing our faith and applying the teaching of the Bible when we follow biblical commands on how to restore individuals in the body of Christ through church discipline. I want to express from the start and again at the end that my sincere hope and prayer is for eventual restoration to Christ and the church for each individual and member of the group mentioned in this report, knowing that we as a church believe following Jesus' instructions is the way we work toward that restoration. As you read this report, I ask that you join me in that prayer.

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## **1. THE ORIGINS OF THE CONFLICT AT MCLEAN BIBLE CHURCH**

McLean Bible Church is a congregation of several thousand members and attenders across five locations in metropolitan Washington, D.C.

Beginning around the same time as the pandemic in 2020, various members and non-members of MBC began expressing written complaints to church leaders that MBC was moving away from what they perceived to be the church's historically conservative political ideology. At the time, the church was just a couple of years into an important succession transition, with longtime pastor Lon Solomon stepping down and affirming new pastor David Platt as the next leader of the church.

Many of the complaints in those early days were personally targeted at David Platt, who responded by confirming that Bible-believing followers of Jesus from different political ideologies and parties were indeed welcome as members of MBC. In addition, David Platt also shared that he longed to lead a church family that would primarily join together around Jesus and the Great Commission rather than aligning fully with a single political party or allowing partisan politics to divide or distract us from Jesus and His mission. David Platt tried to stress that the church was not moving from one political party to another, but rather toward an entirely different way for the church to engage politics overall with the Bible as the only authoritative guide and making disciples of all nations as the ultimate goal.

Some members and non-members who disagreed with the new direction and leadership of MBC decided to leave MBC at this time in order to follow Jesus as members of other churches. I have personally appreciated how the elders of MBC frequently and genuinely pray for God's blessing on these brothers and sisters in Christ, including praising God and praying for the churches they have joined in the wider body of Christ in metro Washington, D.C. Relationships with many of these brothers and sisters have been or are in the process of being restored.

At the same time, however, a separate group of people who also disagreed with the direction of our church family and leaders chose to remain at the church with an intentional and publicly stated strategy to disparage David Platt's leadership and remove him from the church. Various members in this group also expressed a desire for former pastor Lon Solomon to return as the leader of the church.

Emails from this group of members and non-members during this initial time period were circulated throughout the church calling for a "successful palace revolution" in which "David [Platt] should get the axe." In addition, group members were encouraged to spread



among other church members any information that could “drive home... any reasonable doubt” that could cause people to question David Platt’s character, oppose his leadership, and eventually “oust” him.

This coordinated attack strategy was eventually organized into a targeted effort and has persisted over the last four years through meritless lawsuits and accusations that have spread through various channels within and beyond our church family. Nevertheless, despite all of this group’s efforts, the membership of MBC has continually and overwhelmingly voted to support the direction and leaders of the church, including David Platt. Even at the height of the accusations, support by church members through votes on various matters has never dropped below +/-75%, and in recent years it has been as high as +/- 95%. As one example, when David Platt and other elders recommended Mike Kelsey for affirmation as a Lead Pastor in 2023, 89% of MBC members voted in favor of this direction.

Today, there is still a very small minority of people on the membership roll of MBC who continue to vote against any measure brought before the church, including voting against new members who desire to join the church. In addition, an even smaller segment of this group continues to escalate the conflict through opposition research, lawsuits/lawfare, and public inflammatory attacks against the members and leaders of our church. At first, these efforts attempted to sway the membership against our pastors. When those initial efforts did not succeed, the group has more recently sought to denigrate David Platt and Mike Kelsey in the broader Christian community and to make things so difficult for them that they might leave MBC.

The remainder of this report will focus on how the litigation against MBC began as part of a larger more comprehensive strategy, how this conflict has continued for more than four years, how our church family has overcome these attacks, how the harm and damage inflicted by these attacks still persists today, and ultimately how God has shown His grace through all of these challenges for the good of His church.

## **2. IDENTIFYING THE SELF-PROCLAIMED LEADER OF THE CONFLICT AGAINST MBC**

In order to understand the actions of this small group, including the lawsuits they have filed, it is first necessary to identify both the leadership of this group and the group's stated intentions.

Starting in 2021, a then member of MBC named Jeremiah Burke began identifying himself as the leader of the group behind the organized and escalated attacks against David Platt and MBC. In a Washington Post article in July 2021, Jeremiah Burke described himself as "the leader of a group of more than 200 people who oppose church leadership, including David Platt."

This same article also stated that Laura Burke, Jeremiah's wife, was "moderating a Facebook page called Save McLean Bible Church where members could share articles identifying Platt as 'woke' and warning that MBC could go 'woke' like other churches." Most recently, in an article in December 2024, Jeremiah and Laura Burke were identified as "the couple behind the David Platt documentary" that attacked David Platt and a number of other church leaders at MBC.

We have received exponentially more communications from Jeremiah Burke than from any other individual associated with this conflict. Jeremiah Burke initially began sending derogatory emails to church leaders in the summer of 2020 regarding the church's teaching on biblical justice and race. Over the last four years since that time, Jeremiah Burke has continually and repeatedly sent additional derogatory emails to leaders and members of MBC, often in the middle of the night.

Beginning on the following page are screenshots of a small sampling of the most recent emails Jeremiah Burke has sent to various church leaders and members. Each email is included in its entirety with sender/recipient email addresses redacted.

## 2.1 RECENT EMAILS

This following example of an email from Jeremiah Burke was sent just before our church's Christmas Eve gatherings at the end of 2024, addressed to various leaders of MBC:

**From:** Jeremiah Burke [REDACTED]

**Date:** Saturday, December 21, 2024 at 11:19 AM

**To:** [REDACTED]

**Subject:** Volunteer Help

Good morning oddballs, I am writing to offer my assistance, and that of a small group of people inside and outside the church, for Christmas Eve services. As is widely apparent, you lack the brainpower to run a church, much less a sufficient volunteer base to put on the circus in three days.

I can conservatively bring 300 people, filled with the Holy Spirit, whom God has gifted with the logistical capabilities to run such an event.

Though I can bring the volunteers needed, that will do nothing to stop the circus act you have planned for each gathering.

Please let me know by the end of the day tomorrow, and I'll rally the troops. Otherwise, we all know you are brining the calamity upon yourselves. I'm your one saving grace, and each and every one of you know it.

2024 was a great year, wouldn't you agree?

Your friend, (and ever under your guidance and tutelage).

Jeremiah Burke

The next day, a similar group of MBC leaders received the following additional email in connection with our Christmas services:

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**From:** Jeremiah Burke [REDACTED]  
**Date:** Sunday, December 22, 2024 at 12:52 PM  
**To:** [REDACTED]

**Subject:** Re: Volunteer Help

Time is running out blockheads.

Perhaps it would have been better had I sent this to actual men. Can you let me know if there are any men in leadership, rather than dainty fruitcakes. I'm looking on the website now and I don't see any men in leadership, so can you let me know if there are any?

With all sincerity,

Jeremiah

Approximately one week later, on January 1, 2025, various MBC elders received the following email:

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**From:** Jeremiah Burke [REDACTED]  
**Date:** Wednesday, January 1, 2025 at 1:08 AM  
**To:** [REDACTED]

**Subject:** Happy New Year

Happy New Year to all of the MBC Board of Trolls! I wanted to thank you all for such a fantastic year, and for the massive part you played in helping your lead troll get to the top of the charts everywhere. See below for two of the tops spots he got for 2024. You all need to give yourselves a good pat on the back with your tiny little arms, because without your unwavering support and unparalleled stupidity, Dr. David Splatt would never have gotten these honors. I can honestly say, it is a rarity in one's lifetime to have come into contact with a series of trolls like yourselves. Please give my regards as well to your ringmaster, the one who masquerades as your general counsel, lol.

Ever under your spiritual guidance and development,

Jeremiah Burke

Most recently, on the federal holiday honoring Martin Luther King, Jr., various leaders and members received the following additional email. Note that this email also includes a "cc" which has been a pattern. Various staff members across the church or even staff members and pastors from other churches across our larger community have often been copied on emails like the one below:

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**From:** Jeremiah Burke [REDACTED]

**Date:** Monday, January 20, 2025 at 12:06 AM

**To:** [REDACTED]

**Cc:** [REDACTED]

**Subject:** Happy MLK Day

Happy MLK Day!

I hope you all celebrate like you should. This is a day to remember, and honor with reverence, the man who has changed everything for the entire world. Generations will follow and be in awe of the man. Past MLK days have come and gone, but this will undoubtedly be the most memorable and electric, and history changing day in American history. Let's celebrate one of the greatest men in human history!!!

This particular MLK Day is the best day ever.

Your most devoted follower in your ever shrinking "church," lol,

Jeremiah Burke

These kinds of emails from Jeremiah Burke - and again, we have received a number of others along these same lines generating varying degrees of concern - have all been preserved going back to the start of this conflict. The recent examples included here provide significant context regarding the motives and chosen methods of the person who has been leading this group, who still claims to be a member of MBC, and who is still actively seeking to cause much harm to our church family.

## 2.2 THE STATED GOAL OF "TAKING BACK THE CHURCH"

In the Washington Post article referenced above from July 2021, Jeremiah Burke stated that the specific goal of the group was to “take the church back.” The article quotes Jeremiah Burke as follows:

*“McLean [Bible Church] was one of the most influential churches in America. It had an incredible influence over the power players in D.C. **We’re coming to try to take the church back. There’s no intention of us leaving the church.**” (emphasis mine)*

## 2.3 USE OF AN ONLINE GUIDE TO "OUST" A PASTOR

In the early days of this conflict, a blog named The Capstone Report repeatedly posted support for Jeremiah Burke and the group that Jeremiah Burke has been leading. This specific blog is run by Alan Atchison, who initially launched The Capstone Report as an Alabama football site. In the early days, Atchison regularly featured football-related content, as well as different non-football content like "Co-Ed of the Week." The title of the blog reflects this initial focus as "The Capstone" is a widely recognized internal nickname for the University of Alabama.

More recently, however, Atchison shifted his blog's focus to coverage of southern religion and politics, including a focus for a time on posting about David Platt. One of Atchison's early blogs in this conflict was entitled “How to Oust Your Woke Pastor: A Guide to Defending the Flock from the Woke, Crypto-Woke, and Useful Idiots of Evangelicalism.” The post was one in a series of articles alleging that conservative churches were becoming liberal, and it offered suggestions on how to "fight back." Excerpts from the article made allegations of "Wokeism" against David Platt, including the following statements:

*...who is Woke? What does Woke even mean?*

*To be Woke is to be radical and progressive.*

*The best way to know if your pastor is Woke is to identify who they attack from the pulpit. Do they attack fundamentalists? Do they attack Fox News? Do they attack Tucker Carlson?*

*Best examples would be just about anyone published by The Gospel Coalition...*

*Does the pastor listen to Jon Harris or A.D. Robles or Michael O'Fallon? Those are good. Do they listen to something published by Christianity Today? That would be bad.*

*The best way to know if something is good and conservative or dangerous or woke, would be to ask fellow conservatives. Crowd source from the very knowledgeable group of online conservatives.*

The article then goes on to provide specific tactics for people to "oust" anyone they identify as a "Woke pastor." These tactics do not reference the biblical removal of a pastor or elder in any way, but instead include the following politically-based strategies (all bold emphases in original unless otherwise indicated):

**Tactics: Form or Join a network.** This section includes a quote suggesting that "it is harder to steamroll a group than to silence an individual. It is the same when confronting a Woke pastor."

**Tactics: Hold their hypocrisy up to derision.** In this section, an inflammatory social media post from Save McLean Bible Church is held up as "the perfect way to mock the lies."

**Tactics: Confront through use of the Congregational Business Meeting.** This section includes a suggestion that "the confrontation of Woke pastors begins with reading your church constitution and bylaws...Each church is different, and its organizational documents reflect the history of the church. So, you will need to get copies and read them together."

The article then concludes with a "Case Study: McLean Bible Church," which affirms the use of each one of these "tactics" against MBC as "one great example of humbling the Woke Regime." It includes a broader call for their online community to start a "Counterrevolution" in local churches, beginning with MBC. Specifically, the article then states as follows, including an important note on why church meetings and the MBC Constitution eventually became part of this whole conflict:

*... a young core of McLean Bible Church members created a resistance movement.*

*The group seized upon a constitutional quirk that required a supermajority to affirm new elder candidates.*

*This, of course, is not a finished guide to the Counterrevolution.*

*This battle now must shift from the large denominational institutions to the local church.*

In the months that followed, it became apparent that this group led by Jeremiah Burke was utilizing the online guide above in an effort to “oust” David Platt over and above the wishes of the members at MBC. Jeremiah and Laura Burke began leading an online group seeking to use what they termed “quirks” in the church’s previous constitution to, in their words, try and “take back control” of the church through church voting and motions at MBC’s congregational meetings.

Each of these tactics was a part of an explicit strategy to “oust” David Platt. Further, as MBC was being held up as an example for how to “oust woke pastors,” various bloggers, Youtubers, and other online sites began aligning themselves against our local church and our leaders. In short, the fight against MBC and David Platt became a kind of proxy battle for a very loud but relatively very small corner of the internet that is working very hard to encourage churches to remove their pastors if those pastors do not align fully with the various political and ideological views that these online groups espouse.

## **2.4 EXAMPLES OF ATTEMPTED PASTORAL REMOVAL TACTICS IN PRACTICE**

In March 2021, at one of our church's first in-person congregational meetings after the pandemic, Jeremiah and Laura Burke attended the meeting with several other members of their group, including members and non-members of our church. Again, taking control of church business meetings are specifically recommended in the third tactic of the above-noted guide to “oust woke pastors.”

After entering the meeting, Jeremiah and Laura Burke and other members of their group strategically sat in different places around the room, approached the open microphones on different sides of the room, and read questions from prepared scripts while other members of the group recorded them on cell phones and yelled out their support whenever a member of the group was speaking.

At one point, Laura Burke read a prepared question to Pastor David Platt about the SBC. Immediately afterward, Jeremiah Burke, standing on the other side of the room from his wife, introduced a series of prepared materials to then Elder Board Chairman Larry Cooper



asking that David Platt be removed as pastor due to the exact same issue that Laura Burke had just raised.

After Jeremiah Burke was heard and then sat down, he continued to interrupt the meeting through shouts. After repeated warnings for Jeremiah to cease his continued interruptions, he was eventually asked to leave the room and order was restored.

Footage from these interactions was later selectively spliced together to make it appear that the church was somehow being evasive. This edited footage did not show the extensive applause that erupted in support of David Platt after the various questions were answered and after order was restored to the meeting.

These tactics continued in subsequent church meetings. At the next congregational meeting when MBC members were voting on elders, this group scattered across the room to spread rumors filled with falsities about David Platt and other elders' leadership, including the rumor that leaders were going to sell the Tysons building. In the next congregational meeting at the conclusion of a Sunday service, an individual from this group, who was not and is not a member of MBC, stood up and began shouting objections to voting by MBC members while Laura Burke was seated immediately behind him and filming. This individual eventually needed to be removed by security in the presence of law enforcement, and additional spliced video of this congregational meeting would eventually garner multitudes of views online under the guise of a "genuine member" expressing concerns about MBC.

## **2.5 NUMEROUS PERSONAL INVITATIONS EXTENDED**

Following the congregational meeting in which Jeremiah Burke was asked to leave the room, I personally reached out to him via email and offered him the opportunity to meet in person with me and other elders to afford him the opportunity to present any position or materials he would like the elders to consider. After an exchange of multiple emails, our then Elder Board Chairman and I came to the church at the scheduled time and waited for Jeremiah Burke to attend and present whatever materials he wanted the elders to review.

However, shortly before the meeting was scheduled to begin, Jeremiah Burke responded via email and indicated that he would not be attending the meeting. From that date forward, neither Jeremiah Burke nor Laura Burke has ever met with elders or pastors of MBC to discuss their concerns or to discuss potential restoration. In addition, numerous

offers from MBC to have this conflict mediated with a neutral Christian mediator have been repeatedly rejected or ignored.

I believe this is instructive as to the tactics employed by Jeremiah Burke and the group he leads, because the purported issues related to the SBC or election procedures or church finances were only important to them to the extent that those things created negative video footage or helped them pursue their goal of "ousting" David Platt.

For example, one of the biggest "issues" raised by this group is a supposed conspiracy with the SBC that this group claims involved funneling "dark money" to church planting and missions efforts. In reality, MBC's church planting partnership with the SBC began in 2016 under Lon Solomon's leadership before David Platt ever became a pastor at MBC. Lon Solomon communicated about this partnership with the SBC at a congregational meeting in 2015, formally introduced the motion for elders to adopt this partnership in 2016, and communicated multiple times to the congregation about this partnership over the course of 2016. When David Platt became pastor at MBC in 2017, he was also leading the International Mission Board, an entity of the SBC, and it was repeatedly communicated to the congregation by elders and by David Platt that MBC would continue partnership with the SBC for the purposes of church planting and missions, including giving to cooperative church planting and missions efforts.

As just one of many examples of how this partnership was not a secret and was communicated by prior church leaders across MBC, the following email to MBC members was sent by the church on September 19, 2017 - before David Platt was affirmed as pastor of MBC - and specifically stated:

*MBC became a cooperating church with the Southern Baptist Convention (SBC) in 2016...*

*Through this partnership, we have launched nine new churches in our church planting ministry and shared those costs with the SBC. This partnership also allows anyone going on mission from MBC to be fully funded and for MBC's students to receive reduced tuition benefits at multiple Christian college and graduate schools around the U.S.*

*This partnership hasn't changed anything about MBC's beliefs, and we continue to operate as an autonomous church under the leaders of our elders, pastor-teacher, lead pastor and campus pastors.*

Beginning in 2016, church members voted to approve a church budget that included funds for this partnership, the fruit of this partnership was publicly celebrated by the church (including multiple times with church planters on stage), and all funds were distributed with integrity through our accounting team composed of leaders with multiple accounting certifications and collective decades of accounting experience. Every year, our church has also undergone and passed an external audit to ensure proper administration of all church funds.

After much positive fruit from this partnership, MBC elders decided to end this partnership with the SBC in 2021, with numerous communications from the church to MBC members about this decision. More information about this specific issue, including why elders decided to end this partnership, can be found at [mcleanbible.org/legalupdate](https://mcleanbible.org/legalupdate).

What is important to note here is that rather than focusing on the church's efforts to promote unity in the body, or meeting with church leaders to discuss any concerns about this partnership, Jeremiah Burke and this group instead continually communicated through various channels within and beyond our church family that there was a vast and secret conspiracy at work. Even in recent years, the group continues to use the same edited footage from our first in-person meetings after the pandemic years ago, selectively omitting sections from that very same meeting where it was explained how this SBC partnership was introduced, approved and communicated to the church prior to David Platt becoming pastor.

Based on my experience of the past four years, I believe the reason for this selective focus on old issues - while simultaneously refusing to meet and address those same issues - is apparent: this group's stated goal is not to actually resolve any of these alleged "issues" or work toward reconciliation, but to instead disparage and remove our lead pastors and elders and take the church back using the tactics described above. Anything that does not serve that singular purpose has consistently been ignored or rejected.

## **2.6 OFFICIAL BOARD OF ELDERS RESPONSE**

After repeated efforts to meet with the Burkes were ignored, and in light of their continued actions demonstrating conduct that is a reproach to Christ, MBC elders made the prayerful decision to remove Jeremiah and Laura Burke from church membership. In November 2021, MBC elders sent the following communication to both Jeremiah Burke and Laura Burke:

*Dear Jeremiah and Laura:*

*We have previously notified you of our desire to meet with you to discuss your persistent and public efforts against the leadership and body of Christ at MBC. In light of your unwillingness to meet with us, and out of concern for the spiritual health of our Church fellowship, we are writing to inform you of the following:*

*In accord with God's Word and in light of Article V, Section 6 of the MBC Constitution – which states that “Members of this Church who...engage in conduct that is a reproach to Christ and a derogatory reflection on the reputation of His Church, shall be publicly dismissed from the Church fellowship (Matthew 18:15-18)” - we are dismissing you from membership in our Church fellowship, effective immediately, and will be communicating this to our Church fellowship appropriately.*

*We are taking this step after much prayer and with much sadness as we sincerely desire your restoration to the church. As we have previously communicated, we remain willing and open to meet with you to discuss these matters at any time, including discussion of the specific conduct that forms the basis for this separation from the Church fellowship.*

*In light of Matthew 18 and many other biblical exhortations to peace, the MBC Constitution also points to a process for your restoration to the church, and we are praying continually for that restoration. Until that process is carried out, and also effective immediately, you may no longer enter MBC property unless it is to attend a previously agreed upon and scheduled meeting with church leaders to pursue restoration in accordance with the MBC Constitution and Matthew 18. If you have any questions at all, we look forward to addressing those in personal meetings with you.*

*Sincerely,*

*The MBC Board of Elders*

This dismissal of the Burkes from church membership was later communicated to our members by former Elder Board Chairman Chuck Hollingsworth at a Church Family Meeting.

As of the date of this report, we have never received a response to the email above from Jeremiah or Laura Burke, nor to any of the other subsequent requests to meet in person with elders or pastors at MBC.

## **2.7 BASIS OF TRESPASS FROM MBC**

The first notice of trespass to Jeremiah and Laura Burke was included in the last paragraph of the email included above. This trespass of the Burkes from all MBC properties was based on concerning communications from Jeremiah Burke similar to the email examples provided in earlier sections of this report, as well as ongoing concerning actions by Jeremiah Burke.

At an elder forum at the end of 2021, designed for elders to answer any questions from members about our church family, Jeremiah Burke violated the trespass communication he had received and physically attended this in-person meeting. While wearing a body camera device, Jeremiah and Laura Burke brought their young family with them and pushed past MBC Security and a Fairfax County law enforcement officer in order to make their way into the meeting.

Once in the room, with MBC Security and Fairfax County law enforcement following behind him telling him to stop, Jeremiah went straight toward David Platt, who had been advised in advance by the MBC security team that they were indeed concerned for his safety. The footage from Jeremiah Burke's body camera was later spliced together to make it appear that David Platt was "running away" from answering questions. What was not shown, however, were the security and law enforcement officers urgently asking David Platt and other leaders to please step back from the escalated situation.

For security reasons and in light of Jeremiah Burke's disruptive and concerning behavior that evening requiring the assistance of law enforcement, MBC leaders decided it was wisest to postpone the elder forum. Eventually, Jeremiah and Laura Burke left the meeting. Later that evening, when our Elder Board Chairman Larry Cooper got in his car to drive home, Jeremiah Burke verbally confronted Larry and physically opened Larry's car door on multiple occasions.

At the conclusion of that evening, and prior to Jeremiah Burke leaving MBC property, Fairfax County law enforcement formally cited Jeremiah Burke with criminal trespass. I later attended Jeremiah Burke's criminal appearance in Fairfax Court along with our security directors Lucius Thompson and Bob Sibert. After the matter was set on the criminal

docket, the prosecuting attorney for the Commonwealth met with us and personally watched the officer's additional body cam footage of the incident. The prosecutor then suggested a resolution in which the charges against Jeremiah Burke would be dropped in exchange for an agreement by Jeremiah and Laura Burke to no longer step foot on MBC property.

### **3. HAVE ANY OTHER MEMBERS OF THE GROUP BEEN IDENTIFIED?**

Yes, but these persons have not been as public in their attacks as Jeremiah and Laura Burke and/or have not yet been subject to formal church discipline. As such, they are not included in this specific report.

### **4. CONNECTION BETWEEN LAWSUITS AND RECENT "DOCUMENTARY" ATTACKS**

Recently, a lawyer representing Jeremiah Burke stated publicly that Jeremiah Burke dismissed a lawsuit against MBC prior to trial as part of a "larger strategy." Rather than acknowledging their own dismissal, however, the attorney stated that the "victory" in their dismissal of the lawsuit was that certain materials were discovered as part of the litigation that could then be shared with the public.

This approach is generally known as lawfare, which is the use of the courts to damage or delegitimize an opponent without actually seeking resolution by the court. This strategy enables someone to take information they find and form a narrative they want to promote without having to actually prove that narrative is true in light of all the information. Because the lawsuit was dismissed by the plaintiffs themselves prior to trial, they never had to actually prove their claims. However, documents from discovery have been used by this group in "documentary" attacks that aim to malign MBC leaders, specifically David Platt. These efforts are simply continuations of the tactics this group has used and accusations this group has spread for years.

Throughout the process of this group's lawsuits (and lawfare), our church's legal team worked continually to counter harm at various levels across our church family. The following is a brief sampling of such harm:

- The original lawsuit filed against MBC personally named the volunteer elders of MBC as defendants, which meant law enforcement and process servers appearing unannounced at the private homes of these church leaders. The individual elders

were later dismissed as defendants, but only after elders' family members had been forced to interact with these law enforcement and process servers.

- This group filed multiple legal injunctions to stop church votes, including a request that the court intervene to prevent any new members from joining MBC.
- This group filed multiple requests in court to "redo" church elections that did not have the outcome sought by this group, including requests that voting in the "redo" elections be restricted to a list consisting only of those members and former members of MBC approved by this group.
- This group filed multiple requests asking the court to compel the disclosure of the names, membership status, and private contact information of all MBC members and/or former members.
- This group filed successive lawsuits alleging widespread conspiracies by the church, only to be later withdrawn by the plaintiffs themselves prior to trial.
- This group submitted numerous appeals of adverse decisions that did not result in the outcomes they sought, and each of these appeals was either denied and/or eventually led to subsequent dismissals in the trial court.

In total, eleven plaintiffs have filed three lawsuits, multiple amended complaints to those lawsuits (each of which required separate responsive pleadings), multiple additional requests for injunctions to stop church business and/or church votes, and three separate appeals over the course of multiple years after decisions were rendered in favor of the church. All told, these legal filings have required over 2,790 hours of outside legal counsel to date, and they have cost MBC deeply with immense time and resources diverted away from our members, staff, and leaders that could otherwise have been devoted to our mission as a church family. These kinds of actions - combined with many others not named in this report - have brought harm to the reputation of Christ and to MBC. News articles have frequently reported on the allegations included in many of the legal claims above, but there has never been equal coverage of the actual outcomes of these various lawsuits.

**To be clear, the outcome in the courts can be summarized easily and simply as follows: as of the date of this report, each and every one of the lawsuits filed against MBC has either been outright rejected, dismissed by the courts, and/or withdrawn by the plaintiffs themselves.**

## **5. POTENTIAL BROADER IMPACT OF RECENT LEGAL DECISION**

The most recent decision from the court fully dismissing the last active lawsuit against MBC is attached as an appendix to this report. While the plaintiffs have indicated their intent to appeal, the opinion as written now fully upholds our church's intentional and biblical efforts at resolution of this entire conflict, which our church family carried out in 2022. In addition, the court rejected the group's ongoing efforts to substitute their desired outcomes for the clearly expressed will of our church family to move forward together under the leadership of our elders and pastors.

Not only were the group's claims denied, but their egregious request for ongoing discovery of private church and private member information was also denied under the First Amendment to the United States Constitution. The opinion in our case serves as an important restriction on expanding overreach against churches in general, as it affirms that there are indeed constitutional limits to interference in private or internal church matters like membership. Without such limits, the courts could conceivably apply "neutral principles of law" to reach even the most sensitive and religious of church issues. I believe the legal decisions in our case could serve as protection from similar legal attacks and as precedent for churches in the future who are committed to biblical health according to Scripture.

## **6. WHAT IS NEXT FOR MCLEAN BIBLE CHURCH?**

On multiple levels, and by God's grace alone, we have overcome significant challenges over the last four years.

By God's grace alone, every single lawsuit against the church has now been dismissed.

By God's grace alone, MBC has been able to protect the express desire of our church members and leaders to determine our pastors and the future direction of the church.

By God's grace alone, MBC members have clearly rejected coordinated attempts to try and "oust" our pastors. As elders have stated on multiple occasions, Pastor Mike and Pastor David have been and remain above reproach, and they are still here and all the more committed to the mission that God has called us to pursue. All of our elders (with one exception related to relocation for work) are also still here, and they are more united than ever in serving and shepherding the church. Finally, every single one of our Location Pastors is still serving the church. This kind of tenure among leaders is reflective of stability,



health, and unity across our entire church family even in the face of great challenges in recent years.

Further, by God's grace alone, MBC is larger and healthier today than we were at the beginning of these years. Our total church membership has increased by 1,461 members from February 2020 to October 2024. Our financial position has remained strong, and we just finished our highest year of giving since before the pandemic. And most importantly, we have grown in our commitment to biblical health as a church family.

Each of these victories belongs to the Lord, and my prayer is that this is all just part of an exciting new story unfolding at MBC. The Lord has not brought us this far just to bring us this far. There is great work ahead in pursuing continued health as a church and in deepening our shared commitment to the mission we have been given to make disciples both here in metro D.C. and around the world. Given the increasing diversity of our church and the increasing polarization of our country, we also have real work to do to protect MBC from this kind of division spilling over in the future and again harming the name of Christ in the church and community around us.

Finally, I believe there is still a need for healing. We have tried very hard as leaders not to communicate about these challenges without also reminding all of us as a church to pray for those who have sought to use worldly tactics to "take back the church" to prior days. These are professing Christians, and the goal of church discipline is always restoration. The grace of God is sufficient and available for us all.

The past four years have been hard. It is okay to say that. It is also okay to acknowledge the harms that have been done against the church and to express our faith that God will use even these things for our good and for His glory.

MBC leaders also have much to learn from this chapter in the life of our church, including many of the things that elders have already mentioned in their previous updates to our church family. I also have many things to keep learning personally, as a church conflict on this scale was an entirely new kind of challenge for me. There are certainly things I could have done better, especially in diagnosing what was actually happening sooner.

As MBC moves forward, this is one of the reasons I have recommended that our church continue to grow in our shared understanding and practice of biblical church membership. It is important for the formal membership of MBC to be comprised of people who are committed to one another and to the principles of biblical membership at MBC, just as our church's constitution describes. Further, MBC's current constitution now provides clear

instructions for biblical dispute resolution, which I hope will prevent future harm in ways we have experienced over recent years.

## **7. WHAT IS THE WISEST WAY FOR MBC TO COMMUNICATE PUBLICLY ABOUT THE ATTACKS AGAINST DAVID PLATT AND MIKE KELSEY?**

MBC's elders have frequently provided updates that address the accusations and public attacks that have been brought against our pastors and leaders over the past four years. Most recently, our elders issued the following statement in response to the inflammatory "documentary" attacks made against David Platt and other leaders at MBC by Jeremiah Burke: [mcleanbible.org/updates](http://mcleanbible.org/updates).

At various points, MBC leaders and members have been tempted to respond in broader ways beyond our church to these attacks, including online or on the same social media networks or forums where these kinds of attacks are most frequently raised. One thing I have personally learned through this conflict, though, is that there is an entire engine of websites and social media outlets that intentionally thrive and flourish on conflict, outrage and controversy of all kinds. This is all the more true when our pastors are well-known in the larger Christian community.

My sense today, especially as part of a large multi-ethnic church in metro Washington, D.C., and one with prominent leaders who are committed to faithfully following God's Word over and above political parties and personal ideologies, is that future attacks along these same lines are almost certain. As best as I can tell, not a single large-scale conflict has ever been resolved in a biblical manner on social media or similar kinds of online forums. There is rarely humility or genuine repentance in these settings, where the goal is often to try and tear down or mock an opponent. In light of these realities, the wisest course of action, then, is typically to avoid direct engagement with these online rage factories and instead refocus our efforts on the biblical health and mission of the Church, which is precisely what the leaders and pastors of MBC have done over these past four years and are committed to doing in the future.

With that said, there may be a day in the future when MBC leaders may find it helpful to communicate further and beyond the scope of this specific report and to share more about this whole experience in order to encourage our members, other churches, church leaders, and followers of Jesus. Our goal in anything we do must be faithfulness to His Word, love for His church, and passion for people who don't yet know Him. In everything we do, we want to walk in a manner worthy of Jesus in a way that edifies His church and exalts His

name. Any potential future communication on the challenges our church has faced needs to be prayerfully filtered through this same biblical framework.

## **8. RESERVATION OF RIGHTS**

Nothing in this report should be construed as limiting the rights of McLean Bible Church to take additional steps and/or pursue additional remedies in the future, including but not limited to additional steps of church discipline where appropriate. As demonstrated above, those additional steps, if any, will remain private for as long as possible and will also depend on the specific facts and circumstances in each instance.

## **9. CONCLUSION**

I am a pastor first and foremost, yet in this report I have often leaned on my experience as a lawyer and consultant. If I were to say one last thing especially as a pastor, though, it is that my faith is still big enough to ask God to include all of us in his ongoing work of restoration and redemption at McLean Bible Church. Our enemies are not flesh and blood.

I also want to remind us that Jesus is good and does good, even when things are hard. I want us to be encouraged, and I also want all of us to be able to come together even more in the future as we continue to pursue biblical health and restoration. Below is a quote I shared in a news article on all of this back in 2021, and I would still say this today:

“I would love to see full reconciliation and restoration. When these folks are together at the grocery store, my hope is that we get back to a place where they have a great conversation with one another and don’t just walk past each other. A lot of these relationships go back a long way. That’s where my heart is as a pastor.”

To that end, as you think back on this report in the days ahead, please continue to join us in prayer for the full restoration of relationships in the body of Christ within and beyond MBC as well as for continued resolve to obey the commission Jesus has given us, no matter what that may cost.

May the Lord be glorified in His Church!

Wade Burnett

## ABOUT THE AUTHOR

Wade Burnett became a follower of Jesus in college and almost immediately found himself at the intersection of the church and the law. As a college student, he went to work on staff at a church and later enrolled in seminary with the desire to become a pastor. At the same time, Wade also sensed a strong need to help address a legal injustice in his immediate family. After much prayer, Wade put off seminary and immersed himself in the pursuit of a legal exoneration for his family member.

After teaching himself the law and the legal system, and before his actual enrollment in law school, Wade raised the funds and discovered the evidence and legal arguments necessary to reverse an improper Texas conviction and life sentence for his family member. This was one of only a handful of actual innocence reversals around the country in those early days of post-conviction relief, and by God's grace, Wade then hired and oversaw a legal team who achieved a full acquittal in a nationally televised retrial. All of this occurred prior to Wade's graduation from law school, and his work was covered by numerous national media outlets including *20/20*, *Dateline*, the *Los Angeles Times*, and the *New York Times*.

Following his work on behalf of his family, Wade graduated from law school at Louisiana State University and set out on a legal career that would include admission and practice in state and federal courts, including eventually the United States Supreme Court. As a young lawyer, he distributed one of the largest casualty settlements to date in connection with oil and gas operations in the Gulf of Mexico on behalf of his client, Lloyd's of London.

Eventually, Wade returned to a calling in ministry by helping lead a small group to start a church together around the conference room table of his law firm. Wade eventually closed his law practice when he became the pastor of that new church plant, serving as both Teaching Pastor and Directional Leader.

After serving many years in this role, Wade's passion for the health of churches and their leaders led him to begin serving as a coach and consultant for churches and their leaders. He transitioned out of pastoring one church to begin working alongside many churches, ranging from large multisite congregations to small church planting networks in the United States and around the world. Out of a desire to see Jesus glorified in His body, Wade has devoted much of his life to helping churches navigate complex situations and challenges as they grow toward health. He first began serving MBC in that role, and now he serves as MBC's Executive Pastor.

# **APPENDIX**

VIRGINIA:

IN THE FAIRFAX CIRCUIT COURT

STEVE GASKINS, et al.,	)	
Plaintiffs,	)	
v.	)	Case No. CL-2021-10198
MCLEAN BIBLE CHURCH,	)	
Defendant.	)	

**FINAL ORDER**

THE COURT has before it Plaintiffs' Motion for Partial Summary Judgment and Defendant's Motion for Summary Judgment or, in the Alternative, for Leave to File a Renewed Plea in Bar, the Court having considered the written filings of the parties and the arguments of their counsel,

THE COURT FINDS as follows:

1) This case was remanded to this Court by the Court of Appeals of Virginia reversing a ruling dismissing this matter as entirely moot. In its Memorandum Opinion, the Court of Appeals affirmed that Plaintiffs' main claim seeking a redo of the election of McLean Bible Church's Board of Elders was moot stating, "the 2021 election has been superseded by the 2022 election," and "the 'time machine' remedy sought by appellants of reconstructing the 2021 voter universe and holding a new 2021 election is simply not feasible." Mem. Op., Record No. 1074-22-4 at 8–9 (June 13, 2023) (hereinafter VCA Op.). The Court of Appeals noted further that a "demand that the [MBC] Board submit to a vote of confidence if the 'do over' election did not yield favorable results would also be moot." *Id.* at 9 n.8. Also rejected was Plaintiffs' request for a "re-do" that could "potentially

disenfranchise hundreds of new members who have joined the church in recent years, while necessitating a search for numerous departed members who may or may not wish, at this time, to return to MBC or be involved in the election process.” *Id.* at 7. The effect of the Court of Appeals Mandate was to affirm the disputed MBC Board of Elders as the continuing governing board of this church.

2) Irrespective of the aforesaid, the Court of Appeals also guided that this Court possessed the authority to afford Plaintiffs equitable relief consistent with the pleadings, even if not precisely pleaded. VCA Op. at 9. Noting Plaintiffs’ contention that “the Elders have continued to place dissenting members of MBC into ‘inactive’ status since the July [2021] vote”, the Court of Appeals observed that “the conflict at the heart of this litigation . . . involves alleged ongoing violations of MBC’s governing documents.” *Id.* The Court of Appeals then directed this Court examine three potential “ongoing violations” that are the live issues on remand, specifically, whether notice of Church meetings was sufficient, whether secret ballots are required, and whether members have been impermissibly placed into inactive status. *Id.* at 10, 11. The Court of Appeals, however, did not weigh in on the viability of these potential violations as actionable claims, noting, “one of appellants’ requests for injunctive relief was that MBC disclose the identity or number of members designated as inactive after January 1, 2021. . . . We express no opinion as to the merits of appellants’ request for more transparency.” *Id.* at 10 n.10. Neither party sought guidance from the Court of Appeals as to the scope of discovery that would be afforded to Plaintiffs upon resuming litigation, albeit of a more discrete set of issues, before this Court.

3) By order dated February 22, 2024, this Court previously denied Plaintiffs' Motion to Compel Discovery, holding it did not have the authority to grant the relief sought for the reasons as more fully discussed in the record.

2) Uncertain as to how to proceed upon restricting the scope of permissible discovery, this Court certified the following questions for consideration by the Court of Appeals of Virginia whether to grant the parties an interlocutory appeal pursuant to Virginia Code §§ 8.01-675.5 and 8.01-267.8:

Did the trial court abuse its discretion and err in holding the First Amendment right of freedom of association of the United States Constitution bars the trial court from compelling Defendant, a religious entity, to disclose its private membership lists and internal leadership deliberations in a non-class-action lawsuit brought by five plaintiff members of a dissenting faction, respecting the alleged violations of the right of members to participate in the religious entity's proceedings?

Did the trial court abuse its discretion and err in holding the First Amendment right of freedom of association and Free Exercise and Establishment clauses of the United States Constitution bar compelling discovery of the internal documents and procedures employed by Defendant to determine compliance with Defendant's governing documents in pursuit of application of neutral principles of law, when such discovery poses the risk of forcing disclosure of matters of religious faith or doctrine or of influencing Defendant's membership decisions?

3) The Court of Appeals declined to grant an interlocutory appeal upon said questions in the main because this Court's order conveying the assignments of error, carefully negotiated with the parties, stated, "the permissible scope of discovery may be *potentially* dispositive of whether Plaintiffs can proceed with most of the claims in their suit," an improvident choice of a word by this Court at the suggestion of Plaintiffs and over the objection of Defendant. (Emphasis added). This Court used the word "potentially" in the context of what would happen if a wide scope of discovery was permitted by guidance from the Court of Appeals of Virginia as opposed to if it was barred, wherein such ruling



would be dispositive. This Court did not, however, clarify for the Court of Appeals this distinction, which led the appellate court, understandably, to decline to weigh in as to a matter *potentially* not deemed dispositive in nature.

4) Restriction of the permissible scope of discovery in this cause is outcome-determinative as Plaintiffs cannot proceed to attempt to explore whether they can prove their cause of action without disclosure of Defendant's internal deliberative communications, procedures followed to comply with Defendant's governing documents, and membership lists.

5) In contemplation of the caselaw identified by Defendant, the First Amendment right of freedom of association of the United States Constitution bars discovery of the information sought as it necessitates disclosure of the names of members, officers and employees of Defendant, discretionary decision-making, and deliberation, inquiry into which may involve compelling disclosure of faith-based considerations.

6) The First Amendment right of freedom of association of the United States Constitution bars the trial court from compelling Defendant, a religious entity, to disclose its private membership lists and internal leadership deliberations in a non-class-action lawsuit brought by five plaintiff members of a dissenting faction, respecting the alleged violations of the right of members to participate in the religious entity's proceedings.

7) The First Amendment right of freedom of association and Free Exercise and Establishment clauses of the United States Constitution bar compelling discovery of the internal documents and procedures employed by Defendant to determine compliance with Defendant's governing documents in pursuit of application of neutral principles of law, when as is the case here, such discovery poses a substantial risk of forcing

disclosure of matters of religious faith or doctrine or of influencing Defendant's membership decisions.

8) As supported by the analysis stated in A) Defendant's Supplemental Brief in Opposition to Plaintiffs' Motion to Compel Discovery, B) Defendant's Motion for Summary Judgment or, in the Alternative, for Leave to File a Renewed Plea in Bar, and C) Defendant McLean Bible's Opposition to Plaintiffs' Motion for Partial Summary Judgment, adjudication of Plaintiffs' remaining *potential* claims can proceed no further in discovery without this Court trampling on broader First Amendment rights protecting Defendant and its membership, and this case must thus now be ended.

9) Plaintiffs' Motion for Partial Summary Judgment is foreclosed for the reasons stated by Defendant's filings in paragraph 8 above, by the lack of sufficiently developed evidence to support such a remedy at law, and moreover, by the Mandate from the Court of Appeals of Virginia well-covered in paragraphs 1 and 2 of this order, restricting on remand what amounts to a "do over" election.

10) "Generally, a case is moot and must be dismissed when the controversy that existed between litigants has ceased to exist." *Daily Press, Inc. v. Commonwealth*, 285 Va. 447, 452 (2013). Here, the controversy has "ceased to exist" based on this Court's ruling that meaningful discovery cannot proceed further and the acknowledgment of Plaintiffs that without such discovery they cannot maintain their claims. This cause thus remains moot as Plaintiffs' ability to compel discovery of evidence they proffer is needed to proceed is foreclosed by application of the First Amendment of the United States Constitution, rendering their claims in probative stasis.

WHEREFORE IT IS ORDERED, ADJUDGED AND DECREED that Plaintiffs' Motion for Partial Summary Judgment is respectfully DENIED, and that Defendant's Motion for Summary Judgment is GRANTED on the ground that this cause is now moot, and therefore, Plaintiffs' case is DISMISSED WITH PREJUDICE TO REFILING.

AND THIS CAUSE IS FINAL.

ENTERED:

Endorsement Waived  
Per Rule 1:13

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David Bernhard  
Judge, Fairfax Circuit Court

Copies emailed to counsel of record