

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

WILL McRANEY

PLAINTIFF

v.

No. 1:17cv080-GHD-DAS

THE NORTH AMERICAN MISSION BOARD
OF THE SOUTHERN BAPTIST CONVENTION, INC.

DEFENDANT

ORDER

BEFORE THE COURT is third-party respondent Baptist Convention of Maryland/Delaware, Inc.'s ("BCMD") [37] Motion to Quash Subpoena Duces Tecum. BCMD asserts two grounds for quashing the subpoena: (1) the "ministerial exception" doctrine and (2) a separation agreement and release McRaney and BCMD entered into at the end of his employment. The Court finds the first ground to be meritorious and declines to address the second.¹

The "ministerial exception" is a First Amendment doctrine that precludes court interference into "the employment relationship between a religious institution and its 'ministers.'" *Hosanna-Tabor Evangelical Lutheran Church and Sch. V. E.E.O.C.*, 565 U.S. 171, 188 (2012). The purpose behind the exception is to prevent the state, through the enforcement of employment laws and regulations, from "depriving the church of control over the selection of those who will personify its beliefs." *Id.* In a previous opinion, this Court determined that "McRaney is indeed the type of ministerial employee to whom the exception potentially applies."² However, the Court did not

¹ BCMD and Defendant both argue the case should be dismissed based on the separation agreement and release. This argument is inappropriate for a motion to quash and is best addressed in a separate motion to dismiss. The Court notes Defendant has filed such a motion. *See* [48] North American Mission Board Motion for Partial Summary Judgment.

² *See* [19] Memorandum Opinion Granting in Part and Denying in Part Defendant's Motion to Dismiss at *5.

dismiss the claims based on the exception because McRaney was not employed by Defendant and the claim did not arise out of Defendant's employment decisions.

After the Court denied Defendant's motion to dismiss, in part, Defendant issued the subject subpoena to BCMD requesting, *inter alia*, McRaney's complete personnel file. The subject subpoena seeks information directly related to employment decisions made by McRaney's former employer, BCMD, which has moved that it be quashed. The Court therefore finds that the ministerial exception applies and the subpoena is hereby QUASHED.³

SO ORDERED this the 7th day of November, 2018.

/s/ David A. Sanders
UNITED STATES MAGISTRATE JUDGE

³ The subpoena also runs afoul of the "ecclesiastical abstention" doctrine. Submitting the personnel file would subject BCMD to review of "internal policies, internal procedures, or internal decisions of the church," which the doctrine forbids. *Ginyard v. Church of God in Christ Kentucky First Jurisdiction, Inc.*, 6 F. Supp. 3d 725, 729 (W.D. Ky. 2014).