

Message

From: Kivett Hicks [khicks@summitchurch.com]
Sent: 1/29/2024 9:34:08 AM
To: Amy Whitfield [awhitfield@summitchurch.com]; Todd Ervin [tervin@summitchurch.com]; Daniel Simmons [dsimmons@summitchurch.com]; Jason Little [jason@faith-baptist.com]; matt@faith-baptist.com
Subject: Zoom Call

Hey everyone,

I think it would be beneficial for us to all jump on a zoom call at some point in the next couple days to catch up on where things are at with FBC/TSC Merge.

Here's a potential agenda:

1. General feel for how things are going
2. Timeline updates
3. Answering questions from FBC members (process, timing, etc.)
4. Anything else from each individual

I'll work on an invite for this and we'll get as many people as we can on the call.

I'm looking at potentially tomorrow afternoon but I'll see how many people can do it then.

Kivett Hicks
Campus Pastor - Knightdale Campus
The Summit Church
summitchurch.com // (919) 354-5993

Message

From: Jason Little [jason@faith-baptist.com]
Sent: 4/21/2024 3:29:17 PM
To: David Gibbs III [dgibbs@gibbsfirm.com]; Lynn Gay [lynngay786@gmail.com]; Bryan Tilley [bt83093@gmail.com]; Mike Dunn [mdunn@mediadesign.biz]; Scott Price [f.scott.price@gmail.com]; DJ Groff [dgroff1003@gmail.com]; erick_batts@yahoo.com; Jon Wallace [jonwallace1967@gmail.com]; Mike Norris [happybuss1971@yahoo.com]
CC: Kivett Hicks [khicks@summitchurch.com]; Amy Whitfield [awhitfield@summitchurch.com]
Subject: Fwd: Ruling From Judge Adams

David and Leaders,

Just want to make sure everyone is aware of the facts concerning the events of this morning. Others will be able to add details that they are aware of.

We agreed on hosting an online service only this Sunday. I video-recorded an intro and Mike Dunn arranged for it to be paired with a recorded sermon by Craig Groeschel and streamed at 10:30 AM.

Yesterday, Russell Wrenn called and asked permission for his Sunday School class to meet on campus as usual from 9-10:15 am. He related that David Leighton had a key and agreed to open the building and close and lock up after the SS class. He said that they all would be leaving immediately after class. I saw no reason to disallow this.

This morning at 10:30 AM, Russell called me back to say that more people than normal (I don't know how many for sure) attended his class this morning and that several of them wanted to remain behind and hold a worship service. Russell said that he and some others were not aware of this and were uncomfortable with this arrangement without asking for my permission.

At this time, my family and I were literally walking out the door to attend worship at Summit Knightdale at 10:45 am. I thanked him for letting me know, and conferring quickly with Jon Wallace, decided not to try to stop it.

Other leaders can add details, but what I've been told is that Brian Hopper must have pre-arranged for Bobby Bazen to preach and that the group held a service in the children's center at 10:30 AM. Hopper and Chris Ward served as greeters for the service.

Not sure if Russell knew about this arrangement in advance or not, but his call indicated that he was unaware. We do not believe David Leighton was aware either. I am not sure who or how many people attended the service. What is clear is that no one asked for permission or blessing to do so and took control of the buildings and service arrangements.

Guys . . . please add details so everyone has all the information.

David, we are not sure if this action changes any course of action this week, but we wanted you to be fully aware, and I would like to either speak with you sometime during the day tomorrow, or perhaps you could join us on a LT meeting video call tomorrow evening.

Leaders, can we meet at 7 or 7:30 tomorrow evening via Google meet to discuss this and action steps moving forward?

Jason

From: Scott Price <f.scott.price@gmail.com>

Date: April 20, 2024 at 9:11:53 AM EDT

To: dgibbs@gibbsfirm.com

Cc: happybuss1971@yahoo.com, Jon Wallace <jonwallace1967@gmail.com>, Erick_batts@yahoo.com, dgroff1003@gmail.com, Bryan Tilley <bt83093@gmail.com>, mdunn@mediadesign.biz, lynn gay <lynnngay786@gmail.com>

Subject: Re: Ruling From Judge Adams

Mr Gibbs,

Let me take this opportunity to thank you for your unwavering support in the midst of this disappointing dilemma. Personally traveling to NC to defend and the hours spent in preparation for our defense is appreciated.

We, the Leadership Team, met last night. Pastor Jason was present for at least half the call and we were joined by Pastors JD Greear and Kivet Hicks who sought to lift our spirits in encouragement and prayer.

Our desire from the time we began exploring options for our depleted church, has been to preserve the buildings and grounds for a purpose of furthering God's Kingdom on earth. While we remain steadfast in our belief the best method to achieve that objective is to join forces with the Summit Church, yesterday's decision by Adams has changed the landscape.

We agree with the options you presented Options:

Continue the fight

Pursue bankruptcy

Settle with DoF

Continuing to fight may "feel" right, but another year or two of attacks on the character of our Pastor, staff, Leadership Team and those we serve only detracts from the Gospel and the Spiritual wellbeing of our congregation. At some point taking a stand is based solely in pride.

In a similar manner, pursuit of bankruptcy is an option, though seems hypocritical. Using the legal system of our Government to liquidate assets has no value to the Kingdom. We, the Church of Christ, would be surrendering to the highest bidder and have no guarantee that it would continue to be used in the purpose our forefathers of the Church intended.

While we question the behavior of the DoF as compared to Christian standards, reaching a settlement will fulfill our initial objective of keeping the building and grounds in a Kingdom building purpose. To say otherwise would be to judge their salvation, which God reserves for Himself. As such, it is our desire at this time is to offer terms of settlement.

Terms:

1. We, the Leadership Team, will request that Pastor Jason submit a letter of resignation.
2. We, the Leadership Team, will in like-mindedness with our Pastor, submit letters of resignation.
3. We, the Leadership Team, will relinquish positions such as Treasurer and any other position as an agent of FBC in an orderly fashion to whomever the DoF appoint.
4. We encourage the DoF to appoint a new Leadership Team in compliance with the ByLaws, and select an interim Pastor of their choosing.

To accept these terms the DoF must sign a document which we are asking you, our attorney in cooperation with attorneys from The Summit Church, to draft. The Leadership team and The Summit Church are asking for protection from further prosecution, in whole as a church and as individuals. Additionally, we would like the

DoF to stop and desist on any disparaging comments of The Summit Church and this Leadership team now and forever in the future. We will also accept your counsel for anything you recommend.

The Bible refers to David as a man after God's heart. We know now, in hindsight, that he was an imperfect man. David spent years avoiding the pursuit of Saul. Yet, Saul was also appointed by God. We, the Leadership Team, believe our God is Sovereign and His ways are not always known. David had the opportunity, and many will argue, the right to avenge his persecution from Saul. David believed that it was not God's will to take the life of God's appointed despite the behavior unbefitting of God's chosen. May the actions we take be viewed by our Father in Heaven, His Son and His Holy Spirit in the same light as David's

We are available for any questions, but do feel there is a need for urgency. There is business that must continue within FBC and this quick resolution should be completed to avoid disruption.

Respectfully and in Christ,
Scott Price, acting with the consent of my brothers on the Leadership Team.

Sent from my iPad

On Apr 19, 2024, at 12:42 PM, mdunn@mediadesign.biz wrote:

All,

Please see the email below. We received a ruling from Judge Adams in favor of the DOF.

We need to have a zoom meeting this evening. I'll send an invitation in the next few minutes.

This is all the information we have currently.

Mike

Mike Dunn

919-906-3818

mdunn@mediadesign.biz

From: David Gibbs III <dgibbs@gibbsfirm.com>

Subject: Re: Counsel on Preschool



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24CV007245-9...



From: Tucker, Lisa R.

<lisa.r.tucker@nccourts.org>

Sent: Friday, April 19, 2024 10:07 AM

To: Adam Banks <abanks@envisage.law>;
James Lawrence <jlawrence@envisage.law>;
Gavin B. Parsons
<gparsons@coatsandbennett.com>

Subject: 24CV007245-910 Brian J. Hopper, Sr.
VS Faith Baptist Church of Knightdale, N.C., Inc.
Judge Adams Ruling

Good morning,

Please see Judge Adams ruling below. Please email the order to our orders email along with an orders cover sheet.

I am granting the preliminary injunction and setting a \$25,000 bond. Please have Plaintiffs prepare the order.

Thank you,



Lisa R. Tucker
Court Manager
10th Judicial District
North Carolina Judicial Branch
O 919-792-4775

Justice for all
www.NCcourts.gov/waketca

CONFIRM HEARING DATES by searching for the case in [eCourts Portal](https://www.nccourts.gov/eCourtsPortal).
CIVIL SUPERIOR WEBEX HEARING LINKS are available from www.nccourts.gov/WakeTCA.

WAKE COUNTY eCOURTS INFORMATION & COURT OPERATIONS: Visit [Wake County eCourts Information](http://WakeCounty.eCourtsInformation.com) | [North Carolina Judicial Branch \(nccourts.gov\)](http://NorthCarolinaJudicialBranch.nccourts.gov) and [Trial Court Administrator's Office | North Carolina Judicial Branch \(nccourts.gov\)](http://TrialCourtAdministratorOffice.com).

ATTENTION ATTORNEYS: Effective 3/16/2023, your email and mailing address on file with the NC State Bar is your **service address** for Wake County cases. See [Attorney Service Contact Cover Memo and Attachment](#) and [Administrative Order 23R001278-910](#).

Judges ruling attached. What it means at this time is that the March 3 vote and Summit deal is stopped by court order.

We will schedule a meeting to discuss on Sunday or next week.

Options:

1. Try to settle with other side.
2. File bankruptcy.
3. Continue to fight this case.

1 and 2 are your best options. 3 appears to be the least advantageous because of the time and expense involved. A trial would occur in 9 months to a year and the court could find against us. Appeals can take years.

On Tue, Apr 16, 2024 at 8:30 PM David Gibbs III <dgibbs@gibbsfirm.com> wrote:

Received this late today:

FRE/NCRE 408 Communication

David and Gavin,

We have reviewed the arbitration proposal contained in the binder you provided. Arbitration was certainly our clients' preference prior to their hands being forced. Ideally, we could have sat down and arbitrated this dispute prior to the vote being taken. However, FBC ignored our repeated requests. The now self-professed financial pressure FBC presents as justification for a hasty, curtailed form of adjudication, is a crisis of FBC's own making. I don't think it comes as a surprise, that when the Pastor signals to the church a desire to shutter the church, congregants on both sides of the matter become reluctant to tithe. I do believe that it is important to state that at least from our clients' perspective, as well as others who want to see FBC survive, there have been robust commitments of financial support should church remain. Meaning, that if efforts to dissolve/merge are curtailed, I anticipate a near immediate outpouring of support. I do not have concerns about the church's financial well-being in the future—assuming of course, FBC remains a church. Additionally, I understand that should dissolution efforts cease, Mr. Driver, one of the church's noteholders has forecasted a willingness to work with the church to ensure its mortgage obligations do not prevent it from being successful moving forward. In sum, I mention all this simply to state that it appears FBC could have a bright future if the efforts to terminate FBC stop.

As to your arbitration framework, I appreciate you taking the time to clarify what you're thinking. There's perhaps overlap, but we require the modifications outlined below to

mitigate prejudice to our clients. Using your proposal as a starting point, we have crafted an arbitration framework that would be acceptable to our clients.

Arbitrated Issues: We believe the arbitration should focus more on a review of the proposed plan of dissolution and the formation of a proper body of eligible voters than on the propriety of the March 3 vote. In my client's opinion, the March 3 vote was facially flawed leaving little need to "start from scratch" relitigating that same issue. Accordingly, we anticipate that the first phase of arbitration would include a review of the proposed Plan of Dissolution to determine whether it comports with FBC's bylaws. If the arbitrator determines it does, the next phase of arbitration would focus on the formation of the eligible voting group. Following the conclusion of arbitration (assuming the arbitrator concludes the plan is appropriate) a new, "clean" vote would be taken three weeks after the close of arbitration.

Discovery: Our clients were not agreeable to your proposal of forfeiting discovery over to the three pastor panel. A condition precedent to our clients' willingness to conduct arbitration is fulsome discovery. We would require the superior court retain jurisdiction for discovery purposes. That could perhaps mean the superior court adjudicates a potential discovery dispute between the parties or allows for the availability of third-party discovery. We anticipate conducting third-party discovery, so having the ability to subpoena information is a necessity.

Additionally, our clients require the ability to share discovery and documents amongst themselves and other church members. Accordingly, consenting to arbitration would also require a commitment from Defendants to not move for any sort of protective order.

Timeline: We do not believe 30 days to conduct arbitration is feasible. At this point, we haven't even exchanged documents or scheduled a deposition. Furthermore, James has an out of state trial in May. While we understand your motivation to move quickly, a 90-day timeline seems more fitting.

Arbitrator: Like our initial proposals, we believe a Christian Arbitrator would be more fitting than a three-pastor panel. It appears that the Institute for Christian Conciliation/Peacemakers have some available options for Christian Arbitrators that may be appropriate. As we have argued, this case requires a somewhat precise interpretation of the bylaws. The trained eye of a Christian arbitrator would be better suited to resolving the outstanding issues than a panel of three pastors.

In conclusion, if your folks are agreeable to arbitrating the plan of dissolution and the formation of voting pool in anticipation of a new vote, conducting discovery, and utilizing the services of an arbitrator, I believe we may be able to make progress towards arbitration within the next 90 days

Adam Banks

Partner

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On Apr 16, 2024, at 5:26 PM, Jason Little <jason@faith-baptist.com> wrote:

David and Gavin,

I assume we haven't heard anything from opposing counsel or the judge yet. We are preparing three different emails to send out depending on the ruling or decision to accept arbitration. We will send those to you via .pdf to review/approve before we send out.

In the event of a negative ruling or arbitration, we are planning to close down operations as soon as possible due to immediate lack of operating funds. The main question concerns the preschool. In a meeting with the preschool directors on Monday, they indicated that they would be willing to raise additional, outside funds to keep the preschool open through the end of the school year (May 24).

We believe that we could partition our buildings and operational cost to where this may be possible. We also believe it would show additional goodwill in our community if this can happen.

Our question: If the preschool is able to raise additional funds to cover all operating expenses through May 24, should we allow them to continue as a ministry under the church or should they go ahead and establish themselves as a separate entity?

In anticipation of the transition, I already had them attain a separate EIN. All they would need to do is set up a separate bank account. We could then formulate a lease agreement for the rest of the school year where they would pay us an agreed upon amount to operate and cover their own insurance.

Are there pitfalls or potential legal challenges either way? Another option is just to shut down the preschool ASAP due to a lack of operational funds for the entire church ministry.

Thanks for your consideration and counsel.

Jason

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Jason Little | Lead Pastor
faith-baptist.com