

the Court to issue injunctive relief relating to Bishop Olson’s ecclesiastical investigation.

2. Ecclesiastical disputes such as this do not have a place in civil courts. It has long been the law that civil courts do not have subject-matter jurisdiction to adjudicate ecclesiastical disputes. To that end, the First Amendment’s Establishment Clause and the ecclesiastical abstention doctrine preclude courts from deciding matters relating to church governance, church discipline and theological controversy. *E.g. Williams v. Gleason*, 26 S.W.3d 54, 58 (Tex. App.-Houston [14th Dist.] 2000, pet. denied). Underscoring this point, the Texas Supreme Court has recently held that “[i]nvestigations that relate to the character and conduct of church leaders are *inherently ecclesiastical*” and that claims emanating from investigations involving its clergy are barred by the ecclesiastical abstention doctrine. *In re Lubbock*, 624 S.W.3d 506, 517 (Tex. 2021) (emphasis added).

3. Applying these constitutionally-based principles, Texas courts have repeatedly refused to exercise subject-matter jurisdiction over claims whenever it would require the court to consider, analyze or apply religious principles. *Id.*; *see also Serbian E. Orthodox Diocese v. Milivojevich*, 426 U.S. 696 (1976); *Westbrook v. Penley*, 231 S.W.3d 389 (Tex. 2007); *In re Tex. Conference of Seventh-Day Adventists*, 652 S.W.3d 136 (Tex. App.—Fort Worth 2022, no pet.). The Court should apply the ecclesiastical abstention doctrine and dismiss this case for precisely that reason.

4. Specifically, to determine the merits of Plaintiffs’ claims, the Court would have to impermissibly entangle itself with issues of Canon Law and church governance. For example, with respect to Plaintiffs’ declaratory judgment claim, the Court would have to interpret Canon Law and Vatican instructions (including an instruction entitled “*Cor Orans*” from the Holy See’s Congregation for Institutes of Consecrated Life and Societies of Apostolic Life), to determine whether Bishop Olson’s investigation was permitted in the first place and whether Bishop Olson

was authorized to conduct the investigation in the manner that he did. For the intrusion on seclusion/invasion of privacy claim, the Court would have to interpret Canon Law and “*Cor Orans*” to determine whether Bishop Olson was within his hierarchal rights (as Bishop of the Diocese) to enter the Monastery and question the Nuns. Similarly, for the conversion claim, the Court would have to interpret Canon Law, “*Cor Orans*,” the Rule and Constitution of the Nuns and the vow of poverty taken by the Nuns to determine ownership rights to the property and decide whether Bishop Olson unlawfully exerted control over the property. That inquiry would necessarily turn on whether Bishop Olson was canonically entitled under Canon Law and/or “*Cor Orans*” to examine and review the devices in the course of his sexual misconduct investigation. At bottom, to adjudicate Plaintiffs’ claims, the Court would have to make decisions that are unquestionably based upon ecclesiastical principles and Church law. The ecclesiastical abstention doctrine applies for that reason, and Plaintiffs’ claims should be dismissed for want of subject-matter jurisdiction.

5. This is not a situation where Plaintiffs are left without recourse. Specifically, in tandem with this lawsuit, there is an ongoing canonical proceeding that raises the exact same issues that Plaintiffs have raised in this lawsuit. The parallel proceeding highlights the fact that Plaintiffs’ claims are ecclesiastically-based and should not be adjudicated in a civil court. If there is a forum that should consider Plaintiffs’ complaints about Bishop Olson’s investigation, it is the Roman Catholic Church. It is, respectfully, not a civil court in Tarrant County, Texas.

6. For those reasons, and those further set forth herein, Defendants respectfully request that the Court honor these constitutional principles and to dismiss Plaintiffs’ claims for want of subject-matter jurisdiction.

BACKGROUND

7. On May 3, 2023, Plaintiffs filed their *Application for Temporary Restraining Order, Request for Temporary Injunction, Permanent Injunction and Declaratory Judgment* (the “Original Petition”). [Ex. 1 at p. 1]. By way of the Original Petition, Plaintiffs alleged that Bishop Olson had exceeded his authority in conducting an investigation into Plaintiffs and asserted causes of action for declaratory judgment, trespass and intrusion on seclusion/invasion of privacy. [*Id.* at p. 13]. Plaintiffs additionally sought injunctive relief to prevent Defendants from “pursuing any further investigation into the Plaintiffs and/or the Sisters...imposing any penalties on the Plaintiffs and/or the Sisters [and] inflicting any type of interdict on the Plaintiffs and/or Sisters.” [*Id.* at ¶ 58]. In other words, Plaintiffs sought not only to enjoin the ecclesiastical investigation, but to enjoin Defendants from remedying any abuses discovered as a result of the ecclesiastical investigation.

8. The Original Petition made clear that this is an ecclesiastical dispute. Indeed, the very first allegations of the Original Petition’s “Facts” section quoted the Book of Matthew and further alleged that Defendants had “undertook an illegal, *unholy* . . . and systematic assault upon the sanctity and autonomy of the Plaintiff’s [sic] and the Sisters”:

IV. FACTS

10. “Beware of false prophets, who come to you in sheep’s clothing but inwardly are ravenous wolves.” Matthew 7:15.

11. Defendant Michael Olson is the Bishop of the Catholic Diocese of Fort Worth and he and his agents are abusing their power, inflicting moral violence and psychological distress on the Plaintiff’s and the Sisters by undertaking an illegal, unholy, unwarranted, explicit, and systematic assault upon the sanctity and autonomy of the Plaintiff’s and the Sisters.

[*Id.* at ¶¶ 10-11]. The remainder of Plaintiffs’ Original Petition reiterated that this dispute is ecclesiastically-based and repeatedly cited to Canon Law and principles of church governance in support of Plaintiffs’ claims and allegations. For example, the Original Petition alleged, *inter alia*, that:

- The Monastery is autonomous from the Diocese under Canon 593. [*Id.* at ¶ 18, n. 18].
- “[A]ll of [Defendants’] actions . . . are a violation of not only basic Texas law but Canon law as well.” [*Id.* at ¶ 22].
- “Defendants then proceeded to add insult to injury, violating the most basic civil and canonical rights of the Reverend Mother” [*Id.* at ¶ 28].
- Restrictions that Defendants have placed on Plaintiffs “are in flagrant violation of the Reverend Mother’s status both in Texas law and Canon law” [*Id.*].
- A recent act of papal legislation (from Pope Francis) “directly took away from diocesan bishops any possible power of the bishop to dismiss any nun from her monastery.” [*Id.* at ¶ 31 (citing Canon 699)].

Plaintiffs even sought a judicial declaration that “Defendants do not have the authority” to conduct various aspects of the sexual misconduct investigation. [*Id.* at ¶ 45].

9. On May 8, 2023, the Court considered Plaintiffs’ request for a temporary restraining order. At that hearing, Defendants’ counsel raised the issue of the ecclesiastical abstention doctrine and explained that the Court could not exercise subject-matter jurisdiction over Plaintiffs’ claims in light thereof. The Court denied Plaintiffs’ request.

10. Two days later, on May 10, 2023, Plaintiffs filed an amended application for a temporary restraining order (the “First Amended Petition”). [Ex. 2 at p. 1]. By filing the First Amended Petition, Plaintiffs must have believed that, by removing the references to Canon Law and other principles concerning church governance (and gutting claims), they could plead around the ecclesiastical abstention doctrine. It is clear, however, from Plaintiffs’ sequence of pleadings (and the evidence attached thereto) that the factual basis for Plaintiffs’ claims remains the same.

For example, Plaintiffs scrubbed the face of the First Amended Petition of references to Canon Law, but the attached exhibits (re)affirm the ecclesiastical nature of the claims. The affidavit of Reverend Mother Teresa Agnes (Exhibit A to the First Amended Petition) purports to describe, in detail, the actions taken in furtherance of the ecclesiastical investigation that give rise to Plaintiffs' claims. [*Id.* at Ex. A, ¶¶ 9-12, 17-18]. Likewise, the Monastery's bylaws (Exhibit 1 [sic] to the First Amended Petition) confirms Plaintiffs' affiliation with and subordination to the Roman Catholic Church. [*Id.* at Ex. 1 [sic]].

11. The Court held a hearing on Plaintiffs' amended request for a temporary restraining order that same day. The Court correctly saw through Plaintiffs' transparent attempt to circumvent the ecclesiastical abstention doctrine and denied Plaintiffs' amended request for injunctive relief expressing concerns that it did not have the ability to issue the injunctive relief that Plaintiffs sought and that the Court has been “‘down this road before’ (Westbrook v. Penley) and is concerned.”

12. Defendants now file this Plea to seek a final determination that the ecclesiastical abstention doctrine precludes the Court from exercising subject-matter jurisdiction over this lawsuit.

APPLICABLE LEGAL STANDARD

13. “Lack of jurisdiction may be raised by a plea to the jurisdiction when religious-liberty grounds form the basis of the jurisdictional challenge.” *Westbrook*, 231 S.W.3d at 394. “The ecclesiastical abstention doctrine arises from the Free Exercise Clause of the First Amendment to the United States Constitution.” *Jennison v. Prasifka*, 391 S.W.3d 660, 665 (Tex. App.—Dallas 2013, no pet.). “The ecclesiastical abstention doctrine stands for the proposition that the First Amendment prohibits civil courts from exercising jurisdiction over matters concerning ‘theological controversy, church discipline, ecclesiastical government, or the

conformity of the members of a church to the standard of morals required of them.” *Id.* (quoting *Milivojevich*, 426 U.S. at 713-14).

14. “To determine whether the ecclesiastical doctrine applies or, conversely, whether subject-matter jurisdiction exists, ‘courts must look to the substance and effect of a plaintiff’s complaint to determine its ecclesiastical implication, not its emblemata.’” *Id.* (quoting *Westbrook*, 231 S.W.3d at 405). In deciding a plea to the jurisdiction, a court must not weigh the claims’ merits and should consider only the plaintiff’s pleadings and the evidence pertinent to the jurisdictional inquiry. *Cnty. of Cameron v. Brown*, 80 S.W.3d 549, 555 (Tex. 2002); *see also Westbrook*, 231 S.W.3d at 395 (“...if the pleadings affirmatively demonstrate an incurable jurisdictional defect, then the plea to the jurisdiction must be granted.”); *Patton v. Jones*, 212 S.W.3d 541, 545 (Tex. App.—Austin 2006, pet. denied) (same).

ARGUMENT & AUTHORITIES

A. The Ecclesiastical Abstention Doctrine Prevents Secular Courts from Entangling Themselves in Religious Controversies.

15. The Free Exercise Clause of the First Amendment to the United States Constitution provides that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.” U.S. CONST. AMEND. I. “At its core, the First Amendment recognizes two spheres of sovereignty when deciding matters of government and religion...The religion clauses are designed to prevent, as far as possible, the intrusion of either [religion or government] into the precincts of the other...and are premised on the notion that both religion and government can best work to achieve their lofty aims if each is left free from the other within its respective sphere.” *Westbrook*, 231 S.W.3d at 395 (internal citations omitted). Stated simply, “[t]he Constitution forbids the government from interfering with the right of hierarchical religious bodies to establish their own internal rules and regulations and to create tribunals for adjudicating disputes over religious matters.” *Gleason*, 26 S.W.3d at 58 (citing *Milivojevich*, 426 U.S. at 708).

16. “Following this constitutional mandate, civil courts may not intrude into the church’s governance of ‘religious’ or ‘ecclesiastical’ matters, such as theological controversy, church discipline, ecclesiastical government, or the conformity of members to standards of morality.” *Id.* (declining jurisdiction over parishioners' tort claims against church members who participated in the church disciplinary process, finding that “each claim implicates an ecclesiastical matter, namely their subjection to the church's discipline.”). As the Texas Supreme Court recently explained:

Churches have a fundamental right under the First Amendment to decide for themselves, free from state interference, matters of church governance as well as those of faith and doctrine. It is a core tenet of the First Amendment that in resolving civil claims courts must be careful not to intrude upon internal affairs of church governance and autonomy. Autonomy extends to the rights of hierarchical religious bodies to establish their own internal rules and regulations and to create tribunals for adjudicating disputes over religious matters. And it extends to a church’s conclusions regarding its own ecclesiastical rules, customs, and laws. Government action that interferes with this autonomy or risks judicial entanglement with a church's conclusions regarding its own rules, customs, or laws is therefore prohibited by the First Amendment.

In re Lubbock, 624 S.W.3d at 513 (internal citations omitted). This legal maxim is known as the ecclesiastical abstention doctrine, which “stands for the proposition that the First Amendment prohibits civil courts from exercising jurisdiction over [religious] matters.” *Prasifka*, 391 S.W.3d at 665.

17. The doctrine applies if “the substance and nature of the plaintiff’s claims are inextricably intertwined with matters of doctrine or church governance, [and, if so] the case *must* be dismissed.” *In re Lubbock*, 624 S.W.3d at 513. (emphasis added). Under this framework, “[i]nvestigations that relate to the character and conduct of church leaders are inherently ecclesiastical.” *Id.* at 517 (concluding that the ecclesiastical abstention doctrine applied because the substance and nature of a deacon’s claims against his church would necessarily require the trial court to evaluate whether the Diocese properly applied Canon Law and were inextricably

intertwined with the Diocese’s internal directive to investigate sexual misconduct).

18. In this setting, a court may exercise jurisdiction over a controversy only if it can apply neutral principles of law that *will not* require inquiry into religious doctrine, interference with the free-exercise rights of believers, or meddling in church government. *In re Lubbock*, 624 S.W.3d at 513 (citing *Westbrook*, 231 S.W.3d at 398–400). “[A]ny exception to ecclesiastical abstention by application of neutral principles must be narrowly drawn to avoid inhibiting the free exercise of religion or imposing secular interests on religious controversies.” *Id.* Additionally, if a plaintiff’s claims would impose liability on a religious institution “for either complying with its own internal rules and regulations or resolving a religious matter,” the dispute is ecclesiastical. *Seventh-Day Adventists*, 652 S.W.3d at 143 (holding ecclesiastical abstention doctrine deprived the trial court of jurisdiction to resolve internal dispute involving claims of declaratory relief, theft of property and conversion).

19. Out of the respect for the Establishment Clause and religious freedom, Texas courts apply the doctrine liberally: “[a]lthough wrongs may exist in the ecclesiastical setting, and although the administration of the church may be inadequate to provide a remedy, the preservation of the free exercise of religion is deemed so important a principle it overshadows the inequities that may result from its liberal application.” *Gleason*, 26 S.W.3d at 58.

20. Plaintiffs’ live pleading has these ecclesiastical implications; therefore, it must be dismissed for lack of subject-matter jurisdiction. [*See generally*, Ex. 2].

B. The Ecclesiastical Abstention Doctrine Precludes the Court from Exercising Jurisdiction Over this Lawsuit.

21. The focal point of this entire dispute is an ecclesiastical investigation into sexual misconduct in violation of the Sixth Commandment—considered “grave misconduct” within the Catholic Church. Plaintiff Reverend Mother Teresa Agnes has admitted to violating her vow of

chastity, with a priest—a patently ecclesiastical, non-secular matter. The crux of Plaintiffs’ live pleading is that Defendants exceeded their authority by initiating and conducting investigatory and disciplinary proceedings. [*Id.*]. Civil courts are not, however, the appropriate forum to resolve such a theologically-laden dispute over an investigation into what the Diocese considers sinful behavior.

22. This civil lawsuit is, unquestionably, inextricably intertwined with Defendants’ ecclesiastical disciplinary/investigative power, and “questions of church discipline and the composition of the church hierarchy [which] are at the core of ecclesiastical concern.” *Milivojevich*, 426 U.S. at 717; *see also In re Lubbock*, 624 S.W.3d at 513. This is precisely the sort of clerical dispute that Texas courts decline to adjudicate. *See, e.g., In re Lubbock*, 624 S.W.3d at 515; *Seventh-Day Adventists*, 652 S.W.3d at 148-49. Tellingly, there is a parallel, internal Church proceeding between these parties with canonical lawyers, involving the same dispute—further underscoring its religious essence. [Ex. 1 at Exs. G-I; Ex. 2 at Ex. A; Ex. 3].

23. Second, and relatedly, this dispute hinges on the appropriate scope of church authority under Canon Law and Vatican instruction—types of disputes routinely held to be ecclesiastical. *See Seventh-Day Adventists*, 652 S.W.3d at 148 (applying the ecclesiastical abstention doctrine and reasoning that “this is a dispute over who has the authority to make decisions on behalf of [a religious organization]”); *see also In re Lubbock*, 624 S.W.3d at 515 (declining to exercise jurisdiction because adjudicating the claim “would not only cause a court to evaluate whether the Diocese properly applied Canon Law but would also permit the same court to interlineate its own views of a Canonical term”).²

² Plaintiffs’ scattershot efforts to dissociate themselves from the Roman Catholic Church, its governing organization—and thus, the ecclesiastical abstention doctrine—fall flat. The Monastery’s bylaws, for example, state that “[t]he corporation shall be operated exclusively for such purpose in a manner which is consistent with the precepts of the

DEFENDANTS’ PLEA TO THE JURISDICTION **PAGE 10**

24. The Court could not resolve this matter without entangling itself in issues such as, (1) the propriety of church disciplinary procedures; (2) the Diocese/Bishop’s ecclesiastical authority over Plaintiffs; (3) internal investigations regarding grave/sexual misconduct; (4) the Diocese/Bishop’s authority to issue “precepts” or limitations and to provide appropriate solutions when he finds there are abuses; and (5) interpreting Canon Law and theological terms and principles. These irrefutable truths—hallmarks of the ecclesiastical abstention doctrine—make clear that Plaintiffs’ lawsuit “reach[es] behind the ecclesiastical curtain.” *In re Lubbock*, 624 S.W.3d at 515. For the Court to adjudicate this case, it would necessarily have to entangle itself with matters involving church governance, discipline and doctrine—a textbook First Amendment violation.

25. The ecclesiastical nature of this controversy is confirmed by examining what this Court’s involvement in the specific claims would require. The Court would be interpreting Canon Law and Vatican instructions when deciding claims of declaratory relief. Assuming, *arguendo*, that the claims for declaratory relief are legally viable (they are not),³ the Court could not consider whether Defendants have “authority to seize property” or “authority to access...private technology” without considering Defendants’ ecclesiastical authority in the context of an internal Church investigation. [Ex. 2 at p. 5, Ex. A]. The declaratory judgments (and related injunctions)—on their face—relate entirely to the ecclesiastical investigation and electronic devices

Roman Catholic Church.” [Ex. 2 at Ex. 1 [sic]]. Plaintiffs concede that the Diocese/Bishop has ecclesiastical authority over the Monastery, but dispute the scope of the authority. [Ex. 1 at Exs. B-F].

³ Jurisdictional issues aside, Plaintiffs improperly ask the Court to declare facts that have already fully matured according to the averments in their pleading. See TEX. CIV. PRAC. & REM. CODE § 37.002 (“This chapter is remedial; its purpose is to settle and to afford relief from uncertainty and insecurity with respect to rights, status, and other legal relations....”) see also *Mungia v. Via Metro. Transit*, 441 S.W.3d 542, 550 (Tex. App.—San Antonio 2014, pet. denied) (holding that “[the] UDJA was intended to provide a means of determining the parties’ rights when a controversy has arisen but before a wrong has been committed, and is preventative in nature.”) (internal citations omitted).

surrendered to Defendants as part of the investigation. [*See generally* Exs. 1 and 2].

26. Moreover, this Court could not decide claims of conversion and intrusion on seclusion/invasion of privacy (again assuming their legal viability) without first considering a Bishop's ecclesiastical authority and rights under Canon Law to enter the Monastery, conduct an investigation and remedy abuses. [Ex. 2 at pp. 5-6]. In fact, plaintiff Reverend Mother Teresa Agnes admits in her affidavit that the devices subject to the conversion claim were "surrender[ed]" at the Monastery as part of the Diocese's investigation. [*Id.* at Ex. A, ¶ 9]. Likewise, the actions purportedly forming the basis of an "intrusion on seclusion" cause of action relate entirely to the internal Church investigation into Plaintiffs' (mis)conduct. [*Id.* at Ex. A; *see also* Ex. 1]. Further still, Defendants' defenses to the legal claims and requests for injunctive relief would necessarily include that their actions were both authorized and required under non-secular laws and principles. Taken together, these considerations establish that this dispute is inextricably intertwined with ecclesiastical rules and principles.

27. Thus, as a matter of well-established law interpreting and enforcing the First Amendment, this Court should not intervene. *E.g., In re Lubbock*, 624 S.W.3d at 516 ("Whether a party's claim against a church are barred . . . [depends on] whether . . . plaintiffs' claims implicate ecclesiastical matters, including a church's internal affairs, governance, or administration."). Rather than exercise jurisdiction over Plaintiffs' claims, the Court should respect the ecclesiastical abstention doctrine, decline jurisdiction over the matter and leave undisturbed Defendants' investigatory and disciplinary process. The Establishment Clause (and decades of First Amendment jurisprudence) compels such a result. *See id.* at 515; *Seventh-Day Adventists*, 652 S.W.3d at 148-49; *see also Gleason*, 26 S.W.3d at 58.

PRAYER FOR RELIEF

For the foregoing reasons, Defendants respectfully request that the Court grant this Plea and dismiss the lawsuit for want of subject-matter jurisdiction. Defendants additionally request all other relief, whether at law or in equity, to which they may be justly entitled.

Respectfully Submitted,

/s/ W. Chase Medling
Michael D. Anderson
State Bar No. 24031699
michael.anderson@kellyhart.com
W. Chase Medling
State Bar No. 24073061
chase.medling@kellyhart.com
KELLY HART & HALLMAN LLP
201 Main Street, Suite 2500
Fort Worth, Texas 76102
Telephone: (817) 332-2500
Telecopier: (817) 878-9280

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served on the following counsel of record via electronic service on May 18, 2023:

/s/ W. Chase Medling
W. Chase Medling

EXHIBITS

DISCALCED CARMELITE NUNS, INC. DBA §
MONASTERY OF THE MOST HOLY §
TRINITY, REVEREND MOTHER SUPERIOR §
TERESA AGNES GERLACH AND SISTER §
FRANCIS THERESE §

Plaintiffs,

vs.

BISHOP MICHAEL OLSON AND THE §
CATHOLIC DIOCESE OF FORT WORTH §

Defendants.

IN THE DISTRICT COURT OF

TARRANT COUNTY, TEXAS

67TH JUDICIAL DISTRICT

AFFIDAVIT OF W. CHASE MEDLING

STATE OF TEXAS §
COUNTY OF TARRANT §

BEFORE ME, the undersigned authority on this day appeared W. Chase Medling, who is personally known by me, and after first being duly sworn according to law upon his oath deposed and said:

1. “My name is W. Chase Medling. I am over twenty-one years of age and I am of sound mind. I have never been convicted of a felony. I am an attorney of record for defendants Bishop Michael Olson and the Catholic Diocese of Fort Worth in the aforementioned matter. As such, I have personal knowledge of the statements made herein and they are all true and correct. I am fully competent to testify to the matters stated herein.

2. “Attached hereto as Exhibit 1 is a true and correct copy of *Plaintiffs’ Application for Temporary Restraining Order, Request for Temporary Injunction, Permanent Injunction and Declaratory Judgment*, with exhibits, filed on May 3, 2023.

3. “Attached hereto as Exhibit 2 is a true and correct copy of *Plaintiffs’ First Amended Application for Temporary Restraining Order, Request for Temporary Injunction, Permanent Injunction and Declaratory Judgment*, with exhibits, filed on May 10, 2023.

4. “Attached hereto as Exhibit 3 is a true and correct copy of a Stipulation Regarding Forensic Analysis of Electronic Devices.

5. “Attached hereto as Exhibit 4 is a true and correct copy of excerpts from the Code of Canon Law, available at https://www.vatican.va/archive/cod-iuris-canonici/eng/documents/cic_lib2-cann607-709_en.html#.

6. “Further, affiant sayeth not.”



W. Chase Medling

SUBSCRIBED AND SWORN TO BEFORE ME on the 18th day of May, 2023, to certify which witness my hand and official seal.



Notary Public, State of Texas

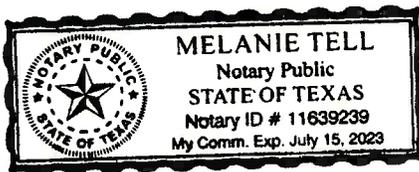


EXHIBIT 1

CAUSE NO. 048-342045-23

DISCALCED CARMELITE NUNS, INC. DBA §
MONASTERY OF THE MOST HOLY §
TRINITY, REVEREND MOTHER SUPERIOR §
TERESA AGNES GERLACH AND SISTER §
FRANCIS THERESE §

IN THE DISTRICT COURT OF

Plaintiffs,

vs.

BISHOP MICHAEL OLSON AND THE §
CATHOLIC DIOCESE OF FORT WORTH §

TARRANT COUNTY, TEXAS

Defendants.

_____ JUDICIAL DISTRICT

PLAINTIFFS’ APPLICATION FOR TEMPORARY RESTRAINING ORDER, REQUEST FOR TEMPORARY INJUNCTION, PERMANENT INJUNCTION AND DECLARATORY JUDGMENT

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, DISCALCED CARMELITE NUNS, INC. DBA MONASTERY OF THE MOST HOLY TRINITY REVEREND MOTHER SUPERIOR TERESA AGNES GERLACH AND SISTER FRANCIS THERESE (hereinafter “Plaintiffs”) and for cause of action would show the Court as follows:

I.
STATEMENT PURSUANT TO TRCP 47 AND DISCOVERY LEVEL

1. The damages sought are within the jurisdictional limits of the Court and the Plaintiffs seek monetary relief of \$1,000,000 or more, including damages of any kind, penalties, costs, expenses, pre-judgment interest and attorney’s fees.

2. The Plaintiffs intend to conduct the discovery in accordance with Texas Rule of Civil Procedure 190 and will conduct the discovery as a Level 3 case.

II.
PARTIES

3. Plaintiff Discalced Carmelite Nuns, Inc. dba Monastery of the Most Holy Trinity, is a Texas nonprofit corporation with its principal place of business at 5801 Mt. Carmel Drive, Arlington, Texas 76017.

4. Plaintiff Reverend Mother Superior Teresa Agnes Gerlach is an individual residing in Tarrant County Texas.

5. Plaintiff Sister Francis Therese is an individual residing in Tarrant County Texas.

6. Defendant Michael Olson is an individual residing in Tarrant County and may be served with process at 800 West Loop 820 South, Fort Worth, Texas 76108.

7. Defendant Catholic Diocese of Fort Worth is a Texas nonprofit corporation that may be served with process through its registered agent Bishop Michael Fors Olson at the Fort Worth Diocese's Chancery Office located at 800 West Loop 820 South, Fort Worth, Texas 76108.

III.
JURISDICTION AND VENUE

8. Jurisdiction is proper in this Court in that Plaintiffs have suffered losses and damages that are within the jurisdictional limit of this Court.

9. Venue of this suit is proper in Tarrant County by virtue that the events giving rise to these causes of action occurred in Tarrant County, Texas.

IV.
FACTS

10. "Beware of false prophets, who come to you in sheep's clothing but inwardly are ravenous wolves." Matthew 7:15.

11. Defendant Michael Olson is the Bishop of the Catholic Diocese of Fort Worth and he and his agents are abusing their power, inflicting moral violence and psychological distress

on the Plaintiff's and the Sisters by undertaking an illegal, unholy, unwarranted, explicit, and systematic assault upon the sanctity and autonomy of the Plaintiff's and the Sisters.

Texas Corporation and Tarrant County Residences

12. Discalced Carmelite Nuns, Inc. dba Monastery of the Most Holy Trinity, Inc. is a Texas non-profit corporation.¹ Reverend Mother Superior Teresa Agnes Gerlach ("Reverend Mother") and Sister Francis Therese are officers and directors of the corporation.²

The Nuns of the Monastery of the Most Holy Trinity

13. The Plaintiff's are an Order of Carmelite Nuns that has existed since 1562 and have been in Tarrant County since 1958.³ They currently reside in a Monastery⁴ in Arlington Texas on a seventy-two acre, quiet, wooded, secluded location.⁵

14. The Monastery is its own autonomous religious institution comprised of the Reverend Mother, 7 sisters and 2 novices (nuns in training).⁶ The Reverend Mother has been the Superintendent/Administrator/Prioress⁷ of the Monastery for over two years and has been a member of the Monastery for almost 25 years.⁸ They live full time at the Monastery and have open to the faithful a daily morning Mass attended by on average 50 souls and a Sunday Mass that averages over 60 faithful.⁹

15. The Sisters are a cloistered Order of women dedicated to a life of contemplative prayer.¹⁰ They attend Mass every morning and then gather seven times each day to chant the

¹ See Affidavit of Mother Teresa Agnes of Jesus Crucified, OCD nee Lisa Marie Gerlach attached hereto as Exhibit 1 and Exhibit A attached thereto.

² Id.

³ Id.

⁴ While it is called a Monastery there are no men on the premises only Carmelite nuns who reside and worship at the location.

⁵ Id.

⁶ Id.

⁷ Id. These terms are used interchangeably but for purposes of this Petition it means she is the person in charge of the Order and the Monastery.

⁸ Id.

⁹ Id.

¹⁰ Id.

Liturgy of the Hours, the official prayer of the Church, consisting of psalms and readings from Scripture.¹¹ The rest of their day is focused on contemplative prayer, the silent loving person to person relationship with Jesus Christ, a living prayer for the benefit of others.¹² Their life is modeled on the life of Mary of Nazareth, a quiet hidden worshipful service of God.¹³ This dedicated life is spent within the “cloister”, known as a Papal Enclosure, and once the Sisters enter this area, they rarely leave the Monastery unless to seek medical care.¹⁴

16. In addition to prayer, their daily life consists of manual labor, cooking, cleaning, working the grounds of the Monastery and performing other acts of labor.¹⁵ They pray together, take their meals together and work together.¹⁶

The Monastery is Autonomous From and Not Under the Control of the Defendants

17. The Monastery belongs to the Order of the Most Blessed Virgin Mary of Mount Carmel, a contemplative order of pontifical right established in the late 16th Century.¹⁷

18. Pontifical right is the term given to ecclesiastical institutions created and/or approved by the Holy See (“The Pope”). The institutions of pontifical right depend immediately and exclusively on the Pope regarding matters of internal governance and discipline.¹⁸ This is critically important because the Monastery and the Plaintiffs are not under the control of Defendants and instead any internal governance must be reserved exclusively to the Pope.

19. The Rule and Constitutions of the Discalced Nuns of the Order of the Most Blessed Virgin Mary of Mount Carmel further makes this fact exceedingly clear. Chapter XIX titled Juridical Status of the Monasteries Erection and Suppression of the Same, section 133

¹¹ Id.

¹² Id.

¹³ Id.

¹⁴ Id.

¹⁵ Id.

¹⁶ Id.

¹⁷ Id.

¹⁸ See Code of Canon Law 593 attached hereto as Exhibit B.

states: “As regards their juridical condition, our monasteries, preserving spiritual unity with the entire Order have no other major superior above the Prioress, except the Holy See.”¹⁹ Section 135 states “The Church acknowledges for these monasteries a just autonomy of life and above all governance, so that they enjoy their own discipline and preserve their own doctrinal, spiritual and liturgical patrimony.”²⁰

20. The following is the substance of what the Defendants can do regarding the autonomy of the Plaintiffs. The rules governing female autonomous monasteries were changed in 2018 by the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life (the department of the Vatican governing nuns) which on 1 April 2018 issued an instruction entitled “*Cor Orans*”:²¹

21. Section VII. Relations between the Monastery and the Diocesan Bishop paragraph 83 states:

- All female monasteries, without prejudice to internal autonomy and possible external exemption are subject to the diocesan Bishop, who exercises pastoral care in the following cases:
- a) the community of the female monastery is subject to the power of the Bishop to whom it must devote respect and reverence **in what concerns the public exercise of divine worship, the care of souls, and the forms of apostolate corresponding to their character.**
- b) the diocesan Bishop on the occasion of the pastoral visit or other paternal visits and even in case of necessity, can provide appropriate solutions

¹⁹ See Constitution of the Order attached hereto as Exhibit C.

²⁰ Id.

²¹ AAS 110 (2018) 814–864 attached hereto as Exhibit D.

himself when he finds that there are abuses and after appeals made to the Major Superior have had no effect;

- c) the diocesan Bishop intervenes in the erection of the monastery by giving written consent before the approval of the Apostolic See is requested;
 - d) the diocesan Bishop intervenes, as local Ordinary, in the appointment of the chaplain and, always as local Ordinary, in the approval of ordinary confessors
- Everything must take place “*considering the specificity of the proper charism and the needs of fraternal life in community*”;
- e) the diocesan Bishop intervenes in the suppression of the monastery by expressing his opinion;
 - f) the exclaustated nun refers to the diocesan Bishop, as the local Ordinary, and to her Superiors, remaining under their dependence and care;
 - g) the diocesan Bishop has the faculty, for a just cause, of entering the cloister and allowing other people to enter, with the consent of the Major Superior.²²

22. None of these cases exist in the present matter. Defendants can show no authority to prove they meet any of these criteria. Thus, all of their actions discussed in detail below are a violation of not only basic Texas law but Canon law as well.

23. Section VII. Relations between the Monastery and the Diocesan Bishop paragraph 84 further crystalizes this point by stating: “For congregated monasteries and associated monasteries, the points of pastoral care delineated above constitute the only possible forms of intervention by the diocesan Bishop, since the rights/duties of the President of the Congregation

²² Id.

for the congregated monasteries and the rights/duties of the religious Ordinary of the Associating Institute towards the associated Monastery must be safeguarded.²³

24. Here again the criteria outlined in Section 83 are the only possible forms of intervention by the diocesan Bishop. Despite this clear autonomy the Defendants run roughshod over the law in their illegal acts.

Defendants Violate the Sanctity of the Plaintiffs Under False Pretenses and Illegally

25. Bishop Olson, out of the blue, with just 30 minutes' notice, informed the Plaintiffs that he was coming to visit the Monastery on April 24, 2023.²⁴ That afternoon Bishop Olson, Reverend Monsignor E. James Hart, the Chancellor, Sandra Schrader-Farry showed up. Later Sandra allowed an unnamed male forensic technology person into the Monastery. Bishop Olson, Reverend Monsignor E. James Hart, the Chancellor, Sandra Schrader-Farry then demanded to see the Reverend Mother and her primary care giver Sister Francis Therese (who has been a Sister at the Monastery for 46 years).²⁵ Later Sandra allowed an unnamed male forensic technology person into the Monastery.

26. Stunningly, Bishop Olson demanded that Sandra and the unnamed forensic technology male be given entry into the Papal Enclosure of the Monastery reserved only to the female members of the Discalced Carmelite Order, summarily demanding that the Reverend Mother turn over her computer, iPad, and cellular phone, to him personally.

27. Moreover, he has prevented the Reverend Mother and Sister Francis Therese from taking any administrative action on behalf of the corporation. Nothing under Texas law gives the Bishop authority to replace the corporate directors and officers of a Texas non-profit corporation which he has attempted to do.²⁶

²³ Id.

²⁴ See Exhibit A.

²⁵ Id.

²⁶ See Exhibit A

28. Incredibly, Defendants then proceeded to add insult to injury, violating the most basic civil and canonical rights of the Reverend Mother, assuming to impose on her where she can eat, where she can sit, whom she can talk to, whether or not she can use technology and whether she can leave the Monastery. These restrictions are obscene and have no basis in Texas law to impose such restrictions on an individual. They are in flagrant violation of the Reverend Mother's status both in Texas law and Canon law as the Major Superior of the Monastery, above whom there is no authority but the Pope himself. In a shocking display of callousness during this questioning the Bishop told Sister Joseph that the Reverend Mother should be removed from her private bedroom and be placed in a guest room, despite her poor health and need for constant medical care.

29. On April 25, 2023 the Reverend Mother had a surgical procedure and was put under general anesthesia, intubated and given fentanyl and other pain medication.²⁷ While returning to the Monastery she was told the Bishop wanted to question her as soon as she returned.²⁸ Although she was in significant pain, under the influence of medications and feeling very weak, she felt compelled to acquiesce and was subjected to more questioning.²⁹ The Bishop knew she had just come back from the hospital and had a surgical procedure.³⁰

30. On April 25, 2023, the Defendants sent over a letter admonishing Reverend Mother for violating Defendants restrictions of no phone calls without prior permission from the Administrator (it should be noted that at that time no Administrator had been effectuated through a singular decree as required)³¹ and stated that if another phone call was made they would seek to dismiss the Reverend Mother from the Order. This is absurd on several levels.

²⁷ Id.

²⁸ Id.

²⁹ Id.

³⁰ Id.

³¹ See Canon Law §54 attached hereto as Exhibit E.

First, the Defendants have no proof that the Reverend Mother placed the phone call and second that a devoted nun of almost 25 years would be threatened with dismissal for a phone call, in supposed violation of an illegal decree. Further, the Bishop has no authority to dismiss a nun from an Order only the Pope can do so.

31. Most recently, Pope Francis, through an act of papal legislation entitled “*Competentias Quasdam Decernere*” issued on 11 February 2022, directly took away from diocesan bishops any possible power of the bishop to dismiss any nun from her monastery (cf. Art. 7, modifying the text of canon 699, § 2 of the *Code of Canon Law*).³²

32. On April 25, 2023, the Defendants again demanded that Bishop Olson, Reverend Monsignor E. James Hart, Chancellor, Sandra Schrader-Farry be allowed to interrogate the other Sisters.³³ First, this was again done without proper notice. Then they proceeded to interrogate Sisters Joseph, Elizabeth, Marie, and Mary for several hours.³⁴ The Defendants demanded to interrogate the remaining Sisters the following day.³⁵

33. Thankfully, later that day the Plaintiffs sought legal representation.

34. The next day April 26, 2023, the Defendants again demanded that Bishop Olson, Reverend Monsignor E. James Hart, Chancellor and Sandra Schrader-Farry to interrogate the remaining Sisters.³⁶ Based upon advice from counsel the Plaintiffs advised the Defendants that they would make the remaining Sisters available for questioning after they had informed the Sisters about the purpose, object, and scope of any intended questioning. The Bishop threw a juvenile and unseemly temper tantrum, in an agitated and raised voice claimed that the

³² See Apostolic Letter Issued “*Motu Proprio* of the Supreme Pontiff Francis February 11, 2022, attached hereto as Exhibit F.

³³ See Exhibit A.

³⁴ Id.

³⁵ Id.

³⁶ Id.

Monastery was shut down and no Mass would be offered for the Sisters or the parishioners, slammed the door and left the Monastery.³⁷

35. The Reverend Mother was taken to the emergency room with a high fever and extreme stress.³⁸

36. Later that day the Plaintiffs sent the Defendants a fax and informed them they would make the Sisters available for questions once they had followed the proper procedure.³⁹ The Plaintiffs then advised Defendants that they had retained counsel, otherwise referred to as procurator-advocate. Bishop Olson refused to acknowledge Plaintiffs' choice of counsel, rejected him and *sua sponte* appointed his own personal choice to act as counsel for Plaintiffs.⁴⁰ Texas law allows a party to choose their own lawyer, not one chosen for them by a Defendant, as does Canon law.

37. Later that same day the Bishop sent Plaintiffs notice that based on their "refusal" to allow the interviews of the remaining Sisters they had obstructed justice and could face penalties, interdiction on the Monastery and dismissal from the Order.⁴¹ Thus, because Plaintiffs had the temerity to seek legal counsel and request the Defendants follow the proper procedure for interrogation the Bishop threatened them with dismissal from their Order. Again, authority he does not have.

38. Later that day one of the Sisters went to purchase a new phone which was placed on the Plaintiffs' account.⁴² The next day April 28, 2023 the Defendants sent a letter to the Plaintiff's advising them that the Defendants were aware that a phone had been purchased, what

³⁷ Id.

³⁸ Id.

³⁹ See April 26, 2023, Fax attached hereto as Exhibit G.

⁴⁰ See Decree appointing ex officio an Advocate attached hereto as Exhibit H.

⁴¹ See Exhibit A.

⁴² Id.

the new number was and that they were aware of texts being sent from that phone.⁴³ This letter drips of arrogance, vindictive acts and blatant violations of the law. First, Defendants had accessed the Plaintiff's phone account and were performing surveillance (spying) on the Sisters. How else would Defendants know the number of the new phone and that texts were being sent out. Second, some of those communications were with legal counsel, which violates every privilege there is, not to mention an egregious violation of one's privacy. There is no scenario, absent the Patriot Act where intelligent officers of the government acting under Executive Order authorization and only for the most weighted and exigent causes, where a party should be able to access an individual's personal cell phone account and track communications. Defendants also seem to be aware of all communications of all phones on the Plaintiffs' account thus violating every Sisters privacy. Third, the allegations are completely without actual proof because how could the Defendants even know who is actually texting?

39. Finally, in an act of pure evil the Bishop advises that he would prevent priests to come and celebrate Mass at the Monastery for their parish. This is nothing but vindictive petty punishment. There is nothing Christ-like about it. Never in the history of the Monastery has there ever been an issue with having a priest come to celebrate Mass and take confession as they have always been readily available and willing to do so.⁴⁴ Further any priest who is in good standing can celebrate Mass and does not need the Bishop's permission. Nor are Plaintiffs aware of any legal right by which the Bishop has to prevent a priest from offering Mass and confession at the Monastery.

40. However, not to leave any stone unturned and in another abuse of power, the Bishop next sent notice to Sister Francis Therese, the Reverend Mother's primary medical caregiver, that she was prevented from speaking with the Reverend Mother, directly or through

⁴³ See April 28, 2023, letter from the Defendants to Sister Joseph Marie attached hereto as Exhibit I.

⁴⁴ See Exhibit A.

an intermediary.⁴⁵ Thus, the good Bishop apparently does not care at all about the Reverend Mothers health or medical needs who lives with a PICC line and feeding tube 24 hours a day and is hooked up to an IV drip 10 hours a day.⁴⁶ Then for good measure the Bishop prevents her from speaking with the Novices in addition to using any type of communication device.⁴⁷

41. Since the Defendants have taken the Reverend Mother's technology the Monastery no longer can pay bills or operate financially because all of that information was located on the Reverend Mother's technology.⁴⁸ Anytime they try to access their online accounts a verification text is sent to her iPhone to gain access and of course she does not have her phone.⁴⁹

42. This *insane* amount of abuse has created tremendous emotional trauma and psychological distress on the Plaintiffs and the Sisters and is directly affecting the Reverend Mother's physical health. These actions are beyond the pale of decency, have no basis in law, are unconscionable and unheard actions for a Bishop.

43. Defendants must be stopped.

V. CAUSES OF ACTION

DECLARATORY JUDGMENT

44. Plaintiffs hereby incorporate the preceding paragraphs by reference.

45. Plaintiffs seeks a declaration from the Court that:

- (1) Defendants do not have the authority to interrogate the Plaintiffs and/or any of the Sisters;
- (2) Defendants do not have the authority to seize the property of the Plaintiffs and/or the Sisters;
- (3) Defendants do not have the authority to access the private technology or any corporate, personal or online accounts of the Plaintiffs and/or the Sisters;

⁴⁵ Id.

⁴⁶ Id.

⁴⁷ Id.

⁴⁸ Id.

⁴⁹ Id.

- (4) Reverend Mother Teresa Agnes Gerlach is the Prioress/Administrator and Superintendent of the Monastery; and,
- (5) Defendants have no ownership of any of the assets of the Plaintiffs and/or the Sisters.

46. Plaintiffs are entitled to their attorneys' fees and costs of Court under Texas Civil Practice and Remedies Code.

TRESPASS ON REAL PROPERTY

47. Plaintiffs own real property.
48. Defendants entered the Plaintiffs' land, and the entry was physical, intentional, voluntary, and unauthorized.
49. Defendants trespass caused injury to Plaintiffs' right of possession.

INTRUSION ON SECLUSION – INVASION OF PRIVACY

50. Defendants intentionally intruded on Plaintiffs' solitude and seclusion.
51. The intrusion would be highly offensive to a reasonable person.
52. The Plaintiffs suffered injury because of the defendant's intrusion.

CONVERSION

53. The Plaintiffs owned, possessed, and had the right to immediate possession of property.
54. The property was personal property.
55. The Defendants wrongfully exercised dominion and control over the property.
56. The Plaintiffs suffered injury due to same.

VI. APPLICATION FOR TEMPORARY RESTRAINING ORDER

57. Plaintiffs' application for temporary restraining order is authorized by Texas Civil Practice and Remedies Code §65.011(3) and (5). Plaintiffs are entitled to a writ of injunction

under the principles of equity and the statutes of this state relating to injunctions and irreparable injury is threatened, irrespective of any remedy of law.

58. In this regard, Plaintiffs ask the Court to restrain Defendants and their agents and/or representatives from: (1) coming onto the Plaintiffs' property located at 5801 Mt. Carmel Drive Arlington Texas 76017 for any reason with the exception of allowing a priest to offer daily Mass and confession; (2) preventing a priest in good standing from celebrating Mass and confession at the Monastery; (3) pursuing any further investigation into the Plaintiffs and/or the Sisters; (4) disposing of any of the assets of the Plaintiffs and/or the Sisters; (5) return the property, including but not limited to the cell phone, laptop and iPad belonging to the Plaintiffs; (6) having any type of contact with Plaintiffs and/or the Sisters except through counsel; (7) preventing in any way or taking any action to prevent Plaintiffs and/or the Sisters from using phones and/or technology; (8) preventing Plaintiffs and/or the Sisters from choosing legal counsel of their choice; (9) from imposing any penalties on the Plaintiffs and/or the Sisters; (10) inflicting any type of interdict on the Plaintiffs and/or the Sisters; (11) dismissing the Reverend Mother and/or the Sisters of from the Order of Discalced Carmelites; (12) preventing the Reverend Mother from sitting in the Prioress's chair; (14) preventing the Reverend Mother from speaking to the Novices at the Monastery; (15) preventing the Reverend Mother and Sister Francis Therese Sharp from leaving the premises of the Monastery; (16) preventing the Reverend Mother from exercising her authority as Administrator, Superintendent and/or Prioress of the Monastery; (17) preventing the Reverend Mother and Sister Francis Therese Sharp from communicating with those outside the Monastery; (18) preventing the Plaintiffs and/or the Sisters from purchasing what they need for the Monastery; (19) preventing the Reverend Mother and Sister Francis Therese Sharp from communicating with one another directly or indirectly; (20) preventing Sister Francis Therese Sharp from speaking with the Novices at the Plaintiffs;

(21) preventing Sister Francis Therese Sharp from using a phone or other communication device; (22) preventing Sister Francis Therese Sharp from leaving the Monastery; (23) preventing Sister Francis Therese Sharp from providing medical care to the Reverend Mother; (24) accessing any of the Plaintiffs' technology and/or communication devices for surveillance or spying purposes or any other purpose; and, (25) to return any and all copies of any information the Defendants have taken off of any of the technology they seized from the Plaintiffs.

59. For the sake of brevity, the Plaintiffs refers the Court to the "Facts" section above. The Plaintiffs have no other remedy than to seek injunctive relief from this Court to stop Defendants from the above actions.

60. If Plaintiff's application is not granted, irreparable harm, which is currently ongoing, will continue.

61. The harm that will result if the temporary restraining order is not issued is irreparable because: (1) inability to celebrate mass; (2) inability to have confession; (3) prevention of the lay parish to worship; (4) inability to use counsel of their choice; (5) inability to perform basic daily tasks such as eating, talking and leaving the Monastery as they so desire; (6) dismissal from their Order; (8) closure of the Monastery; (9) the physical and emotional well-being of the Reverend Mother and the Sisters; (10) the ongoing invasion of privacy; (11) the inability of the Reverend Mother from receiving medical care from her primary caregiver Sister Francis Therese; and, (12) the inability to pay bills and operate the Monastery. The resulting damages from Defendants actions are not easily measured nor are they presently ascertainable. If Defendants are not restrained, the result would be emotionally, physically, and spiritually catastrophic to Plaintiffs. As a result – Plaintiffs has no adequate remedy at law.

62. Plaintiffs are willing to post a minimal bond.

VII.
REQUEST FOR TEMPORARY INJUNCTION

63. Plaintiffs ask the Court to hear the Request for Temporary Injunction and after the hearing, issue a temporary injunction against the Defendants.

64. Plaintiffs have joined all indispensable parties under Texas Rule of Civil Procedure 39.

VIII.
REQUEST FOR PERMANENT INJUNCTION

65. Plaintiffs ask the Court to set this request for a permanent injunction for a full trial on the merits, and, after trial, issue a permanent injunction against the Defendants for the same relief.

IX.
ATTORNEYS' FEES

66. Plaintiffs are entitled to recover reasonable and necessary attorneys' fees under §37.009 of the Texas Civil Practice and Remedies Code.

X.
CONDITIONS PRECEDENT

67. All conditions precedent to Plaintiff's claim for relief have been performed or have occurred.

XI.
PRAYER

WHEREFORE, Plaintiffs respectfully requests:

68. A temporary restraining order be issued restraining Defendants and their agents and/or representatives from: (1) coming onto the Plaintiffs' property located at 5801 Mt. Carmel Drive Arlington Texas 76017 for any reason with the exception of allowing a priest to offer daily Mass and confession; (2) preventing a priest in good standing from celebrating Mass and confession at the Monastery; (3) pursuing any further investigation into the Plaintiffs and/or the

Sisters; (4) disposing of any of the assets of the Plaintiffs and/or the Sisters; (5) return the property, including but not limited to the cell phone, laptop and iPad belonging to the Plaintiffs; (6) having any type of contact with Plaintiffs and/or the Sisters except through counsel; (7) preventing in any way or taking any action to prevent Plaintiffs and/or the Sisters from using phones and/or technology; (8) preventing Plaintiffs and/or the Sisters from choosing legal counsel of their choice; (9) from imposing any penalties on the Plaintiffs and/or the Sisters; (10) inflicting any type of interdict on the Plaintiffs and/or the Sisters; (11) dismissing the Reverend Mother and/or the Sisters of from the Order of Discalced Carmelites; (12) preventing the Reverend Mother from sitting in the Prioress's chair; (14) preventing the Reverend Mother from speaking to the Novices at the Monastery; (15) preventing the Reverend Mother and Sister Francis Therese Sharp from leaving the premises of the Monastery; (16) preventing the Reverend Mother from exercising her authority as Administrator, Superintendent and/or Prioress of the Monastery; (17) preventing the Reverend Mother and Sister Francis Therese Sharp from communicating with those outside the Monastery; (18) preventing the Plaintiffs and/or the Sisters from purchasing what they need for the Monastery; (19) preventing the Reverend Mother and Sister Francis Therese Sharp from communicating with one another directly or indirectly; (20) preventing Sister Francis Therese Sharp from speaking with the Novices at the Plaintiffs; (21) preventing Sister Francis Therese Sharp from using a phone or other communication device; (22) preventing Sister Francis Therese Sharp from leaving the Monastery; (23) preventing Sister Francis Therese Sharp from providing medical care to the Reverend Mother; (24) accessing any of the Plaintiffs' technology and/or communication devices for surveillance or spying purposes or any other purpose; and, (25) to return any and all copies of any information the Defendants have taken off of any of the technology they seized from the Plaintiffs.

69. Declaratory Judgment that:

- a. Defendants do not have the authority to conduct an interrogation of the Plaintiffs and/or any of the Sisters;
- b. Defendants do not have the authority to seize the property of the Plaintiffs and/or the Sisters;
- c. Defendants do not have the authority to access the private technology or any corporate, personal or online accounts of the Plaintiffs and/or the Sisters;
- d. Reverend Mother Teresa Agnes Gerlach is the Prioress/Administrator and Superintendent of the Monastery; and,
- e. Defendants have no ownership of any of the assets of the Plaintiffs and/or the Sisters.

70. Temporary injunction;

71. Permanent injunction;

72. Actual damages;

73. Prejudgment and post-judgment interest;

74. Court costs;

75. Attorneys' fees; and,

76. All other relief to which Plaintiffs are entitled.

Respectfully submitted,

LAW OFFICE OF MATTHEW BOBO PLLC

By: /s/ Matthew W. Bobo

Matthew W. Bobo

State Bar No. 24006860

Katy Hart

State Bar No. 24049983

4916 Camp Bowie Blvd.

Fort Worth, Texas 76107

817-529-0774 (Telephone)

817-698-9401 (Facsimile)

mbobo@mwblawyer.com

katy@mwblawyer.com

ATTORNEY FOR PLAINTIFFS

CAUSE NO.

DISCALCED CARMELITE NUNS, INC. DBA §
MONASTERY OF THE MOST HOLY §
TRINITY, REVEREND MOTHER SUPERIOR §
TERESA AGNES GERLACH AND SISTER §
FRANCIS THERESE §

Plaintiffs,

vs.

BISHOP MICHAEL OLSON AND THE §
CATHOLIC DIOCESE OF FORT WORTH §

Defendants.

IN THE DISTRICT COURT OF

TARRANT COUNTY, TEXAS

_____ JUDICIAL DISTRICT

AFFIDAVIT OF REVEREND MOTHER TERESA AGNES OF JESUS CRUCIFIED,

O.C.D BORN LISA MARIE GERLACH

STATE OF TEXAS §

COUNTY OF TARRANT §

BEFORE ME, the undersigned authority, on this day appeared Reverend Mother Teresa Agnes of Jesus Crucified, O.C.D. born Lisa Marie Gerlach, who is personally known to me, and first being duly sworn according to law upon her oath, deposed and stated:

1. "My name is Reverend Mother Teresa Agnes of Jesus Crucified, O.C.D. born Lisa Marie Gerlach. I am over 18 years of age, and I am fully competent to make this Affidavit. I am a resident of Tarrant County, Texas. I have never been convicted of a felony or a crime of moral turpitude. I am competent in all respects to make this Affidavit. All statements herein are true and correct and within my personal knowledge."
2. "I am the Reverend Mother Superior of the Plaintiff. The Plaintiff is a Texas non-profit corporation formed under the laws of the State of Texas. Sister Francis Therese and I are directors and officers of the corporation.¹ We are an autonomous religious institution.

¹ See the Articles of Incorporation, Restated Articles of Incorporation, By Laws and Public Information

EXHIBIT A

I am also referred to as Prioress, Administrator and/or Superintendent. The Plaintiff is an Order of Carmelite Nuns that has existed since 1562 and has been in Tarrant County since 1958. We currently reside in a Monastery in Arlington Texas on a 72-acre, quiet, wooded, secluded location. There are no men who live at the Monastery.”

3. “The Monastery is comprised of myself, 7 Sisters and 2 Novices (Nuns in training). I have been the Reverend Mother Superior/Superintendent/Administrator/Prioress of the Plaintiff for over two years and have been part of the Monastery almost 25 years. We live full time at the Monastery, with a daily morning Mass attended by on average 50 souls, and a Sunday Mass that averages over 60 faithful.”
4. “We are a cloistered Order of women dedicated to a life of contemplative prayer. We attend Mass every morning and then gather seven times each day to chant the Liturgy of the Hours, the official prayer of the Church, consisting of psalms and readings from Scripture. The rest of our day is focused on contemplative prayer, the silent loving person to person relationship with Jesus Christ, a living prayer for the benefit of others. Our lives are modeled on the life of Mary of Nazareth, a quiet hidden worshipful service of God. This dedicated life is spent within the “cloister”, known as a Papal Enclosure, and once the Sisters enter this area, they rarely leave except to seek medical care.”
5. “In addition to prayer, our daily life consists of manual labor, cooking, cleaning, working the grounds of the Monastery and performing other acts of labor. We pray together, take our meals together and work together.”
6. “We are the Discalced Nuns of the Order of the Most Blessed Virgin Mary of Mount Carmel, a contemplative order of pontifical right established in the late 16th Century. “Pontifical Right” is the term given to the juridical personality created by the Holy See, also known as the Vatican. The institutions of pontifical right depend immediately and exclusively on the Pope regarding matters of internal governance and discipline. We are

Report attached hereto as Exhibit 1.

not and have never been under the control of the Bishop of the local Diocese: we answer directly to the Pope. The Rule and Constitutions of the Discalced Nuns of the Order of the Most Blessed Virgin Mary of Mount Carmel, Chapter XIX titled Juridical Status of the Monasteries Erection and Suppression of the Same, section 133 states: “As regards their juridical condition, our monasteries, preserving spiritual unity with the entire Order have no other major superior above the Prioress, except the Holy See.” Section 135 states “The Church acknowledges for these monasteries a just autonomy of life and above all governance, so that they enjoy their own discipline and preserve their own doctrinal, spiritual and liturgical patrimony.””

7. “The rules governing female autonomous monasteries were changed in 2018 by the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life (the department of the Vatican governing nuns) which on 1 April 2018 issued an instruction entitled “*Cor Orans*” which establishes the only criteria for a local bishop to interfere in our Monastery. None of those criteria exist in the present matter. Most recently, 11 February 2022, Pope Francis, through an act of papal legislation entitled “*Competentias Quasdam Decernere*”, directly took away from diocesan bishops any possible power of the bishop to dismiss any nun from her monastery (cf. Art. 7, modifying the text of canon 699, § 2 of the *Code of Canon Law*). As a consequence, the diocesan bishop no longer can do anything unto the dismissal of a nun from a Monastery.”
8. “I am in extremely poor physical health, I have a peripherally inserted central catheter (“PICC”) line, feeding tube and require an intravenous (“IV”) drip 10 hours a day. Sister Francis Therese has been at the Monastery for 46 years and is my full-time primary caregiver who provides me with medical attention.”
9. “On April 24, 2023, Bishop Olson notified me that he was coming for a visit with only 30 minutes notice. Bishop Olson, Reverend Monsignor E. James Hart, Chancellor, Sandra Schrader-Farry. I was stunned when Bishop Olson for all intents and purposes forced

himself onto our peaceful community. This was the first time I had heard of this. I had been given no prior canonical warning or notice prior of this meeting.”

10. “During the interrogation Sandra allowed an unnamed male forensic technology person into the Monastery.”
11. “Stunningly, Bishop Olson demanded that Sandra and the unnamed forensic technology male be given entry into the Papal Enclosure and demanded I surrender my personal cell phone, iPad and laptop computer. I felt I did not have a choice to refuse and they forced me to take them to my private room, inside the Papal Enclosure. I was in complete shock and stunned.”
12. “The Bishop then spent two hours interrogating Sister Francis Therese.”
13. “They demanded that that they be allowed to come back the next day and interrogate other Sisters. Again, I did not feel I had a choice but to acquiesce. They questioned four of the Sisters for several hours. I had a surgical procedure on April 25, 2023 and was put under general anesthesia, intubated and given fentanyl and other pain medication. While returning to the Monastery I was told the Bishop wanted to interrogate me as soon as I returned. Although I was in significant pain, under the influence of medications and feeling very weak I felt compelled to immediately acquiesce and was subjected to more interrogation. The Bishop knew I had just come back from the hospital and had a surgical procedure.”
14. “Later that day we obtained legal representation.”
15. “On April 26, 2023, Bishop Olson, Reverend Monsignor E. James Hart, Chancellor, Sandra Schrader-Farry came back to interview the remaining Sisters. Based upon advice from our counsel we advised the Bishop that we would make the remaining Sisters available for questioning after they had informed the Sisters about the purpose, object, and scope of any intended questioning. The Bishop threw a temper tantrum, and in an agitated and raised voice yelled that the Monastery was shut down, no Mass would be celebrated, he then slammed the door and left the Monastery, traumatizing the Sisters.”

16. "On April 26, 2023, I was taken to the emergency room with a high fever and extreme stress."
17. "Later that day we sent the Bishop a fax and informed him we would make the Sisters available for questions once they had followed the proper procedure and we told the Bishop we had retained canonical counsel. The Bishop sent us a letter rejecting our choice of counsel and appointed another counsel we do not know."
18. "Later that same day the Bishop sent me notice that because of our "refusal" to allow them to interview the remaining Sisters we had obstructed justice and could face penalties, interdiction on the Monastery and dismissal from the Order. Later that day one of the Sisters went to purchase a new phone and we purchased the phone on our account."
19. "The next day April 27, 2023 the Bishop sent us a letter and advised us that he knew about the phone purchase, the phone number and knew someone had been texting with the phone. We never gave anyone permission to access our account or be able to look at our phones or perform any type of surveillance on us. The Bishop also told us that he would not allow priests to come and perform Mass at the Monastery for our parishioners. We have never had an issue with having a priest come to perform Mass and take confession as they have always been readily available and willing to do so."
20. "The next day we received notice that the Bishop was preventing Sister Francis Therese from having any communication with me directly or indirectly even though she is my primary caregiver. The Bishop also threatened her with penalties and investigation."
21. "The Bishop has suspended myself and Sister Francis Therese from exercising administrative activity on behalf of the corporation and installed a non-director and officer in our stead."
22. "Further, all the Monastery's bills and business are located on my personal technology that was taken by the Defendants. We have no way of making payments as when we try to access our online accounts, a verification text is sent to my iPhone, which we no longer

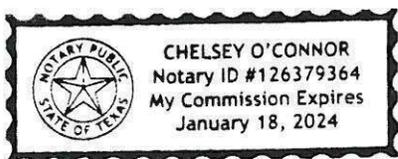
possess. Thus, we are unable to operate our Monastery in terms of paying bills and conducting business because we do not have possession of the technology.”

23. “The level of emotional trauma and infliction of psychological distress this whole episode has caused me personally and the Sisters is incomprehensible. We have never faced such moral violence and adversity. These actions are directly affecting my emotional and physical well-being as well as the that of our Sisters.”

24. “I pray they be stopped.”

Reverend Mother Teresa Agnes of Jesus Crucified, O.C.D.
Reverend Mother Teresa Agnes of Jesus Crucified, O.C.D.
born Lisa Marie Gerlach

SWORN TO AND SUBSCRIBED BEFORE ME by Reverend Mother Teresa Agnes of Jesus Crucified, O.C.D. born Lisa Marie Gerlach on this the 3rd day of May 2023.



Chelsey O'Connor

Notary Public in and for the State of Texas

Commission Expires:

Jan. 18, 2024

00055301354

FILED
In the Office of the
Secretary of State of Texas

NOV 10 1986

Clerk II-I
Corporations Section

RESTATED ARTICLES OF INCORPORATION
OF
DISCALCED CARMELITE NUNS
OF FORT WORTH, TEXAS, INC.

ARTICLE ONE

Discalced Carmelite Nuns of Fort Worth, Texas, Inc., pursuant to the provisions of Article 4.06 of the Texas Non-Profit Corporation Act, hereby adopts Restated Articles of Incorporation which accurately copy the Articles of Incorporation and all amendments thereto that are in effect to date and as further amended by such Restated Articles of Incorporation as hereinafter set forth and which contain no other change in any provision thereof.

ARTICLE TWO

The Articles of Incorporation of the corporation are amended by the Restated Articles of Incorporation as follows:

1. Article 1 is amended to change the name of the corporation to "Discalced Carmelite Nuns."
2. Article 2 is amended to state only that the corporation is a non-profit corporation.
3. Article 3 is amended to state only the period of the corporation's duration, which formerly appeared in Article 4.
4. Article 4 is amended to state the purposes for which the corporation is formed, which formerly appeared in Article 2, and to delete the period of the corporation's duration.
5. Article 5 is amended to state only the current address of the registered office of the corporation and the name of its current registered agent.
6. Article 6 is amended to provide that the corporation will be managed by a board of directors composed of five persons or such other number (not less than 3) as may be fixed in the bylaws. The names and addresses of the current directors are given. The provisions concerning directors formerly appeared in Article 5.
7. A new Article 7 is added which states that the membership of the corporation will be determined as provided in the bylaws. The provisions concerning members formerly appeared in Article 6.

8. A new Article 8 is added to provide that the initial bylaws of the corporation will be adopted by its board of directors, and that the power to amend or repeal the bylaws or adopt new bylaws will be vested in its members and may be delegated to the board of directors by the members.

9. A new Article 9 is added which provides that the directors shall not do anything which would cause the corporation to lose its tax-exempt status under the Internal Revenue Code and pledges the corporation's assets for use in the performance of its religious functions.

10. A new Article 10 is added which provides for the disposition of the corporation's assets upon its dissolution or the winding up of its affairs.

ARTICLE THREE

Each such amendment made by these Restated Articles of Incorporation has been effected in conformity with the provisions of the Texas Non-Profit Corporation Act and such Restated Articles of Incorporation were duly adopted in the following manner:

The Restated Articles of incorporation as so amended were adopted by consent in writing by all members entitled to vote with respect thereto.

ARTICLE FOUR

The Articles of Incorporation and all amendments and supplements thereto are hereby superseded by the following Restated Articles of Incorporation which accurately copy the entire text thereof and as amended as above set forth:

Article 1

The name of the corporation is Discalced Carmelite Nuns.

Article 2

The corporation is a non-profit corporation.

Article 3

The period of the corporation's duration is perpetual.

Article 4

The corporation is organized and shall be operated for the purpose of engaging in religious worship and promoting the spiritual development and well-being of individuals, within

the meaning of section 501(c)(3) of the Internal Revenue Code of 1954 or corresponding provisions hereafter in effect, and, in furtherance of such purpose, to house a religious order of women of the Roman Catholic Church, formed and carried on for the purpose of living lives of prayer and self-denial, praying to God for the salvation of souls and the extension of His Kingdom on this earth, and promoting peace among individuals. The corporation shall be operated exclusively for such purpose in a manner which is consistent with the precepts of the Roman Catholic Church, and no part of its net earnings shall inure to the benefit of any private individual. No substantial part of the corporation's activities shall be carrying on propaganda or otherwise attempting to influence legislation, and it shall not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of or in opposition to any candidate for public office.

Article 5

The street address of the registered office of the corporation is 5801 Mt. Carmel Drive, Arlington, Texas 76017, and the name of its registered agent at such address is Mother Anne Teresa Kulinski.

Article 6

The direction and management of the affairs of the corporation and the control and disposition of its properties and funds shall be vested in a Board of Directors composed of such number of persons (not less than three) as may be fixed by the bylaws. Until changed by the bylaws, the number of directors shall be five. The directors shall continue to serve until their successors are selected in the manner provided in the bylaws of the corporation. The names and residences of the persons who shall serve as directors of the corporation until their successors are duly elected and qualified are as follows:

<u>Name</u>	<u>Address</u>
Mother Anne Teresa Kulinski, O.C.D.	5801 Mt. Carmel Drive Arlington, Texas 76017
Sr. Maria Brinkley, O.C.D.	5801 Mt. Carmel Drive Arlington, Texas 76017
Sr. Dorothy Roeser, O.C.D.	5801 Mt. Carmel Drive Arlington, Texas 76017
Sr. Mary Carolyne Neveldine, O.C.D.	5801 Mt. Carmel Drive Arlington, Texas 76017

Sr. Angela Emenhiser, O.C.D.

5801 Mt. Carmel Drive
Arlington, Texas 76017

Article 7

The corporation shall have members. The membership of the corporation shall be determined as provided in the bylaws, and such bylaws shall define the voting rights, powers and privileges of the members.

Article 8

The initial bylaws of the corporation shall be adopted by its Board of Directors. The power to alter, amend or repeal the bylaws or to adopt new bylaws shall be vested in the members, but such power may be delegated by the members to the Board of Directors.

Article 9

The Directors shall not engage, participate or intervene in any activity or transaction which would result in the loss by the corporation of its status as an exempt organization under the provisions of the Internal Revenue Code of 1954 or corresponding provisions hereafter in effect; and the use, directly or indirectly, of any part of the corporation's assets in any such activity or transaction is hereby expressly prohibited. The assets of the corporation shall be used solely in the performance of the corporation's religious functions.

Article 10

In the event of the dissolution of the corporation or the winding up of its affairs when it has, or is entitled to, any interest in any funds or property of any kind, real, personal or mixed, such funds or property or rights thereto shall not be transferred to private ownership, but shall be transferred and set over unto an organization selected by the Board of Directors of the corporation which adheres to the precepts of the Roman Catholic Church, and is exempt from federal income taxation under section 501(c)(3) of the Internal Revenue Code of 1954, or corresponding provisions hereafter in effect, and which is engaged in activities substantially similar to those of the corporation carried out in furtherance of the purposes specified in Article 4, and, if none be then in existence, then such funds or property or rights thereto shall be transferred to an organization or organizations which are so exempt from federal income taxation as may be selected by the Board of Directors of the corporation.

00055301050

Dated: November 4, 1986.

DISCALCED CARMELITE NUNS OF
FORT WORTH, TEXAS, INC.

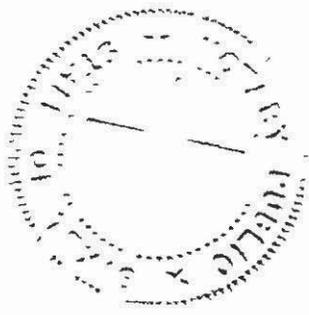
By: Mother Anne Teresa Kulinski, O.C.D.
Its President

and: Sister Maria Brinkley, O.M.
Its Secretary

STATE OF TEXAS §
 §
COUNTY OF ~~TARRANT~~ DALLAS §

BEFORE ME, a notary public, on this day personally appeared Mother Anne Teresa Kulinski, O.C.D., known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements therein contained are true and correct.

GIVEN under my hand and seal of office this 4th day of November, 1986.



Howard J. Moore
Notary Public, State of Texas
Howard J. Moore
My Commission Expires:
October 16, 1988

Filed in the Office of the
Secretary of State of Texas
This 28th day of May 1953
M. A. Tolson
Senior Corp. Examiner, Charter Div.

THE STATE OF TEXAS
COUNTY OF TARRANT

KNOW ALL MEN BY THESE PRESENTS:

THAT WE, Mary Ahern, known in religion as Sister Mary Magdalene of Jesus Crucified, O.C.D., Margaret Ahern, known in religion as Sister Margaret Mary of the Blessed Sacrament, O.C.D., and Delores Emenhiser, known in religion as Sister Angela of the Cross, O.C.D., all adult citizens of Texas, under and by virtue of the laws of this State, do hereby voluntarily associate ourselves together for the purpose of forming a private corporation under such laws, upon the following terms and conditions:

1.

The name of the corporation shall be Discalced Carmelite Nuns of Fort Worth, Texas, Inc.

2.

The purpose for which this corporation is formed is mainly religious, as provided in Section 105 of Article 1302 of the Revised Civil Statutes of Texas, 1925, and, in connection therewith, to house a religious order of women of the Roman Catholic Church, formed and carried on for the purpose of living lives of prayer and self-denial, and praying to God for the salvation of souls and the extension of His Kingdom on this earth; to promote peace and well-being among individuals, as well as among nations. Further, for the making of vestments, church linens, and other handiwork for the services of the church in its religious exercises. Further purposes for which the corporation is formed are to acquire such property, real and personal, as may be necessary for carrying out the general purposes above declared;

The corporation shall be non profit-sharing and shall be operated in such manner that no part of the income or property of the corporation shall enure directly or indirectly to the benefit of any member, director or officer, other than as above set out. All funds of the corporation shall be used exclusively for the purposes above stated and for no other.

3.

The location of this corporation shall be in the City of Fort Worth, Tarrant County, Texas, and elsewhere within or without the State of Texas in accordance with the laws of said State, and its principal place of business is to be at 1600 Sunset Terrace, in Fort Worth, Tarrant County, Texas.

4.

The term for which this corporation shall exist is fifty years.

5.

The number of directors shall be as provided in the by-laws of the corporation, but until other provision is made therefor shall be four in number, and the names and residences of those who are appointed for the first year are as follows:

Mary Ahern, known in religion as
Sister Mary Magdalene of Jesus
Crucified, O.C.D.

Fort Worth, Texas

Margaret Ahern, known in religion as Sister Margaret Mary
of the Blessed Sacrament, O.C.D.

Fort Worth, Texas

Delores Emenhiser, known in religion as Sister Angela of the
Cross, O.C.D.

Fort Worth, Texas

Carolyn Neveldine, known in religion as Sister John of the

Fort Worth, Texas

shall have all voting rights and privileges and the right to elect all directors. The members of the corporation shall include the undersigned incorporators, as well as all persons who are now chapter members of the Discalced Carmelite Nuns of Fort Worth, Texas, as well as any other persons who may later become chapter members of the Religious Order of Discalced Carmelite Nuns of Fort Worth, Texas, Inc. The membership of any person shall terminate upon her death or resignation or removal from the Order, or upon failure of any such member to meet the other qualifications for membership set forth in said by-laws, and any person whose membership has terminated shall have no further interest or right to participate in the business or affairs of the corporation.

IN TESTIMONY WHEREOF we hereunto sign our names this the 16th day of December, 1958.

Mary Ahern
Mary Ahern, known in religion as
Sister Mary Magdalene of Jesus
Crucified, O.C.D.

Margaret Ahern
Margaret Ahern, known in religion as
Sister Margaret Mary of the Blessed
Sacrament, O.C.D.

Delores Emenhiser
Delores Emenhiser, known in religion as
Sister Angela of the Cross,
O.C.D.

THE STATE OF TEXAS

COUNTY OF TARRANT

BEFORE ME, the undersigned authority, on this day personally appeared Mary Ahern, known in religion as Sister Mary Magdalene of Jesus Crucified, O.C.D., Margaret Ahern, known in religion as Sister Margaret Mary of the Blessed Sacrament, O.C.D., and Delores

**BYLAWS
OF
DISCALCED CARMELITE NUNS**

ARTICLE ONE

NAME, PURPOSES AND OFFICES

Section 1.1. Name. The name of this corporation is Discalced Carmelite Nuns (herein called the Corporation).

Section 1.2. Purposes. The Corporation is organized and will be operated exclusively for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986 ("Code") or the corresponding provisions or provision of any subsequent United States revenue law. Specifically, the Corporation is organized to engage in religious worship and promoting the spiritual development and well-being of individuals within the meaning of the code, or corresponding provisions hereafter in effect, and, in furtherance of such purpose, to house a religious order of women of the Roman Catholic Church, formed and carried on for the purpose of living lives of prayer and self-denial, praying to God for the salvation of souls and the extension of His Kingdom on this earth, and promoting peace among individuals. The corporation shall be operated exclusively for such purpose in a manner which is consistent with the precepts of the Roman Catholic Church, and no part of its net earnings shall inure to the benefit of any private individual. No substantial part of the corporation's activities shall be carrying on propaganda or otherwise attempting to influence legislation, and it shall not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of or in opposition to any candidate for public office.

Section 1.3. Offices. The Corporation may have, in addition to its registered office, offices at such other places, both within and without the State of Texas, as the Board of Directors may from time to time determine or as the activities of the Corporation may require.

ARTICLE TWO

MEMBERS

Section 2.1. Members. The Members of the Corporation shall consist of each of the sisters of the religious order owned by the Corporation.

Section 2.2 Place of Meeting. Meetings of the Member shall be held at such places, within or without the State of Texas, as may from time to time be fixed by the Board of Directors.

Section 2.3. Meetings. No meeting of the Member of the Corporation shall be required, but may be called by the Board of Directors from time to time upon not less than ten (10) days written notice.

Section 2.4. Quorum and Manner of Acting. At all meetings of the Member, the presence of two-thirds (2/3rds) of the Members shall be required to constitute a quorum. A Member may vote in person or by proxy executed in writing by the Member. No proxy shall be valid after three months from the date of its execution. Each proxy shall be revocable unless expressly provided therein to be irrevocable and unless otherwise made irrevocable by law.

ARTICLE THREE

BOARD OF DIRECTORS

Section 3.1. General Powers; Delegation. The activities, property and affairs of the Corporation shall be managed by its Board of Directors, who may exercise all such powers of the Corporation and do all such lawful acts and things as are permitted by statute or by the Articles of Incorporation or by these Bylaws.

Section 3.2. Number and Qualifications. The Board of Directors shall initially consist of five (5) directors, but may be increased or decreased (but not below three) from time to time by resolution of the Board or by action of the Member electing fewer or additional directors.

Section 3.3. Term of Office. The directors shall serve for a term of one (1) year and any such director may be reelected to such directorship for succeeding terms, there being no limit on the number of terms a director shall serve.

Section 3.4. Filling of Vacancies. Any vacancy occurring in the Board of Directors resulting from the death, resignation, retirement, disqualification, removal from office of any directors or as the result of an increase in the number of directors shall be filled by the majority of the Members. Any director elected or appointed to fill a vacancy shall hold office until the end of the original term of office or until his resignation, retirement, disqualification or removal from office.

Section 3.5. Removal. Any director may be removed, either for or without cause at any time by the Member.

Section 3.6. Place of Meeting. Meetings of the Board of Directors shall be held at such places, within or without the State of Texas, as may from time to time be fixed by the Board of Directors.

Section 3.7. Annual Meetings. An annual meeting of the Board of Directors, commencing with the year 2006, shall be held once a year, at a date to be determined, at which they shall elect officers, and transact any and all other business as may properly come before the meeting. Written or printed notice stating the place, day and hour of each annual meeting of the Board of Directors shall be delivered not less than two (2) or more than fifty (50) days before the date of such

meeting, either personally or by mail, by or at the direction of the President or Secretary, to each director entitled to vote at such meeting.

Section 3.8 Regular Meetings. Regular meetings of the Board of Directors shall be held at such times and places as may be fixed from time to time by resolution adopted by the Board and communicated to all directors. Except as otherwise provided by statute, the Articles of Incorporation, or these Bylaws, any business may be transacted at any regular meeting.

Section 3.9 Special Meetings. Special meetings of the Board of Directors may be called by the President on one week notice, either personally, by mail, by telecopy or by e-mail. Special meetings shall be called by the President or Secretary in like manner and on like notice on the written request of two (2) or more directors. Except as may be otherwise expressly provided by statute or by the Articles of Incorporation or by these Bylaws, neither the business to be transacted at, nor the purpose of, any regular or special meeting of the Board of Directors need be specified in the notice or waiver of notice of such meeting.

Section 3.10. Quorum and Manner of Acting. At all meetings of the Board of Directors the presence of a majority of the number of directors then in office shall be necessary and sufficient to constitute a quorum for the transaction of business, except as otherwise provided by statute, by the Articles of Incorporation or by these Bylaws. Directors present by proxy may not be counted toward a quorum. The act of a majority of the directors present in person or by proxy at a meeting at which a quorum is present shall be the act of the Board of Directors unless the act of a greater number is required by statute, by the Articles of Incorporation or by these Bylaws, in which case the act of such greater number shall be requisite to constitute the act of the Board. A director may vote in person or by proxy executed in writing by the director. No proxy shall be valid after three months from the date of its execution. Each proxy shall be revocable unless expressly provided therein to be irrevocable and unless otherwise made irrevocable by law. If a quorum shall not be present at any meeting of the directors, the directors present thereat may adjourn the meeting from time to time, without notice other than announcement at the meeting, until a quorum shall be present. At any such adjourned meeting any business may be transacted which might have been transacted at the meeting as originally convened.

Section 3.11. Director's Compensation. No director shall receive compensation for his or her services as a director or as a member of a standing or special committee of the Board. Nothing herein contained shall be construed or preclude any director from receiving reimbursement for expenses incurred on behalf of the Corporation or in attending meetings of the Board of Directors or any such committee.

ARTICLE FOUR

NOTICES

Section 4.1. Manner of Giving Notice. Whenever, under the provisions of the statute or of the Articles of Incorporation or by these Bylaws, notice is required to be given to any director or

member of the Corporation, and no provision is made as to how such notice shall be given, it shall not be construed to require personal notice, by any such notice may be given in writing by mail, postage prepaid, electronic mail or facsimile transmission, in any such case, addressed to such director or Members at their address as it appears on the records of the Corporation. Any notice required or permitted to be given by mail shall be deemed to be delivered at the time when the same shall be thus deposited in the United States mails, as aforesaid.

Section 4.2. Waiver of Notice. Whenever any notice is required to be given to any director or Member of the Corporation under the provisions of the statute or of the Articles of Incorporation or of these Bylaws, a waiver thereof in writing signed by the person or persons entitled to such notice whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

ARTICLE FIVE

COMMITTEES OF THE BOARD

The Board of Directors may, by resolution adopted by affirmative vote of a majority of the number of directors fixed by these Bylaws, designate two or more directors (with such alternates, if any, as may be deemed desirable) to constitute a committee or committees for any purpose; provided, that any such committee or committees shall have and may exercise only the power of recommending action to the Board of Directors and of carrying out and implementing any instructions or any policies, plans and programs theretofore approved, authorized and adopted by the Board of Directors.

ARTICLE SIX

OFFICERS, EMPLOYEES AND AGENTS: POWERS AND DUTIES

Section 6.1. Elected Officers. The elected officers of the Corporation shall include a President and a Secretary. The elected officers may also include a Chief Operating Officer, one or more Vice Presidents, as may be determined from time to time by the Board (and in the case of each such Vice President, with such descriptive title, if any, as the Board shall deem appropriate), and a Treasurer.

Section 6.2. Election. So far as is practicable, all elected officers shall be elected by the Board of Directors at each annual meeting thereof.

Section 6.3. Appointive Officers. The Board of Directors may also appoint one or more Assistant Secretaries and Assistant Treasurers and such other officers and assistant officers and agents as it shall from time to time deem necessary, who shall exercise such powers and perform such duties as shall be set forth in these Bylaws or determined from time to time by the Board.

Section 6.4. Two or More Offices. Any two (2) or more offices may be held by the same person, except that the President and Secretary shall not be the same person.

Section 6.5. Term of Office: Removal; Filling of Vacancies. Each elected officer of the Corporation shall hold office for one year or until his earlier death, resignation, retirement, disqualification or removal from office. Any officer or agent may be removed at any time by the Board of Directors whenever in its judgment the best interests of the Corporation will be served thereby, but such removal shall be without prejudice to the contract rights, if any, of the person so removed. If the office of any officer becomes vacant for any reason, the vacancy shall be filled by the Board of Directors. Any officer may be reelected to such office for succeeding terms.

Section 6.6. President. The President shall be the chief executive officer of the Corporation and, subject to the provisions of these Bylaws, shall have general supervision of the activities and affairs of the Corporation and shall have general and active control thereof. The President shall preside when present at meetings of the Board of Directors. He/she shall have general authority to execute bonds, deeds and contracts in the name of the Corporation and to affix the corporate seal thereto; to cause the employment or appointment of such employees and agents of the Corporation as the proper conduct of operations may require and to fix their compensation; to remove or suspend any employee or agent; and in general to exercise all the powers usually appertaining to the office of president of a corporation, except as otherwise provided by statute, the Articles of Incorporation or these Bylaws. In the absence or disability of the President, his/her duties shall be performed and his powers may be exercised by the Vice Presidents in the order of their seniority, if any, or the Secretary, if not, unless otherwise determined by the President or the Board of Directors. In the event a Chief Operating Officer is appointed by the Board of Directors, he/she shall have all duties of the President of the Corporation with respect to operations of the Corporation and shall be responsible generally for all day-to-day operations of the Corporation.

Section 6.7. Vice Presidents. If a Vice President is elected, he/she shall generally assist the President and shall have such powers and perform such duties and services as shall from time to time be prescribed or delegated to him by the President or the Board of Directors.

Section 6.8. Secretary. The Secretary shall see that notice is given of all annual and special meetings of the Board of Directors and shall keep and attest true records of all proceedings at all meetings of the Board. He/she shall keep and account for all books, documents, papers and records of the Corporation, except those for which some other officer or agent is properly accountable. He/she shall generally perform all duties usually appertaining to the office of secretary of a corporation. In the absence or disability of the Secretary, his/her duties shall be performed and his/her powers may be exercised by the Assistant Secretaries in the order of their seniority, unless otherwise determined by the Secretary, the President or the Board of Directors.

Section 6.9. Assistant Secretaries. Each Assistant Secretary shall generally assist the Secretary and shall have such powers and perform such duties and services as shall from time to time be prescribed or delegated to him/her by the Secretary, the President, or the Board of Directors.

Section 6.10. Treasurer. If a Treasurer is elected, the Treasurer shall be the chief accounting and financial officer of the Corporation and shall have active control of and shall be responsible for all matters pertaining to the accounts and finances of the Corporation and shall direct the manner of certifying the same; shall supervise the manner of keeping all vouchers for payments by the Corporation and all other documents relating to such payments; shall receive, audit and consolidate all operating and financial statements of the Corporation and its various departments; shall have supervision of the books of accounts of the Corporation, their arrangements and classifications; shall supervise the account and auditing practices of the Corporation and shall have charge of all matters relating to taxation. The Treasurer shall have the care and custody of all monies, funds and securities of the Corporation; shall deposit or cause to be deposited all such funds in and with such depositories as the Board of Directors shall from time to time direct or as shall be selected in accordance with procedures established by the Board; shall advise upon all terms of credit granted by the Corporation; shall be responsible for the collection of all its accounts and shall cause to be kept full and accurate accounts of all receipts, disbursements and contributions of the Corporation. He/she shall have the power to endorse for deposit or collection or otherwise all checks, drafts, notes, bills of exchange or other commercial papers payable to the Corporation, and to give proper receipts or discharges for all payments to the Corporation. The Treasurer shall generally perform all duties usually appertaining to the office of treasurer of a corporation. In the absence or disability of the Treasurer, his/her duties shall be performed and his/her powers may be exercised by the Assistant Treasurers in the order of their seniority, unless otherwise determined by the Treasurer, the President or the Board of Directors.

Section 6.11. Assistant Treasurer. Each Assistant Treasurer shall generally assist the Treasurer and shall have such powers and perform such duties and services as shall from time to time be prescribed or delegated to him/her by the Treasurer, the President or Board of Directors.

Section 6.12. Additional Powers and Duties. In addition to the foregoing especially enumerated duties, services and powers, the several elected and appointed officers of the Corporation shall perform such other duties and services and exercise such further powers as may be provided by statute, the Articles of Incorporation or these Bylaws, or as the Board of Directors may from time to time determine or as may be assigned to him/her by any competent superior officer.

ARTICLE SEVEN

MISCELLANEOUS

Section 7.1. Dividends Prohibited. No part of the net income of the Corporation shall inure to the benefit of any private individual and no dividend shall be paid and no part of the income of the Corporation shall be distributed to its directors or officers. The Corporation may pay compensation in a reasonable amount to its officers for services rendered and may reimburse its directors as provided in Section 11 of Article Three hereof.

Section 7.2. Loans to Officers and Directors Prohibited. No loans shall be made by the Corporation to its officers and directors, and any directors voting for or assenting to the making of any such loan, and any officer participating in the making thereof, shall be jointly and severally liable to the Corporation for the amount of such loan until repayment thereof.

Section 7.3. Signature on Negotiable Instruments. All bills, notes, checks or other instruments for the payment of money shall be signed or countersigned by such officer, officers, agent or agents, and in such manner, as are permitted by these Bylaws and as from time to time may be prescribed by resolution (whether general or special) of the Board of Directors.

Section 7.4. Fiscal Year. The fiscal year of the Corporation shall be fixed by resolution of the Board of Directors.

Section 7.5. Private Foundation Rules. It is intended that the Corporation be a private foundation as that term is described in Section 509 of the Code and therefore the provisions of Article 1396-2.27 of the Texas Non-Profit Corporation Act shall apply to the Corporation until such time as it ceases to be a private foundation. The Corporation shall comply in all respects with Article 1396-2.27 of such Act.

ARTICLE EIGHT

INDEMNIFICATION OF OFFICERS AND DIRECTORS

The Corporation shall indemnify its directors against reasonable expenses incurred by them in connection with a proceeding in which any of them are named defendant or respondent because they are or were such a director, if they have been wholly successful, on the merits or otherwise, in the defense of the proceeding, unless such indemnification is limited by the Articles of Incorporation. The Corporation shall also indemnify a director who was, is, or is threatened to be made a named defendant or respondent in a proceeding because the person is or was a director against any judgments, penalties (including excise and similar taxes), fines, settlements and reasonable expenses actually incurred by the person in connection with the proceeding if it is determined, in the manner described below, that the person (i) conducted himself in good faith, (ii) reasonably believed, in the case of conduct in his official capacity as a director of the Corporation, that his conduct was in the Corporation's best interests, and in all other cases, that his conduct was at least not opposed to the Corporation's best interests, and (iii) in the case of any criminal proceeding, had no reasonable cause to believe his conduct was unlawful; provided that if the proceeding was brought by or on behalf of the Corporation, the indemnification shall be limited to reasonable expenses actually incurred by the person in connection with the proceeding; and provided further that a director may not be indemnified for obligations resulting from a proceeding (i) in which such director is found liable on the basis that he improperly received personal benefit, whether or not the benefit resulted from an action taken in such director's official capacity, or (ii) in which the director is found liable to the Corporation. Determinations that a person has satisfied the prescribed conduct and belief standards must be made (i) by a majority vote of a quorum consisting of directors who at the time of the vote are not named defendants or respondents in the

proceeding, (ii) if such a quorum cannot be obtained, by a majority vote of a committee of the Board of Directors designated to act in the matter by a majority vote of all directors and consisting solely of two (2) or more directors who at the time of the vote are not named defendants or respondents in the proceeding, or (iii) by special legal counsel selected by the Board of Directors or a committee of the Board by vote as set forth in clause (i) or (ii) of this sentence, or, if the quorum described in clause (i) cannot be obtained and the committee described in clause (ii) cannot be established, by a majority vote of all directors. A determination as to reasonableness of expenses shall be made in the same manner as the determination that the person has satisfied the prescribed conduct and belief standards, except that if the determination that the person has satisfied the prescribed conduct and belief standards is made by special legal counsel, the determination as to reasonableness of expenses shall be made by the Board of Directors or a committee of the Board by vote as set forth in clause (i) or (ii) of the immediately preceding sentence or, if such a quorum cannot be obtained and such a committee cannot be established, by a majority vote of all directors. The termination of a proceeding by judgment, order, settlement or conviction, or on a plea of nolo contendere or its equivalent is not of itself determinative that the person did not meet the requirements for indemnification set forth above. Notwithstanding any other provision of these Bylaws, the Corporation shall pay or reimburse expenses incurred by a director in connection with his appearance as a witness or other participation in a proceeding at a time when he is not a named defendant or respondent in the proceeding.

ARTICLE NINE

SPECIAL PROCEDURES CONCERNING MEETINGS

Section 9.1. Meeting by Telephone. The Members, Board of Directors, and any committee of the Corporation may hold a meeting by telephone conference call procedures in which all persons participating in the meeting can hear and speak to each other. The notice of a meeting by telephone conference must state the fact that the meeting will be held by telephone as well as all other matters required to be included in the notice. Participation of a person in a conference call meeting constitutes presence of that person at the meeting.

Section 9.2. Decision Without Meeting. Any decision required or permitted to be made at a meeting of the Members or Board of Directors may be made if a written consent to such decision is signed by all of the persons entitled to vote on the matter or an affirmative email is received from the person entitled to vote on the matter. The original signed consents or emails shall be placed in the Corporation minute book and kept with the Corporation's records. Emails shall be sent to the Secretary of the Corporation.

Section 9.3. Voting by Proxy. A person who is authorized to exercise a proxy may not exercise the proxy unless the proxy is delivered to the officer presiding at the meeting before the business of the meeting begins. The secretary or other person taking the minutes of the meeting shall record in the minutes the name of the person who executed the proxy and the name of the person authorized to exercise the proxy. If a person who has duly executed a proxy personally attends a meeting, the proxy shall not be effective for that meeting.

ARTICLE TEN

AMENDMENTS

These Bylaws may be altered, amended or repealed, or new Bylaws may be adopted at any time by majority vote of the Members. The Members shall notify the Board of Directors of any such amendment.

ARTICLE ELEVEN

COMPENSATION AND CONFLICTS OF INTEREST

Section 11.1. Compensation. Except as may be specifically provided from time-to-time by resolution of the Board of Directors, no director, officer, or any other person or persons as may be designated from time to time in guidelines adopted by the Board of Directors (hereinafter an "interested person") shall receive any salary, fee, payment, honorarium or other compensation or thing of value of any kind from the Corporation or other party as compensation for such interested person's service to the Corporation.

Section 11.2 Conflicts of Interest. No individual or interested person shall engage in any course of action which may result in an actual or potential conflict of interest with the Corporation or the Foundation or take any position publicly as a representative of the Corporation, which position has not been approved by the Corporation. Any known or reasonably foreseeable actual or potential conflict of interest shall be disclosed in writing as soon as possible to the Board of Directors by the individual or interested person whose interests are or may appear to be in conflict with the Corporation or the Foundation. Such disclosure shall fairly advise the Board of Directors of all aspects of the matter that may be relevant to the conflict or potential conflict. The interested person shall not be present or participate in any deliberation or decision regarding any matter as to which the conflict or potential conflict may pertain, and the minutes of all relevant meetings shall so reflect. The provisions of this Article Eleven shall be presented to all interested persons serving the Corporation or seeking to serve the Corporation. The Board shall require a conflict of interest disclosure statement of all interested persons serving the Corporation in accordance with guidelines to be adopted by such Board.

Section 11.3 Failure to Comply. The failure of an individual or interested person to comply with this Article Eleven and any guidelines adopted by the Board of Directors pursuant hereto shall be cause for the Corporation to remove such interested person from his or her position with the Corporation or to remove their name from consideration for such a position if they are not yet serving.

723208.1

SECRETARY CERTIFICATE

The undersigned Secretary of the Corporation hereby certifies that the foregoing Bylaws were adopted by the Board of Directors of the Corporation at its organizational meeting.

Secretary

**Form 802
(Revised 08/12)**

Submit in duplicate to:
Secretary of State
Reports Unit
P.O. Box 12028
Austin, TX 78711-2028
Phone: (512) 475-2705
FAX: (512) 463-1423
Dial: 7-1-1 for Relay Services
Filing Fee: See Instructions



**Periodic Report
of a
Nonprofit Corporation**

This space reserved for filing office use.

FILED
In the Office of the
Secretary of State of Texas
MAY 13 2019
Corporations Section

File Number: 15146401

1. The name of the corporation is: *(A name change requires an amendment; see Instructions)*
Discalced Carmelite Nuns

RECEIVED

MAY 13 2019

Secretary of

2. It is incorporated under the laws of: *(Set forth state or foreign country)*

Texas

3. The name of the registered agent is:

A. The registered agent is a corporation (cannot be entity named above) by the name of:

OR

B. The registered agent is an individual resident of the state whose name is:

Anne Teresa Kulinski
First Name MI Last Name Suffix

4. The registered office address, which is identical to the business address of the registered agent in Texas, is:
(Only use street or building address; see Instructions)

5801 Mt. Carmel Drive Arlington TX 76017
Street Address City State Zip Code

5. If the corporation is a foreign corporation, the address of its principal office in the state or country under the laws of which it is incorporated is:

Street or Mailing Address City State Zip Code Country

6. The names and addresses of all directors of the corporation are: *(A minimum of three directors is required.)*
(If additional space is needed, include the information as an attachment to this form for item 6.)

Anne	H	Kulinski (Mother Anne Teresa)			
<i>First Name</i>	<i>MI</i>	<i>Last Name</i>	<i>Suffix</i>		
5801 Mt. Carmel Drive		Arlington	TX	76017	USA
<i>Street or Mailing Address</i>		<i>City</i>	<i>State</i>	<i>Zip Code</i>	<i>Country</i>

AnneMarie		McCulloh (Sister Joseph Marie)			
<i>First Name</i>	<i>MI</i>	<i>Last Name</i>	<i>Suffix</i>		
5801 Mt. Carmel Drive		Arlington	TX	76017	USA
<i>Street or Mailing Address</i>		<i>City</i>	<i>State</i>	<i>Zip Code</i>	<i>Country</i>

Janet	M	Sharp (Sister Francis Therese)			
<i>First Name</i>	<i>MI</i>	<i>Last Name</i>	<i>Suffix</i>		
5801 Mt. Carmel Drive		Arlington	TX	76017	USA
<i>Street or Mailing Address</i>		<i>City</i>	<i>State</i>	<i>Zip Code</i>	<i>Country</i>

7. The names, addresses, and titles of all officers of the corporation are: (The offices of president and secretary must be filled, but both may not be held by the same officer.)

(If additional space is needed, include the information as an attachment to this form for Item 7.)

Anne	H	Kulinski				Officer Title
<i>First Name</i>	<i>MI</i>	<i>Last Name</i>			<i>Suffix</i>	President
5801 Mt. Carmel Drive		Arlington		TX	76017	USA
<i>Street or Mailing Address</i>		<i>City</i>		<i>State</i>	<i>Zip Code</i>	<i>Country</i>

Lisa	M	Gerlach				Officer Title
<i>First Name</i>	<i>MI</i>	<i>Last Name</i>			<i>Suffix</i>	Secretary
5801 Mt. Carmel Drive		Arlington		TX	76017	USA
<i>Street or Mailing Address</i>		<i>City</i>		<i>State</i>	<i>Zip Code</i>	<i>Country</i>

Lisa	M	Gerlach				Officer Title
<i>First Name</i>	<i>MI</i>	<i>Last Name</i>			<i>Suffix</i>	Treasurer
5801 Mt. Carmel Drive		Arlington		TX	76017	USA
<i>Street or Mailing Address</i>		<i>City</i>		<i>State</i>	<i>Zip Code</i>	<i>Country</i>

Execution:

The undersigned affirms that the person designated as registered agent has consented to the appointment. The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument and certifies under penalty of perjury that the undersigned is authorized under the provisions of law governing the entity to execute the filing instrument.

Date: March 7, 2019

Mother Ann Teresa, O.C.P.
Signature of authorized officer

Attachment to Form 802 (Periodic Report – Nonprofit Corporation)

Item 6. The name and addresses of all directors of the corporation are: (CONTINUED)

Lisa M Gerlach (Sister Teresa Agnes)
5801 Mt. Carmel Drive
Arlington, TX 76017 USA

Item 7. The names, addresses and titles of all officers of the corporation are:
(CONTINUED)

Janet M. Sharp – Vice President
5801 Mt. Carmel Drive
Arlington, TX 76017 USA

AnneMarie McCulloh – Vice President
5801 Mt. Carmel Drive
Arlington, TX 76017 USA



CODE OF CANON LAW

BOOK II. THE PEOPLE OF GOD

- PART III. INSTITUTES OF CONSECRATED LIFE AND SOCIETIES OF APOSTOLIC LIFE
 - SECTION I: INSTITUTES OF CONSECRATED LIFE
 - TITLE I: NORMS COMMON TO ALL INSTITUTES OF CONSECRATED LIFE (Cann. 573 - 606)

PART III. INSTITUTES OF CONSECRATED LIFE AND SOCIETIES OF APOSTOLIC LIFE

SECTION I:

INSTITUTES OF CONSECRATED LIFE

EXHIBIT B

TITLE I:

NORMS COMMON TO ALL INSTITUTES OF CONSECRATED LIFE (Cann. 573 - 606)

Can. 573 §1. The life consecrated through the profession of the evangelical counsels is a stable form of living by which the faithful, following Christ more closely under the action of the Holy Spirit, are totally dedicated to God who is loved most of all, so that, having been dedicated by a new and special title to His honor, to the building up of the Church, and to the salvation of the world, they strive for the perfection of charity in the service of the kingdom of God and, having been made an outstanding sign in the Church, foretell the heavenly glory.

§2. The Christian faithful freely assume this form of living in institutes of consecrated life canonically erected by competent authority of the Church. Through vows or other sacred bonds according to the proper laws of the institutes, they profess the evangelical counsels of chastity, poverty, and obedience and, through the charity to which the counsels lead, are joined in a special way to the Church and its mystery.

Can. 574 §1. The state of those who profess the evangelical counsels in institutes of this type belongs to the life and holiness of the Church and must be fostered and promoted by all in the Church.

§2. Certain Christian faithful are specially called by God to this state so that they possess a special gift in the life of the Church and contribute to its salvific mission, according to the purpose and spirit of the institute.

Can. 575 The evangelical counsels, based on the teaching and examples of Christ the Teacher, are a divine gift which the Church has received from the Lord and preserves always through His grace.

Can. 576 It is for the competent authority of the Church to interpret the evangelical counsels, to direct their practice by laws, and by canonical approbation to establish the stable forms of living deriving from them, and also, for its part, to take care that the institutes grow and flourish according to the spirit of the founders and sound traditions.

Can. 577 In the Church there are a great many institutes of consecrated life which have different gifts according to the grace which has been given them: they more closely follow Christ who prays, or announces the kingdom of God, or does good to people, or lives with people in the world, yet who always does the will of the Father.

Can. 578 All must observe faithfully the mind and designs of the founders regarding the nature, purpose, spirit, and character of an institute, which have been sanctioned by competent ecclesiastical authority, and its sound traditions, all of which constitute the patrimony of the same institute.

Can. 579 Diocesan bishops, each in his own territory, can erect institutes of consecrated life by formal decree, provided that the Apostolic See has been consulted.

Can. 580 The aggregation of one institute of consecrated life to another is reserved to the competent authority of the aggregating institute; the canonical autonomy of the aggregated institute is always to be preserved.

Can. 581 To divide an institute into parts, by whatever name they are called, to erect new parts, to join those erected, or to redefine their boundaries belongs to the competent authority of the institute, according to the norm of the constitutions.

Can. 582 Mergers and unions of institutes of consecrated life are reserved to the Apostolic See only; confederations and federations are also reserved to it.

Can. 583 Changes in institutes of consecrated life affecting those things which had been approved by the Apostolic See cannot be made without its permission.

Can. 584 The suppression of an institute pertains only to the Apostolic See; a decision regarding the temporal goods of the institute is also reserved to the Apostolic See.

Can. 585 It belongs to the competent authority of an institute to suppress its parts.

Can. 586 §1. A just autonomy of life, especially of governance, is acknowledged for individual institutes, by which they possess their own discipline in the Church and are able to preserve their own patrimony intact, as mentioned in can. 578.

§2. It is for local ordinaries to preserve and safeguard this autonomy.

Can. 587 §1. To protect more faithfully the proper vocation and identity of each institute, the fundamental code or constitutions of every institute must contain, besides those things which are to be observed as stated in can. 578, fundamental norms regarding governance of the institute, the discipline of members, incorporation and formation of members, and the proper object of the sacred bonds.

§2. A code of this type is approved by competent authority of the Church and can be changed only with its consent.

§3. In this code spiritual and juridic elements are to be joined together suitably; nevertheless, norms are not to be multiplied without necessity.

§4. Other norms established by competent authority of an institute are to be collected suitably in other codes and, moreover, can be reviewed appropriately and adapted according to the needs of places and times.

Can. 588 §1. By its very nature, the state of consecrated life is neither clerical nor lay.

§2. That institute is called clerical which, by reason of the purpose or design intended by the founder or by virtue of legitimate tradition, is under the direction of clerics, assumes the exercise of sacred orders, and is recognized as such by the authority of the Church.

§3. That institute is called lay which, recognized as such by the authority of the Church, has by virtue of its nature, character, and purpose a proper function defined by the founder or by legitimate tradition, which does not include the exercise of sacred orders.

Can. 589 An institute of consecrated life is said to be of pontifical right if the Apostolic See has erected it or approved it through a formal decree. It is said to be of diocesan right, however, if it has been erected by a diocesan bishop but has not obtained a decree of approval from the Apostolic See.

Can. 590 §1. Inasmuch as institutes of consecrated life are dedicated in a special way to the service of God and of the whole Church, they are subject to the supreme authority of the Church in a special way.

§2. Individual members are also bound to obey the Supreme Pontiff as their highest superior by reason of the sacred bond of obedience.

Can. 591 In order to provide better for the good of institutes and the needs of the apostolate, the Supreme Pontiff, by reason of his primacy in the universal Church and with a view to common advantage, can exempt institutes of consecrated life from the governance of local ordinaries and subject them to himself alone or to another ecclesiastical authority.

Can. 592 §1. In order better to foster the communion of institutes with the Apostolic See, each supreme moderator is to send a brief report of the state and life of the institute to the Apostolic See, in a manner and at a time established by the latter.

§2. The moderators of every institute are to promote knowledge of documents of the Holy See which regard the members entrusted to them and are to take care about their observance.

Can. 593 Without prejudice to the prescript of ⇒ can. 586, institutes of pontifical right are immediately and exclusively subject to the power of the Apostolic See in regards to internal governance and discipline.

Can. 594 Without prejudice to can. 586, an institute of diocesan right remains under the special care of the diocesan bishop.

Can. 595 §1. It is for the bishop of the principal seat to approve the constitutions and confirm changes legitimately introduced into them, without prejudice to those things which the Apostolic See has taken in hand, and also to treat affairs of greater importance affecting the whole institute which exceed the power of internal authority, after he has consulted the other diocesan bishops, however, if the institute has spread to several dioceses.

§2. A diocesan bishop can grant dispensations from the constitutions in particular cases.

Can. 596 §1. Superiors and chapters of institutes possess that power over members which is defined in universal law and the constitutions.

§2. In clerical religious institutes of pontifical right, however, they also possess ecclesiastical power of governance for both the external and internal forum.

§3. The prescripts of cann. 131, 133, and 137- 144 apply to the power mentioned in §1.

Can. 597 §1. Any Catholic endowed with a right intention who has the qualities required by universal and proper law and who is not prevented by any impediment can be admitted into an institute of consecrated life.

§2. No one can be admitted without suitable preparation.

Can. 598 §1. Each institute, attentive to its own character and purposes, is to define in its constitutions the manner in which the evangelical counsels of chastity, poverty, and obedience must be observed for its way of living.

§2. Moreover, all members must not only observe the evangelical counsels faithfully and fully but also arrange their life according to the proper law of the institute and thereby strive for the perfection of their state.

Can. 599 The evangelical counsel of chastity assumed for the sake of the kingdom of heaven, which is a sign of the world to come and a source of more abundant fruitfulness in an undivided heart, entails the obligation of perfect continence in celibacy.

Can. 600 The evangelical counsel of poverty in imitation of Christ who, although he was rich, was made poor for us, entails, besides a life which is poor in fact and in spirit and is to be led productively in moderation and foreign to earthly riches, a dependence and limitation in the use and disposition of goods according to the norm of the proper law of each institute.

Can. 601 The evangelical counsel of obedience, undertaken in a spirit of faith and love in the following of Christ obedient unto death, requires the submission of the will to legitimate superiors, who stand in the place of God, when they command according to the proper constitutions.

Can. 602 The life of brothers or sisters proper to each institute, by which all the members are united together as a special family in Christ, is to be defined in such a way that it becomes a mutual support for all in fulfilling the vocation of each. Moreover, by their communion as brothers or sisters rooted and founded in charity, members are to be an example of universal reconciliation in Christ.

Can. 603 §1. In addition to institutes of consecrated life, the Church recognizes the eremitic or anchoritic life by which the Christian faithful devote their life to the praise of God and the salvation of the world through a stricter withdrawal from the world, the silence of solitude, and assiduous prayer and penance.

§2. A hermit is recognized by law as one dedicated to God in consecrated life if he or she publicly professes in the hands of the diocesan bishop the three evangelical counsels, confirmed by vow or other sacred bond, and observes a proper program of living under his direction.

Can. 604 §1. Similar to these forms of consecrated life is the order of virgins who, expressing the holy resolution of following Christ more closely, are consecrated to God by the diocesan bishop according to the approved liturgical rite, are mystically betrothed to Christ, the Son of God, and are dedicated to the service of the Church.

§2. In order to observe their own resolution more faithfully and to perform by mutual assistance service to the Church in harmony with their proper state, virgins can be associated together.

Can. 605 The approval of new forms of consecrated life is reserved only to the Apostolic See. Diocesan bishops, however, are to strive to discern new gifts of consecrated life granted to the Church by the Holy Spirit and are to assist promoters so that these can express their proposals as well as possible and protect them by appropriate statutes; the general norms contained in this section are especially to be utilized.

Can. 606 Those things which are established for institutes of consecrated life and their members are equally valid in law for either sex, unless it is otherwise evident from the context of the wording or the nature of the matter.

RULE AND CONSTITUTIONS
OF THE
DISCALCED NUNS
OF THE
ORDER OF THE MOST BLESSED
VIRGIN MARY OF MOUNT CARMEL

1990

EXHIBIT C

For the Solemn Profession

I, Sister N. of N., make my solemn profession and I promise obedience, chastity and poverty to God our Lord, to the Most Blessed Virgin Mary of Mount Carmel and to you, Reverend Mother Prioress and to your successors, according to the primitive Rule of the Order of Discalced Carmelites and our Constitutions, until death.

CHAPTER XIX

(addendum)

JURIDICAL STATUS OF THE MONASTERIES ERECTION AND SUPPRESSION OF THE SAME

133 The Order of the Blessed Virgin Mary of Mount Carmel constitutes in the Church a spiritual family to which belong equally the Carmelite Fathers and the Discalced Carmelite Nuns. Between them there ought to exist a unity of spirit and of doctrine, but not necessarily a dependence of government and jurisdiction.

As regards their juridical condition, our monasteries, preserving spiritual unity with the entire Order, have no other major su-

perior above the Prioress, except the Holy See, nor are they associated with the Discalced Brothers in such wise that the Superior General should have any power over them whatsoever. Consequently, they are entrusted to the vigilance of the diocesan Bishop according to the norm of law (*Cf. can. 615*).

134 These monasteries, erected by a formal decree of the Apostolic See, are of Pontifical Right and depend immediately on the same in regard to internal governance and discipline (*Cf. cans. 589, 593 and 609*).

135 The Church acknowledges for these monasteries a just autonomy of life and above all of governance, so that they enjoy their own discipline and preserve their own doctrinal, spiritual and liturgical patrimony. It belongs to local Ordinaries to safeguard and protect the autonomy. (*Cf. can. 586-1, 2*).

136 The juridical status of a monastery must be determined in the act of foundation or by special disposition of the Apostolic See.

137 Every Community of Discalced Carmelite Nuns must live in a monastery legitimately constituted under the authority of a

VII. Relations between the Monastery and the Diocesan Bishop

83. All female monasteries, without prejudice to internal autonomy^[57] and possible external exemption^[58] are subject to the diocesan Bishop, who exercises pastoral care in the following cases:

a) the community of the female monastery is subject to the power of the Bishop^[59], to whom it must devote respect and reverence in what concerns the public exercise of divine worship, the care of souls,^[60] and the forms of apostolate corresponding to their character^[61];

b) the diocesan Bishop^[62], on the occasion of the pastoral visit or other paternal visits and even in case of necessity, can provide appropriate solutions himself^[63] when he finds that there are abuses and after appeals made to the Major Superior have had no effect;

c) the diocesan Bishop intervenes in the erection of the monastery by giving written consent before the approval of the Apostolic See is requested^[64];

d) the diocesan Bishop intervenes, as local Ordinary, in the appointment of the chaplain^[65] and, always as local Ordinary, in the approval of ordinary confessors^[66]. Everything must take place *“considering the specificity of the proper charism and the needs of fraternal life in community”*^[67];

e) the diocesan Bishop intervenes in the suppression of the monastery by expressing his opinion^[68];

f) the exclaustated nun refers to the diocesan Bishop, as the local Ordinary, and to her Superiors, remaining under their dependence and care^[69];

g) the diocesan Bishop has the faculty, for a just cause, of entering the cloister and allowing other people to enter, with the consent of the Major Superior,^[70].

84. For congregated monasteries and associated monasteries, the points of pastoral care delineated above constitute the only possible forms of intervention by the diocesan Bishop, since the rights/duties of the President of the Congregation for the congregated monasteries and the rights/duties of the religious Ordinary of the Associating Institute towards the associated monastery must be safeguarded.

85. For monasteries entrusted to the particular vigilance of the diocesan Bishop, the points of pastoral care just outlined are to be added to those that the Code of Canon Law presents as expressions of particular vigilance, referred to in no. 81 of the present Instruction.

FOOTNOTES REFERENCED IN ABOVE SECTION

^[57] Cf. can. 586 CJC.

^[58] Cf. can. 591 CJC.

^[59] Cf. can. 678, §1 CJC.

[60] Cf. can. 392; can. 680 CJC.

[61] Cf. can. 394; can. 673; can. 674; can. 612 CJC.

[62] Cf. can. 683, §2 CJC.

[63] Cf. can. 1320 CJC. [Can. 1320 The local ordinary can coerce religious with penalties **in all those matters in which they are subject** to him.] [Those matters are referenced ABOVE]

[64] Cf. can. 609 CJC.

[65] Cf. can. 567 CJC.

[66] Cf. can. 630, §3 CJC.

[67] *VDq* art. 6, §2 CJC.

[68] Cf. can. 616, §1 CJC.

[69] Cf. can. 687 CJC.

[70] Partial derogation from can. 667, §4 CJC approved by the Holy Father in a specific form.



CODE OF CANON LAW

BOOK I. GENERAL NORMS

- TITLE IV. SINGULAR ADMINISTRATIVE ACTS (Cann. 35 - 93)
 - [CHAPTER I. COMMON NORMS](#)
 - [CHAPTER II. SINGULAR DECREES AND PRECEPTS](#)
 - [CHAPTER III. RESCRIPTS](#)
 - [CHAPTER IV. PRIVILEGES](#)
 - [CHAPTER V. DISPENSATIONS](#)

TITLE IV.

SINGULAR ADMINISTRATIVE ACTS (Cann. 35 - 93)

CHAPTER I.

COMMON NORMS

Can. 35 A singular administrative act, whether it is a decree, a precept, or a rescript, can be issued by one who possesses executive power within the limits of that person's competence, without prejudice to the prescript of can. 76, §1.

Can. 36 §1. An administrative act must be understood according to the proper meaning of the words and the common manner of speaking. In a case of doubt, those which refer to litigation, pertain to threatening or inflicting penalties, restrict the rights of a person, injure the acquired rights of others, or are contrary to a law which benefits private persons are subject to a strict interpretation; all others are subject to a broad interpretation.

§2. An administrative act must not be extended to other cases besides those expressed.

Can. 37 An administrative act which regards the external forum must be put in writing.

EXHIBIT E

Furthermore, if it is given in commissariat form, the act of its execution must be put in writing.

Can. 38 An administrative act, even if it is a rescript given *motu proprio*, lacks effect insofar as it injures the acquired right of another or is contrary to a law or approved custom, unless the competent authority has expressly added a derogating clause.

Can. 39 Conditions in an administrative act are considered added for validity only when they are expressed by the particles *if (si)*, *unless (nisi)*, or *provided that (dummodo)*.

Can. 40 The executor of any administrative act invalidly carries out his or her function before receiving the relevant letter and verifying its authenticity and integrity, unless previous notice of the letter had been communicated to the executor by authority of the one who issued the act.

Can. 41 The executor of an administrative act to whom is entrusted merely the task of execution cannot refuse the execution of this act unless it clearly appears that the act itself is null or cannot be upheld for another grave cause, or the conditions attached to the administrative act itself have not been fulfilled. Nevertheless, if the execution of the administrative act seems inopportune due to the circumstances of person or place, the executor is to suspend the execution. In such cases the executor is to inform immediately the authority who issued the act.

Can. 42 The executor of an administrative act must proceed according to the norm of the mandate. If, however, the executor did not fulfill the essential conditions attached to the relevant letter and did not observe the substantial form of proceeding, the execution is invalid.

Can. 43 The executor of an administrative act can, according to his or her prudent judgment, substitute another as executor unless substitution has been forbidden, the executor has been chosen for personal qualifications, or a substitute has been predetermined. In these cases, however, the executor may entrust the preparatory acts to another.

Can. 44 The executor's successor in office can also execute an administrative act unless the executor was chosen for personal qualifications.

Can. 45 If the executor has erred in any way in the execution of an administrative act, the executor is permitted to execute the same act again.

Can. 46 An administrative act does not cease when the authority of the one who established it expires unless the law expressly provides otherwise.

Can. 47 The revocation of an administrative act by another administrative act of a competent authority takes effect only from the moment at which the revocation is legitimately made known to the person for whom it has been given.

CHAPTER II.

SINGULAR DECREES AND PRECEPTS

Can. 48 A singular decree is an administrative act issued by a competent executive authority in which a decision is given or a provision is made for a particular case according to the norms of law. Of their nature, these decisions or provisions do not presuppose a petition made by someone.

Can. 49 A singular precept is a decree which directly and legitimately enjoins a specific person or persons to do or omit something, especially in order to urge the observance of law.

Can. 50 Before issuing a singular decree, an authority is to seek out the necessary information and proofs and, insofar as possible, to hear those whose rights can be injured.

Can. 51 A decree is to be issued in writing, with the reasons at least summarily expressed if it is a decision.

Can. 52 A singular decree has force only in respect to the matters which it decides and for the persons for whom it was given. It obliges these persons everywhere, however, unless it is otherwise evident.

Can. 53 If decrees are contrary to one another, a particular decree prevails over a general in those matters which are specifically expressed. If they are equally particular or equally general, the decree later in time modifies the earlier to the extent that the later one is contrary to it.

Can. 54 §1. A singular decree whose application is entrusted to an executor takes effect from the moment of execution; otherwise, from the moment it is made known to the person by the authority of the one who issued it.

§2. To be enforced, a singular decree must be made known by a legitimate document according to the norm of law.

Can. 55 Without prejudice to the prescripts of cann. 37 and 51, when a very grave reason prevents the handing over of the written text of a decree, the decree is considered to have been made known if it is read to the person to whom it is destined in the presence of a notary or two witnesses. After a written record of what has occurred has been prepared, all those present must sign it.

Can. 56 A decree is considered to have been made known if the one for whom it is destined has been properly summoned to receive or hear the decree but, without a just cause, did not appear or refused to sign.

Can. 57 §1. Whenever the law orders a decree to be issued or an interested party legitimately proposes a petition or recourse to obtain a decree, the competent authority is to provide for the matter within three months from the receipt of the petition or recourse unless the law prescribes some other time period.

§2. When this time period has passed, if the decree has not yet been given, the response is presumed to be negative with respect to the presentation of further recourse.

§3. A presumed negative response does not exempt the competent authority from the obligation of issuing the decree and even of repairing the damage possibly incurred, according to the norm of can. 128.

Can. 58 §1. A singular decree ceases to have force through legitimate revocation by competent authority as well as through cessation of the law for whose execution it was given.

§2. A singular precept not imposed by a legitimate document ceases when the authority of the one who issued it expires.

CHAPTER III.

RESCRIPTS

Can. 59 §1. A rescript is an administrative act issued in writing by competent executive authority; of its very nature, a rescript grants a privilege, dispensation, or other favor at someone's request.

§2. The prescripts established for rescripts are valid also for the oral granting of a permission or favors unless it is otherwise evident.

Can. 60 Any rescript can be requested by all those who are not expressly prohibited from doing so.

Can. 61 Unless it is otherwise evident, a rescript can be requested for another even without the person's assent and has force before the person's acceptance, without prejudice to contrary clauses.

Can. 62 A rescript in which no executor is given has effect at the moment the letter is given; other rescripts, at the moment of execution.

Can. 63 §1. Subreption, or concealment of the truth, prevents the validity of a rescript if in the request those things were not expressed which according to law, style, and canonical practice must be expressed for validity, unless it is a rescript of favor which is given *motu proprio*.

§2. Obreption, or a statement of falsehood, also prevents the validity of a rescript if not even one proposed motivating reason is true.

§3. The motivating reason in rescripts for which there is no executor must be true at the time when the rescript is given; in others, at the time of execution.

Can. 64 Without prejudice to the authority of the Penitentiary for the internal forum, a favor denied by any dicastery of the Roman Curia cannot be granted validly by any other dicastery of the same Curia or by another competent authority below the Roman Pontiff without the assent of the dicastery before which the matter was initiated.

Can. 65 §1. Without prejudice to the prescripts of §§2 and 3, no one is to petition from another ordinary a favor denied by one's own ordinary unless mention of the denial has been made. When this mention has been made, however, the ordinary is not to grant the favor unless he has obtained the reasons for the denial from the prior ordinary.

§2. A favor denied by a vicar general or by an episcopal vicar cannot be granted validly by another vicar of the same bishop even if the reasons for the denial have been obtained from the vicar who denied it.

§3. A favor denied by a vicar general or by an episcopal vicar and afterwards obtained from the diocesan bishop without any mention made of this denial is invalid. A favor denied by a diocesan bishop, however, even if mention is made of the denial, cannot be obtained validly from his vicar general or episcopal vicar without the consent of the bishop.

Can. 66 A rescript does not become invalid due to an error in the name of the person to whom it is given or by whom it is issued, or of the place where the person resides, or in the matter concerned, provided that, in the judgment of the ordinary, there is no doubt about the person or the matter.

Can. 67 §1. If it happens that two contrary rescripts are obtained for one and the same thing, the particular prevails over the general in those matters which are particularly expressed.

§2. If they are equally particular or equally general, the earlier in time prevails over the later unless there is express mention of the earlier one in the later one or unless the person who obtained the earlier one has not used the rescript out of malice or notable negligence.

§3. In a case of doubt whether a rescript is invalid or not, recourse is to be made to the one who issued it.

Can. 68 A rescript of the Apostolic See in which no executor is given must be presented to the ordinary of the one who obtained it only when it is prescribed in the same letter, or it concerns public matters, or it is necessary that conditions be verified.

Can. 69 A rescript for whose presentation no time is specified can be shown to the executor at any time, provided that there is neither fraud nor malice.

Can. 70 If in a rescript the granting of a favor is entrusted to an executor, it is up to the prudent judgment and conscience of the executor to grant or deny the favor.

Can. 71 No one is bound to use a rescript given only in his or her favor unless bound to do so by a canonical obligation from another source.

Can. 72 Rescripts granted by the Apostolic See which have expired can be extended once by the diocesan bishop for a just cause, but not beyond three months.

Can. 73 Rescripts are not revoked by a contrary law unless the law itself provides otherwise.

Can. 74 Although one can use in the internal forum a favor granted orally, the person is bound to prove the favor in the external forum whenever someone legitimately requests it.

Can. 75 If a rescript contains a privilege or dispensation, the prescripts of the following canons are also to be observed.

CHAPTER IV.

PRIVILEGES

Can. 76 §1. A privilege is a favor given through a particular act to the benefit of certain physical or juridic persons; it can be granted by the legislator as well as by an executive authority to whom the legislator has granted this power.

§2. Centenary or immemorial possession induces the presumption that a privilege has been granted.

Can. 77 A privilege must be interpreted according to the norm of can. 36, §1, but that interpretation must always be used by which the beneficiaries of a privilege actually obtain some favor.

Can. 78 §1. A privilege is presumed to be perpetual unless the contrary is proved.

§2. A personal privilege, namely one which follows the person, is extinguished with that person's death.

§3. A real privilege ceases through the complete destruction of the thing or place; a local privilege, however, revives if the place is restored within fifty years.

Can. 79 A privilege ceases through revocation by the competent authority according to the norm of can. 47, without prejudice to the prescript of can. 81.

Can. 80 §1. No privilege ceases through renunciation unless the competent authority has accepted the renunciation.

§2. Any physical person can renounce a privilege granted only in that person's favor.

§3. Individual persons cannot renounce a privilege granted to some juridic person or granted in consideration of the dignity of a place or of a thing, nor is a juridic person free to renounce a privilege granted to it if the renunciation brings disadvantage to the Church or to others.

Can. 81 A privilege is not extinguished when the authority of the one who granted it expires unless it has been given with the clause, at our good pleasure (*ad beneplacitum nostrum*), or some other equivalent expression.

Can. 82 A privilege which is not burdensome to others does not cease through non-use or contrary use. If it is to the disadvantage of others, however, it is lost if legitimate prescription takes place.

Can. 83 §1. A privilege ceases through the lapse of the time period or through the completion of the number of cases for which it had been granted, without prejudice to the prescript of can. 142, §2.

§2. It also ceases if, in the judgment of the competent authority, circumstances are so changed in the course of time that it becomes harmful or its use illicit.

Can. 84 One who abuses the power given by a privilege deserves to be deprived of that privilege.

Therefore, when the holder of a privilege has been warned in vain, an ordinary is to deprive the one who gravely abuses it of a privilege which he himself has granted. If the privilege was granted by the Apostolic See, however, an ordinary is bound to notify the Apostolic See.

CHAPTER V.

DISPENSATIONS

Can. 85 A dispensation, or the relaxation of a merely ecclesiastical law in a particular case, can be granted by those who possess executive power within the limits of their competence, as well as by those who have the power to dispense explicitly or implicitly either by the law itself or by legitimate delegation.

Can. 86 Laws are not subject to dispensation to the extent that they define those things which are essentially constitutive of juridic institutes or acts.

Can. 87 §1. A diocesan bishop, whenever he judges that it contributes to their spiritual good, is able to dispense the faithful from universal and particular disciplinary laws issued for his territory or his subjects by the supreme authority of the Church. He is not able to dispense, however, from procedural or penal laws nor from those whose dispensation is specially reserved to the Apostolic See or some other authority.

§2. If recourse to the Holy See is difficult and, at the same time, there is danger of grave harm in delay, any ordinary is able to dispense from these same laws even if dispensation is reserved to the Holy See, provided that it concerns a dispensation which the Holy See is accustomed to grant under the same circumstances, without prejudice to the prescript of can. 291.

Can. 88 A local ordinary is able to dispense from diocesan laws and, whenever he judges that it contributes to the good of the faithful, from laws issued by a plenary or provincial council or by the conference of bishops.

Can. 89 A pastor and other presbyters or deacons are not able to dispense from universal and particular law unless this power has been expressly granted to them.

Can. 90 §1. One is not to be dispensed from an ecclesiastical law without a just and reasonable cause, after taking into account the circumstances of the case and the gravity of the law from which dispensation is given; otherwise the dispensation is illicit and, unless it is given by the legislator himself or his superior, also invalid.

§2. In a case of doubt concerning the sufficiency of the cause, a dispensation is granted validly and licitly.

Can. 91 Even when outside his territory, one who possesses the power to dispense is able to exercise it with respect to his subjects even though they are absent from the territory, and, unless the contrary is expressly established, also with respect to travelers actually present in the territory, as well as with respect to himself.

Can. 92 A dispensation is subject to a strict interpretation according to the norm of can. 36, §1, as is the very power to dispense granted for a particular case.

Can. 93 A dispensation which has successive application ceases in the same ways as a privilege as well as by the certain and total cessation of the motivating cause.

APOSTOLIC LETTER
ISSUED "MOTU PROPRIO"
OF THE SUPREME PONTIFF
FRANCIS

Competentias quasdam decernere

INTRODUCING CHANGES TO SOME NORMS OF THE CODE OF CANON LAW
AND THE CODE OF CANONS OF THE EASTERN CHURCHES

The assignment of certain areas of competence with regard to the provisions of the Codes intended to safeguard unity of discipline in the universal Church, and executive power in the local Churches and ecclesial institutions, corresponds to the dynamic of ecclesiastical communion and enhances proximity. A healthy decentralization can only foster that dynamic, without prejudice to its hierarchical dimension.

Therefore, with due regard for the ecclesial culture and juridical mentality proper to each Code, I have considered it fitting to introduce changes to the current regulations in certain specific areas, by assigning their various areas of competence. They are meant, above all, to foster the sense of collegiality and pastoral responsibility of diocesan/eparchial bishops assembled in episcopal conferences, or in accordance with eastern hierarchical structures, and major superiors, but also to respect the principles of reasonableness, effectiveness and efficiency.

These changes reflect more clearly the Church's shared and pluralistic universality, which embraces differences without leveling them, guaranteeing, with respect to her unity, the ministry of the Bishop of Rome. At the same time, they will encourage a more rapid and effective pastoral governance on the part of local authority, not least by facilitating its proximity to individuals and situations that demand it.

Wherefore, I now decree the following:

Art. 1

Canon 237 §2 CIC, on the erection of an interdiocesan seminary and its statutes, replaces the term "approval" with the term "confirmation", and now reads:

§2. An interdiocesan seminary is not to be erected unless the conference of bishops, if the seminary is for its entire territory, or the bishops involved have obtained the prior confirmation of the Apostolic See for both the erection of the seminary and its statutes.

Art. 2

Canon 242 §1 CIC concerning the programme of priestly formation established by the episcopal conference replaces the term "approved" with the term "confirmed", and now reads:

§1. Each nation is to have a programme of priestly formation which is to be established by the conference of bishops, attentive to the norms issued by the supreme authority of the Church, and which is to be confirmed by the Holy See. This programme is to be adapted to new circumstances, also with the confirmation of the Holy See, and is to define the main principles of the instruction to be given in the seminary and general norms adapted to the pastoral needs of each region or province.

Art. 3

Canon 265 CIC, on incardination, adds to the structures that can incardinate clerics public clerical associations which have received that faculty from the Holy See, thereby harmonizing this canon with canon 357 §1 CCEO. The text of the canon now reads:

Every cleric must be incardinated either in a particular church or personal prelature, or in an institute of consecrated life or society endowed with this faculty, or also in a public clerical association which has obtained that faculty from the Apostolic See, in such a way that unattached or transient clerics are not allowed at all.

Art. 4

Canon 604 CIC, on the order of virgins and their right to associate, includes a new paragraph formulated as follows:

§3. The diocesan bishop is competent for the recognition and erection of such associations at the diocesan level, within his territory; the conference of bishops is competent at the national level, within its own territory.

Art. 5

Canons 686 §1 CIC and 489 §2 CCEO, on the grant of an indult of excommunication, for a grave cause, to a member professed by perpetual vows, extend the time limit for five years, after which, competence for an extension or grant is reserved to the Holy See or to the diocesan bishop. The text now reads:

CIC – can. 686 §1: With the consent of the council, the supreme moderator for a grave cause can grant an indult of exclaustation to a member professed by perpetual vows, but not for more than five years, and if it concerns a cleric, with the prior consent of the ordinary of the place in which he must reside. To extend an indult or to grant it for more than five years is reserved to the Holy See, or to the diocesan bishop if it concerns institutes of diocesan right.

CCEO – can. 489 § 2: The eparchial bishop can grant this indult only for up to five years.

Art. 6

Canon 688 §2 CIC and canons 496 §§1-2 and 546 §2 CCEO, on individuals temporarily professed who ask, for a grave cause, to leave the institute, assign competence for the relevant indult to the supreme moderator, with the consent of the council. For the Latin Code, this applies to both institutes of pontifical right and institutes of diocesan right, as well as autonomous monasteries; for the Eastern Code, it applies to a monastery sui iuris or to an order or congregation.

Consequently, canon 496 §2 CCEO is eliminated; the other canons now read:

CIC – can. 688 §2: During the time of temporary profession, a person who asks to leave the institute for a grave cause can obtain an indult of departure from the supreme moderator with the consent of his or her council; in the case of an autonomous monastery, mentioned in can. 615, however, the bishop of the house of assignment must confirm the indult for it to be valid.

CCEO – can. 496: One who during temporary profession wishes for a grave cause to leave the monastery and return to secular life is to present a petition to his or her superior of the monastery *sui iuris*. The superior, with the consent of his or her council, grants the indult, unless particular law reserves this to the patriarch for monasteries located within the territorial boundaries of the patriarchal Church.

CCEO – can. 546 §2: One who, while still in temporary vows, requests for a grave cause to leave the order or congregation, can obtain from the superior general with the consent of his or her council the indult to leave the order definitively and return to secular life, with the effects mentioned in can. 493.

Art. 7

Canons 699 §2 and 700 CIC and canons 499, 501 §2 and 552 §1 CCEO are modified, so that that the decree of dismissal from an institute, for a grave cause, of a temporarily or perpetually professed member takes effect from the time that the decree, issued by the supreme moderator with the consent of his or her council, is communicated to that member, who retains the right to appeal.

The texts of the respective canons are thus modified and reformulated as follows:

CIC – can. 699 §2: In the autonomous monasteries mentioned in can. 615, it belongs to the major superior, with the consent of his or her council, to decide on dismissal.

CIC – can. 700: A decree of dismissal issued in the case of a professed member takes effect from the time that it is communicated to the member concerned. To be valid, however, the decree must indicate the right which the dismissed possesses to make recourse to the competent authority within ten days from receiving notification. The recourse has suspensive effect.

CCEO – can. 499: A member can be dismissed during temporary profession by the superior of the monastery *sui iuris* with the consent of his or her council according to can. 552 §§2 and 3, but, for validity, the dismissal must be confirmed by the patriarch if particular law so establishes for monasteries situated with the territorial boundaries of the patriarchal Church.

CCEO – can. 501 §2: However, the member can, within fifteen days, either make recourse with suspensive effect against the decree of dismissal or request that the case be handled judicially.

CCEO – can. 552 §1: A member in temporary vows can be dismissed by the superior general with the consent of his or her council.

Art. 8

Canon 775 §2 CIC, on the publication of catechisms by an episcopal conference for its own territory, replaces the term "approval" with the term "confirmation", and now reads:

§2: If it seems useful, it is for the conference of bishops to take care that catechisms are issued for its territory, with the previous confirmation of the Apostolic See.

Art. 9

Canon 1308 CIC and canon 1052 CCEO, on reducing the obligations of Masses, modify competence, and now read:

CIC – can. 1308 §1: A reduction of the obligations of Masses, to be made only for a just and necessary cause, is reserved to the diocesan bishop and to the supreme moderator of a clerical institute of consecrated life or a society of apostolic life.

§2: With regard to Masses independently founded in legacies, the diocesan bishop has the power, because of diminished revenues and for as long as the

cause exists, to reduce the obligations to the level of offering legitimately established in the diocese, provided that there is no one obliged to increase the offering who can effectively be made to do so.

§3: The diocesan bishop also has the power to reduce the obligations or legacies of Masses binding an ecclesiastical institute if the revenue has become insufficient to pursue appropriately the proper purpose of the institute.

§4: The supreme moderator of a clerical institute of consecrated life or a society of apostolic life possesses the same powers mentioned in §§2 and 3.

CCEO – can. 1052 §1: A reduction of the obligations of celebrating the Divine Liturgy is reserved to the eparchial bishop and to the major superior of religious institutes or societies of common life according to the manner of religious that are clerical.

§2: An eparchial bishop has the power, because of a diminution of revenues and while this lasts, to reduce the number of the celebrations of the Divine Liturgy to the level of the offerings legitimately in force in the eparchy, provided there is no one who is bound by obligation and can effectively be forced to increase the offering.

§3: An eparchial bishop also has the power to reduce the obligations of celebrating the Divine Liturgy which burden ecclesiastical institutes, if the revenues have become insufficient to pursue those purposes which, at the time of the acceptance of the same obligations, could have been obtained.

§4: Superiors general of clerical religious institutes or societies of common life according to the manner of religious also have the powers mentioned in §§2 and 3.

§5: An eparchial bishop can delegate the powers mentioned in §§2 and 3 only to a coadjutor bishop, auxiliary bishop, protosyncellus or syncellus, excluding any subdelegation.

Art. 10

Canon 1310 CIC and canon 1054 CCEO on the obligations connected to pious causes and pious foundations modify competence, and now read:

CIC – can. 1310 §1: The ordinary, only for a just and necessary cause, can reduce, moderate or commute the wills of the faithful for pious causes, after having heard those concerned and his own finance council and with the intention of the founder preserved as much as possible.

§2: In other cases, recourse is to be made to the Apostolic See.

CCEO – can. 1054 §1: The hierarch, only for a just and necessary cause, can reduce, moderate or commute the wills of the Christian faithful who give or leave their goods for pious causes, after having heard those concerned and the competent council and having kept in the best way possible the will of the founder.

§2: In other cases regarding this matter, the Apostolic See or the patriarch must be approached; the latter is to act with the consent of the permanent synod.

All that I have determined in this Apostolic Letter issued "Motu Proprio", I order to have full and stable effect, anything to the contrary notwithstanding, even if worthy of particular mention, and I decree that it be promulgated by publication in "L'Osservatore Romano", to take effect on 15 February 2022, and subsequently be published in the official commentary *Acta Apostolicae Sedis*.

Given in Rome, at Saint Peter's, on 11 February, the Memorial of Our Lady of Lourdes, in the year 2022, the ninth of my Pontificate.

FRANCIS

From: FAX.PLUS notification@fax.plus 
Subject: Fax to +1 817-244-8839 successfully sent
Date: April 26, 2023 at 11:52 AM
To: cccarmel085@gmail.com



Hi Sr. Joseph Marie McCulloh,

Your fax sent to +1 817-244-8839 was delivered with the following details:

Status: Successfully Sent

Date: Apr 26, 2023 (Wed)

Time: 04:51:42 PM (UTC)

From: FAX.PLUS User (FAX.PLUS)

To: +1 817-244-8839

Pages Sent: 1

Duration: 34 sec

Copyright © 2023 Alohi SA. All rights reserved.

Route de la Galaise 34, CH-1228 Plan-les-Ouates, Geneva, Switzerland

Fax Confirmation Report

Sent via www.fax.plus



Date: Apr 26, 2023 (Wed)

Time: 04:51:42 PM (UTC)

EXHIBIT G

From: FAX.PLUS User (FAX.PLUS)

To: +1 817-244-8839

Pages Sent: 1

Duration: 34 sec

Status: Successfully Sent

First Page Thumbnail

[Faint, illegible text from a document thumbnail]

Validate the authenticity of this page by scanning the following QR code:



J.M.+J.T.

April 26, 2023

Your Excellency,

Praised be Jesus Christ!

I write to confirm that the Sisters who have not yet been interviewed are available and willing to answer questions posed by Your Excellency or the delegated investigator.

However, to date, no one has been notified in writing of any request clarifying the purpose, object, or scope of any desired interviews, something that is not in conformity with the law of the Church.

Upon receipt of properly-motivated written requests, the Sisters whom you desire be interviewed will be available to answer all legitimate questions.

Most respectfully yours in Christ,

Sr. Joseph Marie, O.C.D.



DIOCESE OF FORT WORTH

April 26, 2023

Sister Joseph Marie, O.C.D
5801 Mt. Carmel Drive
Arlington, Texas 76017

Dear Sister,

Please find the enclosed decree for Reverend Mother Teresa Agnes Gerlach, O.C.D.

Respectfully Yours,

A handwritten signature in blue ink, appearing to read "Ashley Hance".

Ashley Hance
Executive Assistant

EXHIBIT H

THE CATHOLIC CENTER



DIocese OF FORT WORTH
THE BISHOP'S OFFICE



Decree
Appointing *ex officio* an Advocate

Whereas the Respondent, the Reverend Mother Teresa Agnes Gerlach, O.C.D., has not yet named an approved procurator-advocate, and in order to protect her continuing rights during the investigation into misconduct described in can. 695 §1 *CIC*, unless and until she selects a procurator-advocate of her choosing and presents a valid mandate of appointment for approval, therefore, I, the undersigned diocesan bishop having special vigilance, in accord with can. 615 *CIC* and *Cor Orans*, n. 75, 3°, over the Monastery of the Most Holy Trinity, in Arlington, Texas, hereby, appoint *ex officio* and in accord with cann. 1481 and 1482 *CIC*, the following:

Mr. Michael Podhajsky, J.C.L.
as Advocate of the Accused.

The appointed Advocate is granted all of the powers at law to exercise his office in the best interests of the Accused.

Given at the Chancery
Fort Worth, Texas, this 26th day of April, 2023

+ Michael F. Olson

The Most Reverend Michael F. Olson
Bishop of the Diocese of Fort Worth

E. James Hart

The Reverend Monsignor E. James Hart
Chancellor



THE CATHOLIC CENTER

I certify that this document is
a true copy of the original
Signed: *E. James Hart*
Date: *4/26/2023*



DIOCESE OF FORT WORTH
THE BISHOP'S OFFICE



April 27, 2023

Via E-Mail and FedEx

The Reverend Mother Teresa Agnes Gerlach, O.C.D.
5801 Mount Carmel Drive
Arlington, TX 76017

Re: The Reverend Mother Teresa Agnes Gerlach, O.C.D.

Dear Reverend Mother Teresa Agnes:

On April 26, 2023, at 5:19 PM CST, I received an email from Mr. Marc Balestrieri, J.C.L., presenting a mandate for him to serve as your procurator-advocate. Unfortunately, this email and his mandate arrived after I had already issued the enclosed decree appointing *ex officio* Mr. Michael Podhajsky, J.C.L., as your advocate unless and until such time as you presented a mandate for my approval.

Having now received such a mandate and taking into consideration the reputation and work of Mr. Balestrieri in other dioceses, I respectfully inform you that, in accord with can. 1483 *CIC*, I do not approve of his mandate.

Accordingly, unless and until such time as a mandate is presented for a canon lawyer whom I can approve to assist you in this grave matter, Mr. Podhajsky will continue to serve *ex officio* as your advocate. I ask that you work with Mr. Podhajsky so that we can bring this matter expeditiously to a just and proper conclusion. In that regard, I note that the acts of the investigation collected thus far will be forwarded to him for his review with you in preparation for submission of your written defense which I have ordered be delivered to me within fifteen (15) canonical days from his receipt of those acts.

Sincerely Yours in Christ,

+ Michael F. Olson

The Most Reverend Michael F. Olson
Diocese of Fort Worth

E. James Hart

The Reverend Monsignor E. James Hart
Chancellor

Encl.

CC: Mr. Michael Podhajsky, J.C.L.

THE CATHOLIC CENTER



DIocese OF FORT WORTH
THE BISHOP'S OFFICE



April 28, 2023

Via E-Mail and FedEx

Sister Joseph Marie, O.C.D.
5801 Mount Carmel Drive
Arlington, TX 76017

Re: The Reverend Mother Teresa Agnes, Gerlach, O.C.D.

Dear Sister Joseph Marie,

It has come to my attention that Mother Teresa Agnes is texting from a new phone number (817-851-9772). How did she acquire a new phone given the precepts that I have placed upon her during this time of administrative leave? Did you grant such permission, and if so, why was I not consulted?

It has also come to my attention that Mother Teresa Agnes has made communications using the phone of Sister Frances Therese. Have you granted permission for these communications? If so, have you documented them? If not, I ask that you remind her that prior permission must be given otherwise she places herself at risk of stubborn disobedience.

On Tuesday, after I issued my canonical warning to Mother Teresa Agnes, you texted me as follows:

"One question regarding Mother Teresa Agnes working through Sr. Francis Therese to ask to make a phone call or pick up a call back: May we have permission for SFT to text me to ask that? Due to the distance in the Monastery or my being at Office when she is up in the Infirmary, texting would simplify the process, rather than her getting to me in person, if that would be all right with you?"

I responded immediately by text:
"No, She speaks directly to you.
You go to her."

You replied, "All right. We will do that."

I clarified, "'No' is the preferred answer." You responded, "I see. Yes, that makes sense. Thank you."

I continued, "Unless there is a health matter or to speak with canonical counsel." You responded, "All right. Thank you. I'll pass that on to Sister."

I reiterated, "Texting enables her son (sic) *sin".

You stated, "That is very sad."

EXHIBIT I

THE CATHOLIC CENTER

800 West Loop 820 South • Fort Worth, Texas 76108-2019 • (817) 560-3300 • Fax (817) 244-8830 • www.fwdiocese.org

officeofthebishop@fwdiocese.org

I concurred, "Yes, it is. Honesty is at issue."

You responded, "Yes, I see. We'll just do whatever is needed."

I followed with the guidance, "Keep it simple and follow my direction and guidance for I am the current superior."

You replied, "Yes, I understand. Thank you."

My conclusion, "You're welcome, God reward you."

You concluded, "At your service."

I remind you of Art. 237 of the Holy Constitution, especially given the gravity of the matter. Permissions should only be given at this time for emergency medical purposes, for scheduled spiritual direction, and discussion with her canonical advocate as appointed by me. As I directed you on Monday and again on Tuesday, you are to document these communications and your permissions. I told you verbally and by way of text on Tuesday that permissions are not to be presumed and that you are to grant them sparingly. You are accountable for this. Please present this documentation to me immediately as your superior.

Finally, I remind you that while my priests are unavailable to celebrate daily Mass at the Carmel for the time being. I will permit a priest to celebrate Mass for you this Sunday with only the community of nuns present. There are to be no laity in attendance. I also remind you that you are not to invite any priest to celebrate Mass at the Carmel without my permission and without them receiving faculties from me along with a letter of good standing from the priest's duly appointed superior.

Sincerely Yours in Christ,



The Most Reverend Michael F. Olson, STD, MA
Bishop of Fort Worth



The Reverend Monsignor E. James Hart
Chancellor

EXHIBIT 2

067-342045-23

CAUSE NO. 067-342045-23

DISCALCED CARMELITE NUNS, INC. DBA § IN THE DISTRICT COURT OF
MONASTERY OF THE MOST HOLY §
TRINITY, REVEREND MOTHER SUPERIOR §
TERESA AGNES GERLACH AND SISTER §
FRANCIS THERESE §

Plaintiffs,

vs.

BISHOP MICHAEL OLSON AND THE §
CATHOLIC DIOCESE OF FORT WORTH §

Defendants.

TARRANT COUNTY, TEXAS

67th JUDICIAL DISTRICT

**PLAINTIFFS' FIRST AMENDED APPLICATION FOR TEMPORARY RESTRAINING ORDER,
REQUEST FOR TEMPORARY INJUNCTION, PERMANENT INJUNCTION AND DECLARATORY
JUDGMENT**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, DISCALCED CARMELITE NUNS, INC. DBA MONASTERY OF THE MOST HOLY TRINITY REVEREND MOTHER SUPERIOR TERESA AGNES GERLACH AND SISTER FRANCIS THERESE (hereinafter "Plaintiffs") and for cause of action would show the Court as follows:

I.

STATEMENT PURSUANT TO TRCP 47 AND DISCOVERY LEVEL

1. The damages sought are within the jurisdictional limits of the Court and the Plaintiffs seek monetary relief of \$1,000,000 or more, including damages of any kind, penalties, costs, expenses, pre-judgment interest and attorney's fees.

2. The Plaintiffs intend to conduct the discovery in accordance with Texas Rule of Civil Procedure 190 and will conduct the discovery as a Level 3 case.

II.
PARTIES

3. Plaintiff Discalced Carmelite Nuns, Inc. dba Monastery of the Most Holy Trinity, is a Texas nonprofit corporation with its principal place of business at 5801 Mt. Carmel Drive, Arlington, Texas 76017.

4. Plaintiff Reverend Mother Superior Teresa Agnes Gerlach is an individual residing in Tarrant County Texas.

5. Plaintiff Sister Francis Therese is an individual residing in Tarrant County Texas.

6. Defendant Michael Olson is an individual residing in Tarrant County and is represented by counsel.

7. Defendant Catholic Diocese of Fort Worth is a Texas nonprofit corporation and is represented by counsel.

III.
JURISDICTION AND VENUE

8. Jurisdiction is proper in this Court in that Plaintiffs have suffered losses and damages that are within the jurisdictional limit of this Court.

9. Venue of this suit is proper in Tarrant County by virtue that the events giving rise to these causes of action occurred in Tarrant County, Texas.

IV.
FACTS

Texas Corporation and Tarrant County Residences

10. Discalced Carmelite Nuns, Inc. dba Monastery of the Most Holy Trinity, Inc. is a Texas non-profit corporation.¹ Reverend Mother Superior Teresa Agnes Gerlach (“Reverend Mother”) and Sister Francis Therese are officers and directors of the corporation.²

The Nuns of the Monastery of the Most Holy Trinity

11. The Plaintiffs are an Order of Carmelite Nuns that has existed since 1562 and have been in Tarrant County since 1958.³ They currently reside in a Monastery⁴ in Arlington Texas on a seventy-two acre, quiet, wooded, secluded location.⁵

12. The Monastery is its own autonomous religious institution comprised of the Reverend Mother, 7 sisters and 2 novices (nuns in training).⁶ The Reverend Mother has been the Superintendent/Administrator/Prioress⁷ of the Monastery for over two years and has been a member of the Monastery for almost 25 years.⁸ They live full time at the Monastery and have open to the faithful a daily morning Mass attended by on average 50 souls and a Sunday Mass that averages over 60 faithful.⁹

13. The Sisters are a cloistered Order of women dedicated to a life of contemplative prayer.¹⁰ They attend Mass every morning and then gather seven times each day to chant the

¹ See Affidavit of Mother Teresa Agnes of Jesus Crucified, OCD nee Lisa Marie Gerlach attached hereto as Exhibit 1 and Exhibit A attached thereto.

² Id.

³ Id.

⁴ While it is called a Monastery there are no men on the premises only Carmelite nuns who reside and worship at the location.

⁵ Id.

⁶ Id.

⁷ Id. These terms are used interchangeably but for purposes of this Petition it means she is the person in charge of the Order and the Monastery.

⁸ Id.

⁹ Id.

¹⁰ Id.

Liturgy of the Hours, the official prayer of the Church, consisting of psalms and readings from Scripture.¹¹ The rest of their day is focused on contemplative prayer, the silent loving person to person relationship with Jesus Christ, a living prayer for the benefit of others.¹² Their life is modeled on the life of Mary of Nazareth, a quiet hidden worshipful service of God.¹³ This dedicated life is spent within the “cloister”, known as a Papal Enclosure, and once the Sisters enter this area, they rarely leave the Monastery unless to seek medical care.¹⁴

14. In addition to prayer, their daily life consists of manual labor, cooking, cleaning, working the grounds of the Monastery and performing other acts of labor.¹⁵ They pray together, take their meals together and work together.¹⁶

Defendants Invade the Privacy of the Plaintiff sand Take Their Personal Property

15. Defendant Bishop Olson, out of the blue, with just 30 minutes’ notice, informed the Plaintiffs that he was coming to visit the Monastery on April 24, 2023.¹⁷

16. Upon arrival he summarily demanded that the Reverend Mother turn over her computer, iPad, and cellular phone, to him personally. These items are the property of the Monastery.

17. Later that day one of the Sisters went to purchase a new phone which was placed on the Plaintiffs’ account.¹⁸ Defendants have now accessed the Plaintiff’s phone account and are performing surveillance (spying) on the Sisters. How else would Defendants know the number of the new phone and that texts were being sent out. Some of these communications have been with legal counsel, which violates every privilege there is, not to mention an egregious violation

¹¹ Id.

¹² Id.

¹³ Id.

¹⁴ Id.

¹⁵ Id.

¹⁶ Id.

¹⁷ Id.

¹⁸ Id.

of one's privacy. There is no scenario, absent the Patriot Act, where a party should be able to access an individual's personal cell phone account and track communications. Defendants also seem to be aware of all communications of all phones on the Plaintiffs' account thus violating every Sisters privacy.

18. Plaintiffs have demanded the return of their property and Defendants have refused.

19. Since the Defendants have taken the Plaintiff's technology the Monastery no longer can pay bills or operate financially because all of that information was located on the technology.¹⁹ Anytime they try to access their online accounts a verification text is sent to the iPhone to gain access and of course they do not have the phone.²⁰

V.
CAUSES OF ACTION

DECLARATORY JUDGMENT

20. Plaintiffs hereby incorporate the preceding paragraphs by reference.

21. Plaintiffs seeks a declaration from the Court that:

- (1) Defendants do not have the authority to seize the property of the Plaintiffs;
- (2) Defendants do not have the authority to access the private technology or any corporate, personal or online accounts of the Plaintiffs; and,
- (3) Defendants have no ownership of any of the assets of the Plaintiffs.

22. Plaintiffs are entitled to their attorneys' fees and costs of Court under Texas Civil Practice and Remedies Code.

INTRUSION ON SECLUSION – INVASION OF PRIVACY

23. Defendants intentionally intruded on Plaintiffs' solitude and seclusion.

¹⁹Id.

²⁰ Id.

24. The intrusion would be highly offensive to a reasonable person.
25. The Plaintiffs suffered injury because of the defendant's intrusion.

CONVERSION

26. The Plaintiffs owned, possessed, and had the right to immediate possession of property.
27. The property was personal property.
28. The Defendants wrongfully exercised dominion and control over the property.
29. The Plaintiffs suffered injury due to same.

VI. APPLICATION FOR TEMPORARY RESTRAINING ORDER

30. Plaintiffs' application for temporary restraining order is authorized by Texas Civil Practice and Remedies Code §65.011(3) and (5). Plaintiffs are entitled to a writ of injunction under the principles of equity and the statutes of this state relating to injunctions and irreparable injury is threatened, irrespective of any remedy of law.

31. In this regard, Plaintiffs ask the Court to restrain Defendants and their agents and/or representatives from: (1) holding possession of the property, including but not limited to the cell phone, laptop and iPad belonging to the Plaintiffs; (2) having any type of contact with Plaintiffs and/or the Sisters except through counsel; (3) preventing in any way or taking any action to prevent Plaintiffs and/or the Sisters from using phones and/or technology; (4) preventing the Plaintiffs and/or the Sisters from purchasing what they need for the Monastery; (5) preventing Sister Francis Therese Sharp from using a phone or other communication device; (6) accessing any of the Plaintiffs' technology and/or communication devices for surveillance or spying purposes or any other purpose; and, (7) to return any and all copies of any information the Defendants have taken off of any of the technology they seized from the Plaintiffs.

32. For the sake of brevity, the Plaintiffs refers the Court to the “Facts” section above. The Plaintiffs have no other remedy than to seek injunctive relief from this Court to stop Defendants from the above actions.

33. If Plaintiff’s application is not granted, irreparable harm, which is currently ongoing, will continue.

34. The harm that will result if the temporary restraining order is not issued is irreparable because: (1) the physical and emotional well-being of the Reverend Mother and the Sisters; (2) the ongoing invasion of privacy; and, (3) the inability to pay bills and operate the Monastery. The resulting damages from Defendants actions are not easily measured nor are they presently ascertainable. If Defendants are not restrained, the result would be emotionally, physically, and spiritually catastrophic to Plaintiffs. As a result – Plaintiffs has no adequate remedy at law.

35. Plaintiffs are willing to post a minimal bond.

VII.
REQUEST FOR TEMPORARY INJUNCTION

36. Plaintiffs ask the Court to hear the Request for Temporary Injunction and after the hearing, issue a temporary injunction against the Defendants.

37. Plaintiffs have joined all indispensable parties under Texas Rule of Civil Procedure 39.

VIII.
REQUEST FOR PERMANENT INJUNCTION

38. Plaintiffs ask the Court to set this request for a permanent injunction for a full trial on the merits, and, after trial, issue a permanent injunction against the Defendants for the same relief.

IX.
ATTORNEYS' FEES

39. Plaintiffs are entitled to recover reasonable and necessary attorneys' fees under §37.009 of the Texas Civil Practice and Remedies Code.

X.
CONDITIONS PRECEDENT

40. All conditions precedent to Plaintiff's claim for relief have been performed or have occurred.

XI.
PRAYER

WHEREFORE, Plaintiffs respectfully requests:

41. A temporary restraining order be issued restraining Defendants and their agents and/or representatives from: (1) holding possession of the property, including but not limited to the cell phone, laptop and iPad belonging to the Plaintiffs; (2) having any type of contact with Plaintiffs and/or the Sisters except through counsel; (3) preventing in any way or taking any action to prevent Plaintiffs and/or the Sisters from using phones and/or technology; (4) preventing the Plaintiffs and/or the Sisters from purchasing what they need for the Monastery; (5) preventing Sister Francis Therese Sharp from using a phone or other communication device; (6) accessing any of the Plaintiffs' technology and/or communication devices for surveillance or spying purposes or any other purpose; and, (7) to return any and all copies of any information the Defendants have taken off of any of the technology they seized from the Plaintiffs.

42. Declaratory Judgment that:

- a. Defendants do not have the authority to seize the property of the Plaintiffs;
- b. Defendants do not have the authority to access the private technology or any corporate, personal or online accounts of the Plaintiffs; and,
- c. Defendants have no ownership of any of the assets of the Plaintiffs.

- 43. Temporary injunction;
- 44. Permanent injunction;
- 45. Actual damages;
- 46. Prejudgment and post-judgment interest;
- 47. Court costs;
- 48. Attorneys' fees; and,
- 49. All other relief to which Plaintiffs are entitled.

Respectfully submitted,

LAW OFFICE OF MATTHEW BOBO PLLC

By: /s/ Matthew W. Bobo

Matthew W. Bobo

State Bar No. 24006860

Katy Hart

State Bar No. 24049983

4916 Camp Bowie Blvd.
Fort Worth, Texas 76107
817-529-0774 (Telephone)
817-698-9401 (Facsimile)
mbobo@mwblawyer.com
katy@mwblawyer.com

ATTORNEY FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was sent via electronic service on this 10th day of May 2023 to all counsel of record.

/s/ Matthew W. Bobo

Matthew W. Bobo

CAUSE NO.

DISCALCED CARMELITE NUNS, INC. DBA §
MONASTERY OF THE MOST HOLY §
TRINITY, REVEREND MOTHER SUPERIOR §
TERESA AGNES GERLACH AND SISTER §
FRANCIS THERESE §

Plaintiffs,

vs.

BISHOP MICHAEL OLSON AND THE §
CATHOLIC DIOCESE OF FORT WORTH §

Defendants.

IN THE DISTRICT COURT OF

TARRANT COUNTY, TEXAS

_____ JUDICIAL DISTRICT

AFFIDAVIT OF REVEREND MOTHER TERESA AGNES OF JESUS CRUCIFIED,

O.C.D BORN LISA MARIE GERLACH

STATE OF TEXAS §

COUNTY OF TARRANT §

BEFORE ME, the undersigned authority, on this day appeared Reverend Mother Teresa Agnes of Jesus Crucified, O.C.D. born Lisa Marie Gerlach, who is personally known to me, and first being duly sworn according to law upon her oath, deposed and stated:

1. "My name is Reverend Mother Teresa Agnes of Jesus Crucified, O.C.D. born Lisa Marie Gerlach. I am over 18 years of age, and I am fully competent to make this Affidavit. I am a resident of Tarrant County, Texas. I have never been convicted of a felony or a crime of moral turpitude. I am competent in all respects to make this Affidavit. All statements herein are true and correct and within my personal knowledge."
2. "I am the Reverend Mother Superior of the Plaintiff. The Plaintiff is a Texas non-profit corporation formed under the laws of the State of Texas. Sister Francis Therese and I are directors and officers of the corporation.¹ We are an autonomous religious institution.

¹ See the Articles of Incorporation, Restated Articles of Incorporation, By Laws and Public Information

EXHIBIT A

I am also referred to as Prioress, Administrator and/or Superintendent. The Plaintiff is an Order of Carmelite Nuns that has existed since 1562 and has been in Tarrant County since 1958. We currently reside in a Monastery in Arlington Texas on a 72-acre, quiet, wooded, secluded location. There are no men who live at the Monastery.”

3. “The Monastery is comprised of myself, 7 Sisters and 2 Novices (Nuns in training). I have been the Reverend Mother Superior/Superintendent/Administrator/Prioress of the Plaintiff for over two years and have been part of the Monastery almost 25 years. We live full time at the Monastery, with a daily morning Mass attended by on average 50 souls, and a Sunday Mass that averages over 60 faithful.”
4. “We are a cloistered Order of women dedicated to a life of contemplative prayer. We attend Mass every morning and then gather seven times each day to chant the Liturgy of the Hours, the official prayer of the Church, consisting of psalms and readings from Scripture. The rest of our day is focused on contemplative prayer, the silent loving person to person relationship with Jesus Christ, a living prayer for the benefit of others. Our lives are modeled on the life of Mary of Nazareth, a quiet hidden worshipful service of God. This dedicated life is spent within the “cloister”, known as a Papal Enclosure, and once the Sisters enter this area, they rarely leave except to seek medical care.”
5. “In addition to prayer, our daily life consists of manual labor, cooking, cleaning, working the grounds of the Monastery and performing other acts of labor. We pray together, take our meals together and work together.”
6. “We are the Discalced Nuns of the Order of the Most Blessed Virgin Mary of Mount Carmel, a contemplative order of pontifical right established in the late 16th Century. “Pontifical Right” is the term given to the juridical personality created by the Holy See, also known as the Vatican. The institutions of pontifical right depend immediately and exclusively on the Pope regarding matters of internal governance and discipline. We are

Report attached hereto as Exhibit 1.

not and have never been under the control of the Bishop of the local Diocese: we answer directly to the Pope. The Rule and Constitutions of the Discalced Nuns of the Order of the Most Blessed Virgin Mary of Mount Carmel, Chapter XIX titled Juridical Status of the Monasteries Erection and Suppression of the Same, section 133 states: “As regards their juridical condition, our monasteries, preserving spiritual unity with the entire Order have no other major superior above the Prioress, except the Holy See.” Section 135 states “The Church acknowledges for these monasteries a just autonomy of life and above all governance, so that they enjoy their own discipline and preserve their own doctrinal, spiritual and liturgical patrimony.””

7. “The rules governing female autonomous monasteries were changed in 2018 by the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life (the department of the Vatican governing nuns) which on 1 April 2018 issued an instruction entitled “*Cor Orans*” which establishes the only criteria for a local bishop to interfere in our Monastery. None of those criteria exist in the present matter. Most recently, 11 February 2022, Pope Francis, through an act of papal legislation entitled “*Competentias Quasdam Decernere*”, directly took away from diocesan bishops any possible power of the bishop to dismiss any nun from her monastery (cf. Art. 7, modifying the text of canon 699, § 2 of the *Code of Canon Law*). As a consequence, the diocesan bishop no longer can do anything unto the dismissal of a nun from a Monastery.”
8. “I am in extremely poor physical health, I have a peripherally inserted central catheter (“PICC”) line, feeding tube and require an intravenous (“IV”) drip 10 hours a day. Sister Francis Therese has been at the Monastery for 46 years and is my full-time primary caregiver who provides me with medical attention.”
9. “On April 24, 2023, Bishop Olson notified me that he was coming for a visit with only 30 minutes notice. Bishop Olson, Reverend Monsignor E. James Hart, Chancellor, Sandra Schrader-Farry. I was stunned when Bishop Olson for all intents and purposes forced

himself onto our peaceful community. This was the first time I had heard of this. I had been given no prior canonical warning or notice prior of this meeting.”

10. “During the interrogation Sandra allowed an unnamed male forensic technology person into the Monastery.”
11. “Stunningly, Bishop Olson demanded that Sandra and the unnamed forensic technology male be given entry into the Papal Enclosure and demanded I surrender my personal cell phone, iPad and laptop computer. I felt I did not have a choice to refuse and they forced me to take them to my private room, inside the Papal Enclosure. I was in complete shock and stunned.”
12. “The Bishop then spent two hours interrogating Sister Francis Therese.”
13. “They demanded that that they be allowed to come back the next day and interrogate other Sisters. Again, I did not feel I had a choice but to acquiesce. They questioned four of the Sisters for several hours. I had a surgical procedure on April 25, 2023 and was put under general anesthesia, intubated and given fentanyl and other pain medication. While returning to the Monastery I was told the Bishop wanted to interrogate me as soon as I returned. Although I was in significant pain, under the influence of medications and feeling very weak I felt compelled to immediately acquiesce and was subjected to more interrogation. The Bishop knew I had just come back from the hospital and had a surgical procedure.”
14. “Later that day we obtained legal representation.”
15. “On April 26, 2023, Bishop Olson, Reverend Monsignor E. James Hart, Chancellor, Sandra Schrader-Farry came back to interview the remaining Sisters. Based upon advice from our counsel we advised the Bishop that we would make the remaining Sisters available for questioning after they had informed the Sisters about the purpose, object, and scope of any intended questioning. The Bishop threw a temper tantrum, and in an agitated and raised voice yelled that the Monastery was shut down, no Mass would be celebrated, he then slammed the door and left the Monastery, traumatizing the Sisters.”

16. "On April 26, 2023, I was taken to the emergency room with a high fever and extreme stress."
17. "Later that day we sent the Bishop a fax and informed him we would make the Sisters available for questions once they had followed the proper procedure and we told the Bishop we had retained canonical counsel. The Bishop sent us a letter rejecting our choice of counsel and appointed another counsel we do not know."
18. "Later that same day the Bishop sent me notice that because of our "refusal" to allow them to interview the remaining Sisters we had obstructed justice and could face penalties, interdiction on the Monastery and dismissal from the Order. Later that day one of the Sisters went to purchase a new phone and we purchased the phone on our account."
19. "The next day April 27, 2023 the Bishop sent us a letter and advised us that he knew about the phone purchase, the phone number and knew someone had been texting with the phone. We never gave anyone permission to access our account or be able to look at our phones or perform any type of surveillance on us. The Bishop also told us that he would not allow priests to come and perform Mass at the Monastery for our parishioners. We have never had an issue with having a priest come to perform Mass and take confession as they have always been readily available and willing to do so."
20. "The next day we received notice that the Bishop was preventing Sister Francis Therese from having any communication with me directly or indirectly even though she is my primary caregiver. The Bishop also threatened her with penalties and investigation."
21. "The Bishop has suspended myself and Sister Francis Therese from exercising administrative activity on behalf of the corporation and installed a non-director and officer in our stead."
22. "Further, all the Monastery's bills and business are located on my personal technology that was taken by the Defendants. We have no way of making payments as when we try to access our online accounts, a verification text is sent to my iPhone, which we no longer

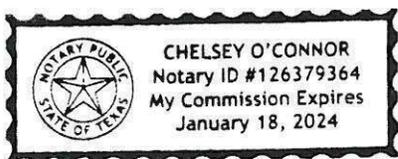
possess. Thus, we are unable to operate our Monastery in terms of paying bills and conducting business because we do not have possession of the technology.”

23. “The level of emotional trauma and infliction of psychological distress this whole episode has caused me personally and the Sisters is incomprehensible. We have never faced such moral violence and adversity. These actions are directly affecting my emotional and physical well-being as well as the that of our Sisters.”

24. “I pray they be stopped.”

Reverend Mother Teresa Agnes of Jesus Crucified, O.C.D.
Reverend Mother Teresa Agnes of Jesus Crucified, O.C.D.
born Lisa Marie Gerlach

SWORN TO AND SUBSCRIBED BEFORE ME by Reverend Mother Teresa Agnes of Jesus Crucified, O.C.D. born Lisa Marie Gerlach on this the 3rd day of May 2023.



Chelsey O'Connor

Notary Public in and for the State of Texas

Commission Expires:

Jan. 18, 2024

00055301354

FILED
In the Office of the
Secretary of State of Texas

NOV 10 1986

Clerk II-I
Corporations Section

RESTATED ARTICLES OF INCORPORATION
OF
DISCALCED CARMELITE NUNS
OF FORT WORTH, TEXAS, INC.

ARTICLE ONE

Discalced Carmelite Nuns of Fort Worth, Texas, Inc., pursuant to the provisions of Article 4.06 of the Texas Non-Profit Corporation Act, hereby adopts Restated Articles of Incorporation which accurately copy the Articles of Incorporation and all amendments thereto that are in effect to date and as further amended by such Restated Articles of Incorporation as hereinafter set forth and which contain no other change in any provision thereof.

ARTICLE TWO

The Articles of Incorporation of the corporation are amended by the Restated Articles of Incorporation as follows:

1. Article 1 is amended to change the name of the corporation to "Discalced Carmelite Nuns."
2. Article 2 is amended to state only that the corporation is a non-profit corporation.
3. Article 3 is amended to state only the period of the corporation's duration, which formerly appeared in Article 4.
4. Article 4 is amended to state the purposes for which the corporation is formed, which formerly appeared in Article 2, and to delete the period of the corporation's duration.
5. Article 5 is amended to state only the current address of the registered office of the corporation and the name of its current registered agent.
6. Article 6 is amended to provide that the corporation will be managed by a board of directors composed of five persons or such other number (not less than 3) as may be fixed in the bylaws. The names and addresses of the current directors are given. The provisions concerning directors formerly appeared in Article 5.
7. A new Article 7 is added which states that the membership of the corporation will be determined as provided in the bylaws. The provisions concerning members formerly appeared in Article 6.

8. A new Article 8 is added to provide that the initial bylaws of the corporation will be adopted by its board of directors, and that the power to amend or repeal the bylaws or adopt new bylaws will be vested in its members and may be delegated to the board of directors by the members.

9. A new Article 9 is added which provides that the directors shall not do anything which would cause the corporation to lose its tax-exempt status under the Internal Revenue Code and pledges the corporation's assets for use in the performance of its religious functions.

10. A new Article 10 is added which provides for the disposition of the corporation's assets upon its dissolution or the winding up of its affairs.

ARTICLE THREE

Each such amendment made by these Restated Articles of Incorporation has been effected in conformity with the provisions of the Texas Non-Profit Corporation Act and such Restated Articles of Incorporation were duly adopted in the following manner:

The Restated Articles of incorporation as so amended were adopted by consent in writing by all members entitled to vote with respect thereto.

ARTICLE FOUR

The Articles of Incorporation and all amendments and supplements thereto are hereby superseded by the following Restated Articles of Incorporation which accurately copy the entire text thereof and as amended as above set forth:

Article 1

The name of the corporation is Discalced Carmelite Nuns.

Article 2

The corporation is a non-profit corporation.

Article 3

The period of the corporation's duration is perpetual.

Article 4

The corporation is organized and shall be operated for the purpose of engaging in religious worship and promoting the spiritual development and well-being of individuals, within

the meaning of section 501(c)(3) of the Internal Revenue Code of 1954 or corresponding provisions hereafter in effect, and, in furtherance of such purpose, to house a religious order of women of the Roman Catholic Church, formed and carried on for the purpose of living lives of prayer and self-denial, praying to God for the salvation of souls and the extension of His Kingdom on this earth, and promoting peace among individuals. The corporation shall be operated exclusively for such purpose in a manner which is consistent with the precepts of the Roman Catholic Church, and no part of its net earnings shall inure to the benefit of any private individual. No substantial part of the corporation's activities shall be carrying on propaganda or otherwise attempting to influence legislation, and it shall not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of or in opposition to any candidate for public office.

Article 5

The street address of the registered office of the corporation is 5801 Mt. Carmel Drive, Arlington, Texas 76017, and the name of its registered agent at such address is Mother Anne Teresa Kulinski.

Article 6

The direction and management of the affairs of the corporation and the control and disposition of its properties and funds shall be vested in a Board of Directors composed of such number of persons (not less than three) as may be fixed by the bylaws. Until changed by the bylaws, the number of directors shall be five. The directors shall continue to serve until their successors are selected in the manner provided in the bylaws of the corporation. The names and residences of the persons who shall serve as directors of the corporation until their successors are duly elected and qualified are as follows:

<u>Name</u>	<u>Address</u>
Mother Anne Teresa Kulinski, O.C.D.	5801 Mt. Carmel Drive Arlington, Texas 76017
Sr. Maria Brinkley, O.C.D.	5801 Mt. Carmel Drive Arlington, Texas 76017
Sr. Dorothy Roeser, O.C.D.	5801 Mt. Carmel Drive Arlington, Texas 76017
Sr. Mary Carolyne Neveldine, O.C.D.	5801 Mt. Carmel Drive Arlington, Texas 76017

Sr. Angela Emenhiser, O.C.D.

5801 Mt. Carmel Drive
Arlington, Texas 76017

Article 7

The corporation shall have members. The membership of the corporation shall be determined as provided in the bylaws, and such bylaws shall define the voting rights, powers and privileges of the members.

Article 8

The initial bylaws of the corporation shall be adopted by its Board of Directors. The power to alter, amend or repeal the bylaws or to adopt new bylaws shall be vested in the members, but such power may be delegated by the members to the Board of Directors.

Article 9

The Directors shall not engage, participate or intervene in any activity or transaction which would result in the loss by the corporation of its status as an exempt organization under the provisions of the Internal Revenue Code of 1954 or corresponding provisions hereafter in effect; and the use, directly or indirectly, of any part of the corporation's assets in any such activity or transaction is hereby expressly prohibited. The assets of the corporation shall be used solely in the performance of the corporation's religious functions.

Article 10

In the event of the dissolution of the corporation or the winding up of its affairs when it has, or is entitled to, any interest in any funds or property of any kind, real, personal or mixed, such funds or property or rights thereto shall not be transferred to private ownership, but shall be transferred and set over unto an organization selected by the Board of Directors of the corporation which adheres to the precepts of the Roman Catholic Church, and is exempt from federal income taxation under section 501(c)(3) of the Internal Revenue Code of 1954, or corresponding provisions hereafter in effect, and which is engaged in activities substantially similar to those of the corporation carried out in furtherance of the purposes specified in Article 4, and, if none be then in existence, then such funds or property or rights thereto shall be transferred to an organization or organizations which are so exempt from federal income taxation as may be selected by the Board of Directors of the corporation.

Filed in the Office of the
Secretary of State of Texas
This 28th day of May 1953
M. M. Tolson
Senior Corp. Examiner, Charter Div.

THE STATE OF TEXAS
COUNTY OF TARRANT

KNOW ALL MEN BY THESE PRESENTS:

THAT WE, Mary Ahern, known in religion as Sister Mary Magdalene of Jesus Crucified, O.C.D., Margaret Ahern, known in religion as Sister Margaret Mary of the Blessed Sacrament, O.C.D., and Delores Emenhiser, known in religion as Sister Angela of the Cross, O.C.D., all adult citizens of Texas, under and by virtue of the laws of this State, do hereby voluntarily associate ourselves together for the purpose of forming a private corporation under such laws, upon the following terms and conditions:

1.

The name of the corporation shall be Discalced Carmelite Nuns of Fort Worth, Texas, Inc.

2.

The purpose for which this corporation is formed is mainly religious, as provided in Section 105 of Article 1302 of the Revised Civil Statutes of Texas, 1925, and, in connection therewith, to house a religious order of women of the Roman Catholic Church, formed and carried on for the purpose of living lives of prayer and self-denial, and praying to God for the salvation of souls and the extension of His Kingdom on this earth; to promote peace and well-being among individuals, as well as among nations. Further, for the making of vestments, church linens, and other handiwork for the services of the church in its religious exercises. Further purposes for which the corporation is formed are to acquire such property, real and personal, as may be necessary for carrying out the general purposes above declared;

The corporation shall be non profit-sharing and shall be operated in such manner that no part of the income or property of the corporation shall enure directly or indirectly to the benefit of any member, director or officer, other than as above set out. All funds of the corporation shall be used exclusively for the purposes above stated and for no other.

3.

The location of this corporation shall be in the City of Fort Worth, Tarrant County, Texas, and elsewhere within or without the State of Texas in accordance with the laws of said State, and its principal place of business is to be at 1600 Sunset Terrace, in Fort Worth, Tarrant County, Texas.

4.

The term for which this corporation shall exist is fifty years.

5.

The number of directors shall be as provided in the by-laws of the corporation, but until other provision is made therefor shall be four in number, and the names and residences of those who are appointed for the first year are as follows:

Mary Ahern, known in religion as
Sister Mary Magdalene of Jesus
Crucified, O.C.D. Fort Worth, Texas

Margaret Ahern, known in religion as Sister Margaret Mary
of the Blessed Sacrament, O.C.D. Fort Worth, Texas

Delores Emenhiser, known in religion as Sister Angela of the
Cross, O.C.D. Fort Worth, Texas

Carolyn Neveldine, known in religion as Sister John of the
Fort Worth, Texas

shall have all voting rights and privileges and the right to elect all directors. The members of the corporation shall include the undersigned incorporators, as well as all persons who are now chapter members of the Discalced Carmelite Nuns of Fort Worth, Texas, as well as any other persons who may later become chapter members of the Religious Order of Discalced Carmelite Nuns of Fort Worth, Texas, Inc. The membership of any person shall terminate upon her death or resignation or removal from the Order, or upon failure of any such member to meet the other qualifications for membership set forth in said by-laws, and any person whose membership has terminated shall have no further interest or right to participate in the business or affairs of the corporation.

IN TESTIMONY WHEREOF we hereunto sign our names this the 16th day of December, 1958.

Mary Ahern
Mary Ahern, known in religion as
Sister Mary Magdalene of Jesus
Crucified, O.C.D.

Margaret Ahern
Margaret Ahern, known in religion as
Sister Margaret Mary of the Blessed
Sacrament, O.C.D.

Delores Emenhiser
Delores Emenhiser, known in religion as
Sister Angela of the Cross,
O.C.D.

THE STATE OF TEXAS

COUNTY OF TARRANT

BEFORE ME, the undersigned authority, on this day personally appeared Mary Ahern, known in religion as Sister Mary Magdalene of Jesus Crucified, O.C.D., Margaret Ahern, known in religion as Sister Margaret Mary of the Blessed Sacrament, O.C.D., and Delores

**BYLAWS
OF
DISCALCED CARMELITE NUNS**

ARTICLE ONE

NAME, PURPOSES AND OFFICES

Section 1.1. Name. The name of this corporation is Discalced Carmelite Nuns (herein called the Corporation).

Section 1.2. Purposes. The Corporation is organized and will be operated exclusively for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986 ("Code") or the corresponding provisions or provision of any subsequent United States revenue law. Specifically, the Corporation is organized to engage in religious worship and promoting the spiritual development and well-being of individuals within the meaning of the code, or corresponding provisions hereafter in effect, and, in furtherance of such purpose, to house a religious order of women of the Roman Catholic Church, formed and carried on for the purpose of living lives of prayer and self-denial, praying to God for the salvation of souls and the extension of His Kingdom on this earth, and promoting peace among individuals. The corporation shall be operated exclusively for such purpose in a manner which is consistent with the precepts of the Roman Catholic Church, and no part of its net earnings shall inure to the benefit of any private individual. No substantial part of the corporation's activities shall be carrying on propaganda or otherwise attempting to influence legislation, and it shall not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of or in opposition to any candidate for public office.

Section 1.3. Offices. The Corporation may have, in addition to its registered office, offices at such other places, both within and without the State of Texas, as the Board of Directors may from time to time determine or as the activities of the Corporation may require.

ARTICLE TWO

MEMBERS

Section 2.1. Members. The Members of the Corporation shall consist of each of the sisters of the religious order owned by the Corporation.

Section 2.2 Place of Meeting. Meetings of the Member shall be held at such places, within or without the State of Texas, as may from time to time be fixed by the Board of Directors.

Section 2.3. Meetings. No meeting of the Member of the Corporation shall be required, but may be called by the Board of Directors from time to time upon not less than ten (10) days written notice.

Section 2.4. Quorum and Manner of Acting. At all meetings of the Member, the presence of two-thirds (2/3rds) of the Members shall be required to constitute a quorum. A Member may vote in person or by proxy executed in writing by the Member. No proxy shall be valid after three months from the date of its execution. Each proxy shall be revocable unless expressly provided therein to be irrevocable and unless otherwise made irrevocable by law.

ARTICLE THREE

BOARD OF DIRECTORS

Section 3.1. General Powers; Delegation. The activities, property and affairs of the Corporation shall be managed by its Board of Directors, who may exercise all such powers of the Corporation and do all such lawful acts and things as are permitted by statute or by the Articles of Incorporation or by these Bylaws.

Section 3.2. Number and Qualifications. The Board of Directors shall initially consist of five (5) directors, but may be increased or decreased (but not below three) from time to time by resolution of the Board or by action of the Member electing fewer or additional directors.

Section 3.3. Term of Office. The directors shall serve for a term of one (1) year and any such director may be reelected to such directorship for succeeding terms, there being no limit on the number of terms a director shall serve.

Section 3.4. Filling of Vacancies. Any vacancy occurring in the Board of Directors resulting from the death, resignation, retirement, disqualification, removal from office of any directors or as the result of an increase in the number of directors shall be filled by the majority of the Members. Any director elected or appointed to fill a vacancy shall hold office until the end of the original term of office or until his resignation, retirement, disqualification or removal from office.

Section 3.5. Removal. Any director may be removed, either for or without cause at any time by the Member.

Section 3.6. Place of Meeting. Meetings of the Board of Directors shall be held at such places, within or without the State of Texas, as may from time to time be fixed by the Board of Directors.

Section 3.7. Annual Meetings. An annual meeting of the Board of Directors, commencing with the year 2006, shall be held once a year, at a date to be determined, at which they shall elect officers, and transact any and all other business as may properly come before the meeting. Written or printed notice stating the place, day and hour of each annual meeting of the Board of Directors shall be delivered not less than two (2) or more than fifty (50) days before the date of such

meeting, either personally or by mail, by or at the direction of the President or Secretary, to each director entitled to vote at such meeting.

Section 3.8 Regular Meetings. Regular meetings of the Board of Directors shall be held at such times and places as may be fixed from time to time by resolution adopted by the Board and communicated to all directors. Except as otherwise provided by statute, the Articles of Incorporation, or these Bylaws, any business may be transacted at any regular meeting.

Section 3.9 Special Meetings. Special meetings of the Board of Directors may be called by the President on one week notice, either personally, by mail, by telecopy or by e-mail. Special meetings shall be called by the President or Secretary in like manner and on like notice on the written request of two (2) or more directors. Except as may be otherwise expressly provided by statute or by the Articles of Incorporation or by these Bylaws, neither the business to be transacted at, nor the purpose of, any regular or special meeting of the Board of Directors need be specified in the notice or waiver of notice of such meeting.

Section 3.10. Quorum and Manner of Acting. At all meetings of the Board of Directors the presence of a majority of the number of directors then in office shall be necessary and sufficient to constitute a quorum for the transaction of business, except as otherwise provided by statute, by the Articles of Incorporation or by these Bylaws. Directors present by proxy may not be counted toward a quorum. The act of a majority of the directors present in person or by proxy at a meeting at which a quorum is present shall be the act of the Board of Directors unless the act of a greater number is required by statute, by the Articles of Incorporation or by these Bylaws, in which case the act of such greater number shall be requisite to constitute the act of the Board. A director may vote in person or by proxy executed in writing by the director. No proxy shall be valid after three months from the date of its execution. Each proxy shall be revocable unless expressly provided therein to be irrevocable and unless otherwise made irrevocable by law. If a quorum shall not be present at any meeting of the directors, the directors present thereat may adjourn the meeting from time to time, without notice other than announcement at the meeting, until a quorum shall be present. At any such adjourned meeting any business may be transacted which might have been transacted at the meeting as originally convened.

Section 3.11. Director's Compensation. No director shall receive compensation for his or her services as a director or as a member of a standing or special committee of the Board. Nothing herein contained shall be construed or preclude any director from receiving reimbursement for expenses incurred on behalf of the Corporation or in attending meetings of the Board of Directors or any such committee.

ARTICLE FOUR

NOTICES

Section 4.1. Manner of Giving Notice. Whenever, under the provisions of the statute or of the Articles of Incorporation or by these Bylaws, notice is required to be given to any director or

member of the Corporation, and no provision is made as to how such notice shall be given, it shall not be construed to require personal notice, by any such notice may be given in writing by mail, postage prepaid, electronic mail or facsimile transmission, in any such case, addressed to such director or Members at their address as it appears on the records of the Corporation. Any notice required or permitted to be given by mail shall be deemed to be delivered at the time when the same shall be thus deposited in the United States mails, as aforesaid.

Section 4.2. Waiver of Notice. Whenever any notice is required to be given to any director or Member of the Corporation under the provisions of the statute or of the Articles of Incorporation or of these Bylaws, a waiver thereof in writing signed by the person or persons entitled to such notice whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

ARTICLE FIVE

COMMITTEES OF THE BOARD

The Board of Directors may, by resolution adopted by affirmative vote of a majority of the number of directors fixed by these Bylaws, designate two or more directors (with such alternates, if any, as may be deemed desirable) to constitute a committee or committees for any purpose; provided, that any such committee or committees shall have and may exercise only the power of recommending action to the Board of Directors and of carrying out and implementing any instructions or any policies, plans and programs theretofore approved, authorized and adopted by the Board of Directors.

ARTICLE SIX

OFFICERS, EMPLOYEES AND AGENTS: POWERS AND DUTIES

Section 6.1. Elected Officers. The elected officers of the Corporation shall include a President and a Secretary. The elected officers may also include a Chief Operating Officer, one or more Vice Presidents, as may be determined from time to time by the Board (and in the case of each such Vice President, with such descriptive title, if any, as the Board shall deem appropriate), and a Treasurer.

Section 6.2. Election. So far as is practicable, all elected officers shall be elected by the Board of Directors at each annual meeting thereof.

Section 6.3. Appointive Officers. The Board of Directors may also appoint one or more Assistant Secretaries and Assistant Treasurers and such other officers and assistant officers and agents as it shall from time to time deem necessary, who shall exercise such powers and perform such duties as shall be set forth in these Bylaws or determined from time to time by the Board.

Section 6.4. Two or More Offices. Any two (2) or more offices may be held by the same person, except that the President and Secretary shall not be the same person.

Section 6.5. Term of Office: Removal; Filling of Vacancies. Each elected officer of the Corporation shall hold office for one year or until his earlier death, resignation, retirement, disqualification or removal from office. Any officer or agent may be removed at any time by the Board of Directors whenever in its judgment the best interests of the Corporation will be served thereby, but such removal shall be without prejudice to the contract rights, if any, of the person so removed. If the office of any officer becomes vacant for any reason, the vacancy shall be filled by the Board of Directors. Any officer may be reelected to such office for succeeding terms.

Section 6.6. President. The President shall be the chief executive officer of the Corporation and, subject to the provisions of these Bylaws, shall have general supervision of the activities and affairs of the Corporation and shall have general and active control thereof. The President shall preside when present at meetings of the Board of Directors. He/she shall have general authority to execute bonds, deeds and contracts in the name of the Corporation and to affix the corporate seal thereto; to cause the employment or appointment of such employees and agents of the Corporation as the proper conduct of operations may require and to fix their compensation; to remove or suspend any employee or agent; and in general to exercise all the powers usually appertaining to the office of president of a corporation, except as otherwise provided by statute, the Articles of Incorporation or these Bylaws. In the absence or disability of the President, his/her duties shall be performed and his powers may be exercised by the Vice Presidents in the order of their seniority, if any, or the Secretary, if not, unless otherwise determined by the President or the Board of Directors. In the event a Chief Operating Officer is appointed by the Board of Directors, he/she shall have all duties of the President of the Corporation with respect to operations of the Corporation and shall be responsible generally for all day-to-day operations of the Corporation.

Section 6.7. Vice Presidents. If a Vice President is elected, he/she shall generally assist the President and shall have such powers and perform such duties and services as shall from time to time be prescribed or delegated to him by the President or the Board of Directors.

Section 6.8. Secretary. The Secretary shall see that notice is given of all annual and special meetings of the Board of Directors and shall keep and attest true records of all proceedings at all meetings of the Board. He/she shall keep and account for all books, documents, papers and records of the Corporation, except those for which some other officer or agent is properly accountable. He/she shall generally perform all duties usually appertaining to the office of secretary of a corporation. In the absence or disability of the Secretary, his/her duties shall be performed and his/her powers may be exercised by the Assistant Secretaries in the order of their seniority, unless otherwise determined by the Secretary, the President or the Board of Directors.

Section 6.9. Assistant Secretaries. Each Assistant Secretary shall generally assist the Secretary and shall have such powers and perform such duties and services as shall from time to time be prescribed or delegated to him/her by the Secretary, the President, or the Board of Directors.

Section 6.10. Treasurer. If a Treasurer is elected, the Treasurer shall be the chief accounting and financial officer of the Corporation and shall have active control of and shall be responsible for all matters pertaining to the accounts and finances of the Corporation and shall direct the manner of certifying the same; shall supervise the manner of keeping all vouchers for payments by the Corporation and all other documents relating to such payments; shall receive, audit and consolidate all operating and financial statements of the Corporation and its various departments; shall have supervision of the books of accounts of the Corporation, their arrangements and classifications; shall supervise the account and auditing practices of the Corporation and shall have charge of all matters relating to taxation. The Treasurer shall have the care and custody of all monies, funds and securities of the Corporation; shall deposit or cause to be deposited all such funds in and with such depositories as the Board of Directors shall from time to time direct or as shall be selected in accordance with procedures established by the Board; shall advise upon all terms of credit granted by the Corporation; shall be responsible for the collection of all its accounts and shall cause to be kept full and accurate accounts of all receipts, disbursements and contributions of the Corporation. He/she shall have the power to endorse for deposit or collection or otherwise all checks, drafts, notes, bills of exchange or other commercial papers payable to the Corporation, and to give proper receipts or discharges for all payments to the Corporation. The Treasurer shall generally perform all duties usually appertaining to the office of treasurer of a corporation. In the absence or disability of the Treasurer, his/her duties shall be performed and his/her powers may be exercised by the Assistant Treasurers in the order of their seniority, unless otherwise determined by the Treasurer, the President or the Board of Directors.

Section 6.11. Assistant Treasurer. Each Assistant Treasurer shall generally assist the Treasurer and shall have such powers and perform such duties and services as shall from time to time be prescribed or delegated to him/her by the Treasurer, the President or Board of Directors.

Section 6.12. Additional Powers and Duties. In addition to the foregoing especially enumerated duties, services and powers, the several elected and appointed officers of the Corporation shall perform such other duties and services and exercise such further powers as may be provided by statute, the Articles of Incorporation or these Bylaws, or as the Board of Directors may from time to time determine or as may be assigned to him/her by any competent superior officer.

ARTICLE SEVEN

MISCELLANEOUS

Section 7.1. Dividends Prohibited. No part of the net income of the Corporation shall inure to the benefit of any private individual and no dividend shall be paid and no part of the income of the Corporation shall be distributed to its directors or officers. The Corporation may pay compensation in a reasonable amount to its officers for services rendered and may reimburse its directors as provided in Section 11 of Article Three hereof.

Section 7.2. Loans to Officers and Directors Prohibited. No loans shall be made by the Corporation to its officers and directors, and any directors voting for or assenting to the making of any such loan, and any officer participating in the making thereof, shall be jointly and severally liable to the Corporation for the amount of such loan until repayment thereof.

Section 7.3. Signature on Negotiable Instruments. All bills, notes, checks or other instruments for the payment of money shall be signed or countersigned by such officer, officers, agent or agents, and in such manner, as are permitted by these Bylaws and as from time to time may be prescribed by resolution (whether general or special) of the Board of Directors.

Section 7.4. Fiscal Year. The fiscal year of the Corporation shall be fixed by resolution of the Board of Directors.

Section 7.5. Private Foundation Rules. It is intended that the Corporation be a private foundation as that term is described in Section 509 of the Code and therefore the provisions of Article 1396-2.27 of the Texas Non-Profit Corporation Act shall apply to the Corporation until such time as it ceases to be a private foundation. The Corporation shall comply in all respects with Article 1396-2.27 of such Act.

ARTICLE EIGHT

INDEMNIFICATION OF OFFICERS AND DIRECTORS

The Corporation shall indemnify its directors against reasonable expenses incurred by them in connection with a proceeding in which any of them are named defendant or respondent because they are or were such a director, if they have been wholly successful, on the merits or otherwise, in the defense of the proceeding, unless such indemnification is limited by the Articles of Incorporation. The Corporation shall also indemnify a director who was, is, or is threatened to be made a named defendant or respondent in a proceeding because the person is or was a director against any judgments, penalties (including excise and similar taxes), fines, settlements and reasonable expenses actually incurred by the person in connection with the proceeding if it is determined, in the manner described below, that the person (i) conducted himself in good faith, (ii) reasonably believed, in the case of conduct in his official capacity as a director of the Corporation, that his conduct was in the Corporation's best interests, and in all other cases, that his conduct was at least not opposed to the Corporation's best interests, and (iii) in the case of any criminal proceeding, had no reasonable cause to believe his conduct was unlawful; provided that if the proceeding was brought by or on behalf of the Corporation, the indemnification shall be limited to reasonable expenses actually incurred by the person in connection with the proceeding; and provided further that a director may not be indemnified for obligations resulting from a proceeding (i) in which such director is found liable on the basis that he improperly received personal benefit, whether or not the benefit resulted from an action taken in such director's official capacity, or (ii) in which the director is found liable to the Corporation. Determinations that a person has satisfied the prescribed conduct and belief standards must be made (i) by a majority vote of a quorum consisting of directors who at the time of the vote are not named defendants or respondents in the

proceeding, (ii) if such a quorum cannot be obtained, by a majority vote of a committee of the Board of Directors designated to act in the matter by a majority vote of all directors and consisting solely of two (2) or more directors who at the time of the vote are not named defendants or respondents in the proceeding, or (iii) by special legal counsel selected by the Board of Directors or a committee of the Board by vote as set forth in clause (i) or (ii) of this sentence, or, if the quorum described in clause (i) cannot be obtained and the committee described in clause (ii) cannot be established, by a majority vote of all directors. A determination as to reasonableness of expenses shall be made in the same manner as the determination that the person has satisfied the prescribed conduct and belief standards, except that if the determination that the person has satisfied the prescribed conduct and belief standards is made by special legal counsel, the determination as to reasonableness of expenses shall be made by the Board of Directors or a committee of the Board by vote as set forth in clause (i) or (ii) of the immediately preceding sentence or, if such a quorum cannot be obtained and such a committee cannot be established, by a majority vote of all directors. The termination of a proceeding by judgment, order, settlement or conviction, or on a plea of nolo contendere or its equivalent is not of itself determinative that the person did not meet the requirements for indemnification set forth above. Notwithstanding any other provision of these Bylaws, the Corporation shall pay or reimburse expenses incurred by a director in connection with his appearance as a witness or other participation in a proceeding at a time when he is not a named defendant or respondent in the proceeding.

ARTICLE NINE

SPECIAL PROCEDURES CONCERNING MEETINGS

Section 9.1. Meeting by Telephone. The Members, Board of Directors, and any committee of the Corporation may hold a meeting by telephone conference call procedures in which all persons participating in the meeting can hear and speak to each other. The notice of a meeting by telephone conference must state the fact that the meeting will be held by telephone as well as all other matters required to be included in the notice. Participation of a person in a conference call meeting constitutes presence of that person at the meeting.

Section 9.2. Decision Without Meeting. Any decision required or permitted to be made at a meeting of the Members or Board of Directors may be made if a written consent to such decision is signed by all of the persons entitled to vote on the matter or an affirmative email is received from the person entitled to vote on the matter. The original signed consents or emails shall be placed in the Corporation minute book and kept with the Corporation's records. Emails shall be sent to the Secretary of the Corporation.

Section 9.3. Voting by Proxy. A person who is authorized to exercise a proxy may not exercise the proxy unless the proxy is delivered to the officer presiding at the meeting before the business of the meeting begins. The secretary or other person taking the minutes of the meeting shall record in the minutes the name of the person who executed the proxy and the name of the person authorized to exercise the proxy. If a person who has duly executed a proxy personally attends a meeting, the proxy shall not be effective for that meeting.

ARTICLE TEN

AMENDMENTS

These Bylaws may be altered, amended or repealed, or new Bylaws may be adopted at any time by majority vote of the Members. The Members shall notify the Board of Directors of any such amendment.

ARTICLE ELEVEN

COMPENSATION AND CONFLICTS OF INTEREST

Section 11.1. Compensation. Except as may be specifically provided from time-to-time by resolution of the Board of Directors, no director, officer, or any other person or persons as may be designated from time to time in guidelines adopted by the Board of Directors (hereinafter an "interested person") shall receive any salary, fee, payment, honorarium or other compensation or thing of value of any kind from the Corporation or other party as compensation for such interested person's service to the Corporation.

Section 11.2 Conflicts of Interest. No individual or interested person shall engage in any course of action which may result in an actual or potential conflict of interest with the Corporation or the Foundation or take any position publicly as a representative of the Corporation, which position has not been approved by the Corporation. Any known or reasonably foreseeable actual or potential conflict of interest shall be disclosed in writing as soon as possible to the Board of Directors by the individual or interested person whose interests are or may appear to be in conflict with the Corporation or the Foundation. Such disclosure shall fairly advise the Board of Directors of all aspects of the matter that may be relevant to the conflict or potential conflict. The interested person shall not be present or participate in any deliberation or decision regarding any matter as to which the conflict or potential conflict may pertain, and the minutes of all relevant meetings shall so reflect. The provisions of this Article Eleven shall be presented to all interested persons serving the Corporation or seeking to serve the Corporation. The Board shall require a conflict of interest disclosure statement of all interested persons serving the Corporation in accordance with guidelines to be adopted by such Board.

Section 11.3 Failure to Comply. The failure of an individual or interested person to comply with this Article Eleven and any guidelines adopted by the Board of Directors pursuant hereto shall be cause for the Corporation to remove such interested person from his or her position with the Corporation or to remove their name from consideration for such a position if they are not yet serving.

723208.1

SECRETARY CERTIFICATE

The undersigned Secretary of the Corporation hereby certifies that the foregoing Bylaws were adopted by the Board of Directors of the Corporation at its organizational meeting.

Secretary

**Form 802
(Revised 08/12)**

Submit in duplicate to:
Secretary of State
Reports Unit
P.O. Box 12028
Austin, TX 78711-2028
Phone: (512) 475-2705
FAX: (512) 463-1423
Dial: 7-1-1 for Relay Services
Filing Fee: See Instructions



**Periodic Report
of a
Nonprofit Corporation**

This space reserved for filing office use.

FILED
In the Office of the
Secretary of State of Texas
MAY 13 2019
Corporations Section

File Number: 15146401

1. The name of the corporation is: *(A name change requires an amendment; see Instructions)*
Discalced Carmelite Nuns

RECEIVED

MAY 13 2019

Secretary of

2. It is incorporated under the laws of: *(Set forth state or foreign country)*

Texas

3. The name of the registered agent is:

A. The registered agent is a corporation (cannot be entity named above) by the name of:

OR

B. The registered agent is an individual resident of the state whose name is:

Anne Teresa

Kulinski

First Name

MI

Last Name

Suffix

4. The registered office address, which is identical to the business address of the registered agent in Texas, is:
(Only use street or building address; see Instructions)

5801 Mt. Carmel Drive

Arlington

TX

76017

Street Address

City

State

Zip Code

5. If the corporation is a foreign corporation, the address of its principal office in the state or country under the laws of which it is incorporated is:

Street or Mailing Address

City

State Zip Code

Country

6. The names and addresses of all directors of the corporation are: *(A minimum of three directors is required.)*
(If additional space is needed, include the information as an attachment to this form for item 6.)

Anne	H	Kulinski (Mother Anne Teresa)			
<i>First Name</i>	<i>MI</i>	<i>Last Name</i>		<i>Suffix</i>	
5801 Mt. Carmel Drive		Arlington	TX	76017	USA
<i>Street or Mailing Address</i>		<i>City</i>	<i>State</i>	<i>Zip Code</i>	<i>Country</i>

AnneMarie		McCulloh (Sister Joseph Marie)			
<i>First Name</i>	<i>MI</i>	<i>Last Name</i>		<i>Suffix</i>	
5801 Mt. Carmel Drive		Arlington	TX	76017	USA
<i>Street or Mailing Address</i>		<i>City</i>	<i>State</i>	<i>Zip Code</i>	<i>Country</i>

Janet	M	Sharp (Sister Francis Therese)			
<i>First Name</i>	<i>MI</i>	<i>Last Name</i>		<i>Suffix</i>	
5801 Mt. Carmel Drive		Arlington	TX	76017	USA
<i>Street or Mailing Address</i>		<i>City</i>	<i>State</i>	<i>Zip Code</i>	<i>Country</i>

7. The names, addresses, and titles of all officers of the corporation are: (The offices of president and secretary must be filled, but both may not be held by the same officer.)

(If additional space is needed, include the information as an attachment to this form for Item 7.)

Anne	H	Kulinski				Officer Title
<i>First Name</i>	<i>MI</i>	<i>Last Name</i>			<i>Suffix</i>	President
5801 Mt. Carmel Drive		Arlington		TX	76017	USA
<i>Street or Mailing Address</i>		<i>City</i>		<i>State</i>	<i>Zip Code</i>	<i>Country</i>

Lisa	M	Gerlach				Officer Title
<i>First Name</i>	<i>MI</i>	<i>Last Name</i>			<i>Suffix</i>	Secretary
5801 Mt. Carmel Drive		Arlington		TX	76017	USA
<i>Street or Mailing Address</i>		<i>City</i>		<i>State</i>	<i>Zip Code</i>	<i>Country</i>

Lisa	M	Gerlach				Officer Title
<i>First Name</i>	<i>MI</i>	<i>Last Name</i>			<i>Suffix</i>	Treasurer
5801 Mt. Carmel Drive		Arlington		TX	76017	USA
<i>Street or Mailing Address</i>		<i>City</i>		<i>State</i>	<i>Zip Code</i>	<i>Country</i>

Execution:

The undersigned affirms that the person designated as registered agent has consented to the appointment. The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument and certifies under penalty of perjury that the undersigned is authorized under the provisions of law governing the entity to execute the filing instrument.

Date: March 7, 2019

Mother Ann Teresa, O.C.P.
Signature of authorized officer

Attachment to Form 802 (Periodic Report – Nonprofit Corporation)

Item 6. The name and addresses of all directors of the corporation are: (CONTINUED)

Lisa M Gerlach (Sister Teresa Agnes)
5801 Mt. Carmel Drive
Arlington, TX 76017 USA

Item 7. The names, addresses and titles of all officers of the corporation are:
(CONTINUED)

Janet M. Sharp – Vice President
5801 Mt. Carmel Drive
Arlington, TX 76017 USA

AnneMarie McCulloh – Vice President
5801 Mt. Carmel Drive
Arlington, TX 76017 USA

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Chelsey O'Connor on behalf of Matthew Bobo
Bar No. 24006860
chelsey@mwblawyer.com
Envelope ID: 75483684
Filing Code Description: Amended Filing
Filing Description: Plaintiffs' Amended Petition
Status as of 5/10/2023 9:54 AM CST

Associated Case Party: THEDISCALCED CARMELITE NUNS INC

Name	BarNumber	Email	TimestampSubmitted	Status
Chelsey O'Connor		chelsey@mwblawyer.com	5/10/2023 9:00:25 AM	SENT
Katy Hart		katy@mwblawyer.com	5/10/2023 9:00:25 AM	SENT
Matthew Bobo		mbobo@mwblawyer.com	5/10/2023 9:00:25 AM	SENT

Associated Case Party: THECATHOLIC DIOCESE OF FORT WORTH

Name	BarNumber	Email	TimestampSubmitted	Status
W. ChaseMedling		chase.medling@kellyhart.com	5/10/2023 9:00:25 AM	SENT

EXHIBIT 3

**Stipulation
Regarding Forensic Analysis of Electronic Devices**

May 11, 2023

We, the undersigned canonical advocates involved in the ecclesiastical investigation initiated by the Most Reverend Michael F. Olson, Bishop of the Diocese of Fort Worth on April 24, 2023 into the conduct of Reverend Mother Teresa Agnes of Jesus Crucified Gerlach, O.C.D., agree that the electronic devices of the Monastery turned over to the Diocese of Fort Worth during the investigation, consisting of a phone, a tablet, a computer, and an external hard drive, will be submitted to David Cowen, Vice President of Charles River Associates (CRA), for forensic mirror imaging.

CRA shall follow industry standards and best practices in creating the forensic images. The forensic images shall consist of physical images, to the extent possible, or logical images of the data and content found on the devices, including in the internal memory, on other medium such as SIM cards or memory cards, or in applications on the devices. No cloud-based data shall be accessed or imaged. A total of two (2) forensic images shall be made for each electronic device. These images shall be stored electronically. One (1) copy of each image shall be provided to the Diocese of Fort Worth and one (1) copy of each image shall be provided to Reverend Mother Teresa Agnes Gerlach, O.C.D. CRA shall take all appropriate measures, as per industry best standards and practices, to ensure the confidentiality of the data contained in these images and the privacy of those involved. CRA shall provide the copies of the forensic images via an encrypted, password-protected method. The forensic images and the data contained therein shall be used only for the purposes of this ecclesiastical investigation, or any civil or canonical proceedings involving the parties or related to this ecclesiastical investigation. After examination, the electronic devices shall be returned to the Monastery of the Most Holy Trinity in Arlington, Texas.



Justin M. Wachs, Sr., J.C.D.

Canonical Counsel for the Diocese of Fort Worth



Mr. Michael J. Podhajsky, J.C.L.

Advocate *Ex Officio* for the Reverend Mother Teresa Agnes of Jesus Crucified Gerlach, O.C.D.

EXHIBIT 4



CODE OF CANON LAW

BOOK II. THE PEOPLE OF GOD

- PART III. INSTITUTES OF CONSECRATED LIFE AND SOCIETIES OF APOSTOLIC LIFE
 - SECTION I: INSTITUTES OF CONSECRATED LIFE
 - TITLE II. RELIGIOUS INSTITUTES (Cann. 607 - 709).
 - CHAPTER I. RELIGIOUS HOUSES AND THEIR ERECTION AND SUPPRESSION
 - CHAPTER II. THE GOVERNANCE OF INSTITUTES
 - Art. 1. SUPERIORS AND COUNCILS
 - Art. 2. CHAPTERS
 - Art. 3. TEMPORAL GOODS AND THEIR ADMINISTRATION
 - CHAPTER III. THE ADMISSION OF CANDIDATES AND THE FORMATION OF MEMBERS
 - Art. 1. ADMISSION TO THE NOVITIATE
 - Art. 2. THE NOVITIATE AND FORMATION OF NOVICES
 - Art. 3. RELIGIOUS PROFESSION
 - Art. 4. THE FORMATION OF RELIGIOUS
 - CHAPTER IV. THE OBLIGATIONS AND RIGHTS OF INSTITUTES AND THEIR MEMBERS
 - CHAPTER V. THE APOSTOLATE OF INSTITUTES
 - CHAPTER VI. SEPARATION OF MEMBERS FROM THE INSTITUTE
 - Art. 1. TRANSFER TO ANOTHER INSTITUTE
 - Art. 2. DEPARTURE FROM AN INSTITUTE
 - Art. 3. DISMISSAL OF MEMBERS
 - CHAPTER VII. RELIGIOUS RAISED TO THE EPISCOPATE
 - CHAPTER VIII. CONFERENCES OF MAJOR SUPERIORS

TITLE II.

RELIGIOUS INSTITUTES (Cann. 607 - 709)

Can. 607 §1. As a consecration of the whole person, religious life manifests in the Church a wonderful marriage brought about by God, a sign of the future age. Thus the religious brings to perfection a total self-giving as a sacrifice offered to God, through which his or her whole existence becomes a continuous worship of God in charity.

§2. A religious institute is a society in which members, according to proper law, pronounce public vows, either perpetual or temporary which are to be renewed, however, when the period of time has elapsed, and lead a life of brothers or sisters in common.

§3. The public witness to be rendered by religious to Christ and the Church entails a separation from the world proper to the character and purpose of each institute.

CHAPTER I.

RELIGIOUS HOUSES AND THEIR ERECTION AND SUPPRESSION

Can. 608 A religious community must live in a legitimately established house under the authority of a superior designated according to the norm of law. Each house is to have at least an oratory in which the Eucharist is to be celebrated and reserved so that it is truly the center of the community.

Can. 609 §1. Houses of a religious institute are erected by the authority competent according to the constitutions, with the previous written consent of the diocesan bishop.

§2. In addition, the permission of the Apostolic See is required to erect a monastery of nuns.

Can. 610 §1. The erection of houses takes place with consideration for their advantage to the Church and the institute and with suitable safeguards for those things which are required to carry out properly the religious life of the members according to the proper purposes and spirit of the institute.

§2. No house is to be erected unless it can be judged prudently that the needs of the members will be provided for suitably.

Can. 611 The consent of the diocesan bishop to erect a religious house of any institute entails the right:

1/ to lead a life according to the character and proper purposes of the institute;

2/ to exercise the works proper to the institute according to the norm of law and without prejudice to the conditions attached to the consent;

3/ for clerical institutes to have a church, without prejudice to the prescript of can. 1215, §3 and to perform sacred ministries, after the requirements of the law have been observed.

Can. 612 For a religious house to be converted to apostolic works different from those for which it was established, the consent of the diocesan bishop is required, but not if it concerns a change which refers only to internal governance and discipline, without prejudice to the laws of the foundation.

Can. 613 §1. A religious house of canons regular or of monks under the governance and care of its own moderator is autonomous unless the constitutions state otherwise.

§2. The moderator of an autonomous house is a major superior by law.

Can. 614 Monasteries of nuns associated to an institute of men maintain their own way of life and governance according to the constitutions. Mutual rights and obligations are to be defined in such a way that spiritual good can come from the association.

Can. 615 An autonomous monastery which does not have another major superior besides its own moderator and is not associated to another institute of religious in such a way that the superior of the latter possesses true power over such a monastery as determined by the constitutions is entrusted to the special vigilance of the diocesan bishop according to the norm of law.

Can. 616 §1. The supreme moderator can suppress a legitimately erected religious house according to the norm of the constitutions, after the diocesan bishop has been consulted. The proper law of the institute is to make provision for the goods of the suppressed house, without prejudice to the intentions of the founders or donors or to legitimately acquired rights.

§2. The suppression of the only house of an institute belongs to the Holy See, to which the decision regarding the goods in that case is also reserved.

§3. To suppress the autonomous house mentioned in can. 613 belongs to the general chapter, unless the constitutions state otherwise.

§4. To suppress an autonomous monastery of nuns belongs to the Apostolic See, with due regard to the prescripts of the constitutions concerning its goods.

CHAPTER II.

THE GOVERNANCE OF INSTITUTES

Art. 1.

SUPERIORS AND COUNCILS

Can. 617 Superiors are to fulfill their function and exercise their power according to the norm of universal and proper law.

Can. 618 Superiors are to exercise their power, received from God through the ministry of the Church, in a spirit of service. Therefore, docile to the will of God in fulfilling their function, they are to govern their subjects as sons or daughters of God and, promoting the voluntary obedience of their subjects with reverence for the human person, they are to listen to them willingly and foster their common endeavor for the good of the institute and the Church, but without prejudice to the authority of superiors to decide and prescribe what must be done.

Can. 619 Superiors are to devote themselves diligently to their office and together with the members entrusted to them are to strive to build a community of brothers or sisters in Christ, in which God is sought and loved before all things. Therefore, they are to nourish the members regularly with the food of the word of God and are to draw them to the celebration of the sacred liturgy. They are to be an example to them in cultivating virtues and in the observance of the laws and traditions of their own institute; they are to meet the personal needs of the members appropriately, solicitously to care for and visit the sick, to correct the restless, to console the faint of heart, and to be patient toward all.

Can. 620 Those who govern an entire institute, a province of an institute or part equivalent to a province, or an autonomous house, as well as their vicars, are major superiors. Comparable to these are an abbot primate and a superior of a monastic congregation, who nonetheless do not have all the power which universal law grants to major superiors.

Can. 621 A grouping of several houses which constitutes an immediate part of the same institute under the same superior and has been canonically erected by legitimate authority is called a province.

Can. 622 The supreme moderator holds power over all the provinces, houses, and members of an institute; this power is to be exercised according to proper law. Other superiors possess power within the limits of their function.

Can. 623 In order for members to be appointed or elected validly to the function of superior, a suitable time is required after perpetual or definitive profession, to be determined by proper law, or if it concerns major superiors, by the constitutions.

Can. 624 §1. Superiors are to be constituted for a certain and appropriate period of time according to the nature and need of the institute, unless the constitutions determine otherwise for the supreme moderator and for superiors of an autonomous house.

§2. Proper law is to provide suitable norms so that superiors, constituted for a definite time, do not remain too long in offices of governance without interruption.

§3. Nevertheless, they can be removed from office during their function or be transferred to another for reasons established in proper law.

Can. 625 §1. The supreme moderator of an institute is to be designated by canonical election according to the norm of the constitutions.

§2. The bishop of the principal seat presides at the elections of a superior of the autonomous monastery mentioned in can. 615 and of the supreme moderator of an institute of diocesan right.

§3. Other superiors are to be constituted according to the norm of the constitutions, but in such a way that, if they are elected, they need the confirmation of a competent major superior; if they are appointed by a superior, however, a suitable consultation is to precede.

Can. 626 Superiors in the conferral of offices and members in elections are to observe the norms of universal and proper law, are to abstain from any abuse or partiality, and are to appoint or elect those whom they know in the Lord to be truly worthy and suitable, having nothing before their eyes but God and the good of the institute. Moreover, in elections they are to avoid any procurement of votes, either directly or indirectly, whether for themselves or for others.

Can. 627 §1. According to the norm of the constitutions, superiors are to have their own council, whose assistance they must use in carrying out their function.

§2. In addition to the cases prescribed in universal law, proper law is to determine the cases which require consent or counsel to act validly; such consent or counsel must be obtained according to the norm of can. 127.

Can. 628 §1. The superiors whom the proper law of the institute designates for this function are to visit the houses and members entrusted to them at stated times according to the norms of this same proper law.

§2. It is the right and duty of a diocesan bishop to visit even with respect to religious discipline:

1/ the autonomous monasteries mentioned in can. 615;

2/ individual houses of an institute of diocesan right located in his own territory.

§3. Members are to act with trust toward a visitor, to whose legitimate questioning they are bound to respond according to the truth in charity. Moreover, it is not permitted for anyone in any way to divert members from this obligation or otherwise to impede the scope of the visitation.

Can. 629 Superiors are to reside in their respective houses, and are not to absent themselves from their house except according to the norm of proper law.

Can. 630 §1. Superiors are to recognize the due freedom of their members regarding the sacrament of penance and direction of conscience, without prejudice, however, to the discipline of the institute.

§2. According to the norm of proper law, superiors are to be concerned that suitable confessors are available to the members, to whom the members can confess frequently.

§3. In monasteries of nuns, in houses of formation, and in more numerous lay communities, there are to be ordinary confessors approved by the local ordinary after consultation with the community; nevertheless, there is no obligation to approach them.

§4. Superiors are not to hear the confessions of subjects unless the members request it on their own initiative.

§5. Members are to approach superiors with trust, to whom they can freely and on their own initiative open their minds. Superiors, however, are forbidden to induce the members in any way to make a manifestation of conscience to them.

Art. 2.

CHAPTERS

Can. 631 §1. The general chapter, which holds supreme authority in the institute according to the norm of the constitutions, is to be composed in such a way that, representing the entire institute, it becomes a true sign of its unity in charity. It is for the general chapter principally: to protect the patrimony of the institute mentioned in can. 578, promote suitable renewal according to that patrimony, elect the supreme moderator, treat affairs of greater importance, and issue norms which all are bound to obey.

§2. The constitutions are to define the composition and extent of the power of a chapter; proper law is to determine further the order to be observed in the celebration of the chapter, especially in what pertains to elections and the manner of handling affairs.

§3. According to the norms determined in proper law, not only provinces and local communities, but also any member can freely send wishes and suggestions to a general chapter.

Can. 632 Proper law is to determine accurately what is to pertain to other chapters of the institute and to other similar assemblies, namely, what pertains to their nature, authority, composition, way of proceeding and time of celebration.

Can. 633 §1. Organs of participation or consultation are to fulfill faithfully the function entrusted to them according to the norm of universal and proper law and to express in their own way the concern and participation of all the members for the good of the entire institute or community.

§2. In establishing and using these means of participation and consultation, wise discretion is to be observed and their procedures are to conform to the character and purpose of the institute.

Art. 3.

TEMPORAL GOODS AND THEIR ADMINISTRATION

Can. 634 §1. As juridic persons by the law itself, institutes, provinces, and houses are capable of acquiring, possessing, administering, and alienating temporal goods unless this capacity is excluded or restricted in the constitutions.

§2. Nevertheless, they are to avoid any appearance of excess, immoderate wealth, and accumulation of goods.

Can. 635 §1. Since the temporal goods of religious institutes are ecclesiastical, they are governed by the prescripts of Book V, The Temporal Goods of the Church, unless other provision is expressly made.

§2. Nevertheless, each institute is to establish suitable norms concerning the use and administration of goods, by which the poverty proper to it is to be fostered, protected, and expressed.

Can. 636 §1. In each institute and likewise in each province which is governed by a major superior, there is to be a Finance officer, distinct from the major superior and constituted according to the norm of proper law, who is to manage the administration of goods under the direction of the respective superior. Insofar as possible, a Finance officer distinct from the local superior is to be designated even in local communities.

§2. At the time and in the manner established by proper law, Finance officers and other administrators are to render an account of their administration to the competent authority.

Can. 637 The autonomous monasteries mentioned in can. 615 must render an account of their administration to the local ordinary once a year. Moreover, the local ordinary has the right to be informed about the Financial reports of a religious house of diocesan right.

Can. 638 §1. Within the scope of universal law, it belongs to proper law to determine acts which exceed the limit and manner of ordinary administration and to establish what is necessary to place an act of extraordinary administration validly.

§2. In addition to superiors, the officials who are designated for this in proper law also validly incur expenses and perform juridic acts of ordinary administration within the limits of their function.

§3. For the validity of alienation and of any other affair in which the patrimonial condition of a juridic person can worsen, the written permission of the competent superior with the consent of the council is required.

Nevertheless, if it concerns an affair which exceeds the amount defined by the Holy See for each region, or things given to the Church by vow, or things precious for artistic or historical reasons, the permission of the Holy See itself is also required.

§4. For the autonomous monasteries mentioned in can. 615 and for institutes of diocesan right, it is also necessary to have the written consent of the local ordinary.

Can. 639 §1. If a juridic person has contracted debts and obligations even with the permission of the superiors, it is bound to answer for them.

§2. If a member has entered into a contract concerning his or her own goods with the permission of the superior, the member must answer for it, but if the business of the institute was conducted by mandate of the superior, the institute must answer.

§3. If a religious has entered into a contract without any permission of superiors, he or she must answer, but not the juridic person.

§4. It is a fixed rule, however, that an action can always be brought against one who has profited from the contract entered into.

§5. Religious superiors are to take care that they do not permit debts to be contracted unless it is certain that the interest on the debt can be paid off from ordinary income and that the capital sum can be paid off through legitimate amortization within a period that is not too long.

Can. 640 Taking into account local conditions, institutes are to strive to give, as it were, a collective witness of charity and poverty and are to contribute according to their ability something from their own goods to provide for the needs of the Church and the support of the poor.

CHAPTER III.

THE ADMISSION OF CANDIDATES AND THE FORMATION OF MEMBERS

Art. 1.

ADMISSION TO THE NOVITIATE

Can. 641 The right to admit candidates to the novitiate belongs to major superiors according to the norm of proper law.

Can. 642 With vigilant care, superiors are only to admit those who, besides the required age, have the health, suitable character, and sufficient qualities of maturity to embrace the proper life of the institute. This health, character, and maturity are to be verified even by using experts, if necessary, without prejudice to the prescript of can. 220.

Can. 643 §1. The following are admitted to the novitiate invalidly:

1/ one who has not yet completed seventeen years of age;

2/ a spouse, while the marriage continues to exist;

3/ one who is currently bound by a sacred bond to some institute of consecrated life or is incorporated in some society of apostolic life, without prejudice to the prescript of can. 684;

4/ one who enters the institute induced by force, grave fear, or malice, or the one whom a superior, induced in the same way, has received;

5/ one who has concealed his or her incorporation in some institute of consecrated life or in some society of apostolic life.

§2. Proper law can establish other impediments even for validity of admission or can attach conditions.

Can. 644 Superiors are not to admit to the novitiate secular clerics without consulting their proper ordinary nor those who, burdened by debts, cannot repay them.

Can. 645 §1. Before candidates are admitted to the novitiate, they must show proof of baptism, confirmation, and free status.

§2. If it concerns the admission of clerics or those who had been admitted in another institute of consecrated life, in a society of apostolic life, or in a seminary, there is additionally required the testimony of, respectively, the local ordinary, the major superior of the institute or society, or the rector of the seminary.

§3. Proper law can require other proof about the requisite suitability of candidates and freedom from impediments.

§4. Superiors can also seek other information, even under secrecy, if it seems necessary to them.

Art. 2.

THE NOVITIATE AND FORMATION OF NOVICES

Can. 646 The novitiate, through which life in an institute is begun, is arranged so that the novices better understand their divine vocation, and indeed one which is proper to the institute, experience the manner of living of the institute, and form their mind and heart in its spirit, and so that their intention and suitability are tested.

Can. 647 §1. The erection, transfer, and suppression of a novitiate house are to be done through written decree of the supreme moderator of the institute with the consent of the council.

§2. To be valid, a novitiate must be made in a house properly designated for this purpose. In particular cases and as an exception, by grant of the supreme moderator with the consent of the council, a candidate can

make the novitiate in another house of the institute under the direction of some approved religious who acts in the place of the director of novices.

§3. A major superior can permit a group of novices to reside for a certain period of time in another house of the institute designated by the superior.

Can. 648 §1. To be valid, a novitiate must include twelve months spent in the community itself of the novitiate, without prejudice to the prescript of can. 647, §3.

§2. To complete the formation of novices, in addition to the period mentioned in §1, the constitutions can establish one or more periods of apostolic exercises to be spent outside the community of the novitiate.

§3. The novitiate is not to last longer than two years.

Can. 649 §1. Without prejudice to the prescripts of can. 647, §3 and can. 648, §2, an absence from the novitiate house which lasts more than three months, either continuous or interrupted, renders the novitiate invalid. An absence which lasts more than fifteen days must be made up.

§2. With the permission of the competent major superior, first profession can be anticipated, but not by more than fifteen days.

Can. 650 §1. The scope of the novitiate demands that novices be formed under the guidance of a director according to the program of formation defined in proper law.

§2. Governance of the novices is reserved to one director under the authority of the major superiors.

Can. 651 §1. The director of novices is to be a member of the institute who has professed perpetual vows and has been legitimately designated.

§2. If necessary, the director can be given assistants who are subject to the director in regard to the supervision of the novices and the program of formation.

§3. Members who are carefully prepared and who, not impeded by other duties, can carry out this function fruitfully and in a stable manner are to be placed in charge of the formation of novices.

Can. 652 §1. It is for the director and assistants to discern and test the vocation of the novices and to form them gradually to lead correctly the life of perfection proper to the institute.

§2. Novices are to be led to cultivate human and Christian virtues; through prayer and self-denial they are to be introduced to a fuller way of perfection; they are to be taught to contemplate the mystery of salvation and to read and meditate on the sacred scriptures; they are to be prepared to cultivate the worship of God in the sacred liturgy; they are to learn a manner of leading a life consecrated to God and humanity in Christ through the evangelical counsels; they are to be instructed regarding the character and spirit, the purpose and discipline, the history and life of the institute; and they are to be imbued with love for the Church and its sacred pastors.

§3. Conscious of their own responsibility, the novices are to collaborate actively with their director in such a way that they faithfully respond to the grace of a divine vocation.

§4. Members of the institute are to take care that they cooperate for their part in the work of formation of the novices through example of life and prayer.

§5. The time of the novitiate mentioned in can. 648, §1 is to be devoted solely to the task of formation and consequently novices are not to be occupied with studies and functions which do not directly serve this formation.

Can. 653 §1. A novice can freely leave an institute; moreover, the competent authority of the institute can dismiss a novice.

§2. At the end of the novitiate, if judged suitable, a novice is to be admitted to temporary profession; otherwise the novice is to be dismissed. If there is doubt about the suitability of a novice, the major superior can extend the time of probation according to the norm of proper law, but not beyond six months.

Art. 3.

RELIGIOUS PROFESSION

Can. 654 By religious profession, members assume the observance of the three evangelical counsels by public vow, are consecrated to God through the ministry of the Church, and are incorporated into the institute with the rights and duties defined by law.

Can. 655 Temporary profession is to be made for a period defined in proper law; it is not to be less than three years nor longer than six.

Can. 656 For the validity of temporary profession it is required that:

1/ the person who is to make it has completed at least eighteen years of age;

2/ the novitiate has been validly completed;

3/ admission has been given freely by the competent superior with the vote of the council according to the norm of law;

4/ the profession is expressed and made without force, grave fear, or malice;

5/ the profession is received by a legitimate superior personally or through another.

Can. 657 §1. When the period for which profession was made has elapsed, a religious who freely petitions and is judged suitable is to be admitted to renewal of profession or to perpetual profession; otherwise, the religious is to depart.

§2. If it seems opportune, however, the competent superior can extend the period of temporary profession according to proper law, but in such a way that the total period in which the member is bound by temporary vows does not exceed nine years.

§3. Perpetual profession can be anticipated for a just cause, but not by more than three months.

Can. 658 In addition to the conditions mentioned in can. 656, nn. 3, 4, and 5 and others imposed by proper law, the following are required for the validity of perpetual profession:

1/ the completion of at least twenty-one years of age;

2/ previous temporary profession of at least three years, without prejudice to the prescript of can. 657, §3.

Art. 4.

THE FORMATION OF RELIGIOUS

Can. 659 §1. In individual institutes the formation of all the members is to be continued after first profession so that they lead the proper life of the institute more fully and carry out its mission more suitably.

§2. Therefore, proper law must define the program of this formation and its duration, attentive to the needs of the Church and the conditions of people and times, insofar as the purpose and character of the institute require it.

§3. Universal law and the program of studies proper to the institute govern the formation of members who are preparing to receive holy orders.

Can. 660 §1. Formation is to be systematic, adapted to the capacity of the members, spiritual and apostolic, doctrinal and at the same time practical. Suitable degrees, both ecclesiastical and civil, are also to be obtained when appropriate.

§2. During the time of this formation, offices and tasks which may impede it are not to be entrusted to the members.

Can. 661 Through their entire life, religious are to continue diligently their spiritual, doctrinal, and practical formation. Superiors, moreover, are to provide them with the resources and time for this.

CHAPTER IV.

THE OBLIGATIONS AND RIGHTS OF INSTITUTES AND THEIR MEMBERS

Can. 662 Religious are to have as the supreme rule of life the following of Christ proposed in the gospel and expressed in the constitutions of their own institute.

Can. 663 §1. The first and foremost duty of all religious is to be the contemplation of divine things and assiduous union with God in prayer.

§2. Members are to make every effort to participate in the eucharistic sacrifice daily, to receive the most sacred Body of Christ, and to adore the Lord himself present in the sacrament.

§3. They are to devote themselves to the reading of sacred scripture and mental prayer, to celebrate worthily the liturgy of the hours according to the prescripts of proper law, without prejudice to the obligation for clerics mentioned in can. 276, §2, n. 3, and to perform other exercises of piety.

§4. With special veneration, they are to honor the Virgin Mother of God, the example and protector of all consecrated life, also through the marian rosary.

§5. They are to observe faithfully an annual period of sacred retreat.

Can. 664 Religious are to strive after conversion of the soul toward God, to examine their conscience, even daily, and to approach the sacrament of penance frequently.

Can. 665 §1. Observing common life, religious are to live in their own religious house and are not to be absent from it except with the permission of their superior. If it concerns a lengthy absence from the house, however, the major superior, with the consent of the council and for a just cause, can permit a member to live outside a house of the institute, but not for more than a year, except for the purpose of caring for ill health, of studies, or of exercising an apostolate in the name of the institute.

§2. A member who is absent from a religious house illegitimately with the intention of withdrawing from the power of the superiors is to be sought out solicitously by them and is to be helped to return to and persevere in his or her vocation.

Can. 666 In the use of means of social communication, necessary discretion is to be observed and those things are to be avoided which are harmful to one's vocation and dangerous to the chastity of a consecrated person.

Can. 667 §1. In all houses, cloister adapted to the character and mission of the institute is to be observed according to the determinations of proper law, with some part of a religious house always reserved to the members alone.

§2. A stricter discipline of cloister must be observed in monasteries ordered to contemplative life.

§3. Monasteries of nuns which are ordered entirely to contemplative life must observe papal cloister, that is, cloister according to the norms given by the Apostolic See. Other monasteries of nuns are to observe a cloister adapted to their proper character and defined in the constitutions.

§4. For a just cause, a diocesan bishop has the faculty of entering the cloister of monasteries of nuns which are in his diocese and, for a grave cause and with the consent of the superior, of permitting others to be admitted to the cloister and the nuns to leave it for a truly necessary period of time.

Can. 668 §1. Before first profession, members are to cede the administration of their goods to whomever they prefer and, unless the constitutions state otherwise, are to make disposition freely for their use and revenue. Moreover, at least before perpetual profession, they are to make a will which is to be valid also in civil law.

§2. To change these dispositions for a just cause and to place any act regarding temporal goods, they need the permission of the superior competent according to the norm of proper law.

§3. Whatever a religious acquires through personal effort or by reason of the institute, the religious acquires for the institute. Whatever accrues to a religious in any way by reason of pension, subsidy, or insurance is acquired for the institute unless proper law states otherwise.

§4. A person who must renounce fully his or her goods due to the nature of the institute is to make that renunciation before perpetual profession in a form valid, as far as possible, even in civil law; it is to take effect from the day of profession. A perpetually professed religious who wishes to renounce his or her goods either partially or totally according to the norm of proper law and with the permission of the supreme moderator is to do the same.

§5. A professed religious who has renounced his or her goods fully due to the nature of the institute loses the capacity of acquiring and possessing and therefore invalidly places acts contrary to the vow of poverty. Moreover, whatever accrues to the professed after renunciation belongs to the institute according to the norm of proper law.

Can. 669 §1. Religious are to wear the habit of the institute, made according to the norm of proper law, as a sign of their consecration and as a witness of poverty.

§2. Clerical religious of an institute which does not have a proper habit are to wear clerical dress according to the norm of can. 284.

Can. 670 An institute must supply the members with all those things which are necessary to achieve the purpose of their vocation, according to the norm of the constitutions.

Can. 671 A religious is not to accept functions and offices outside the institute without the permission of a legitimate superior.

Can. 672 Religious are bound by the prescripts of cann. 277, 285, 286, 287, and 289, and religious clerics additionally by the prescripts of can. 279, §2; in lay institutes of pontifical right, the proper major superior can grant the permission mentioned in can. 255, §4.

CHAPTER V.

THE APOSTOLATE OF INSTITUTES

Can. 673 The apostolate of all religious consists first of all in the witness of their consecrated life, which they are bound to foster by prayer and penance.

Can. 674 Institutes which are entirely ordered to contemplation always hold a distinguished place in the mystical Body of Christ: for they offer an extraordinary sacrifice of praise to God, illumine the people of God with the richest fruits of holiness, move it by their example, and extend it with hidden apostolic fruitfulness. For this reason, members of these institutes cannot be summoned to furnish assistance in the various pastoral ministries however much the need of the active apostolate urges it.

Can. 675 §1. Apostolic action belongs to the very nature of institutes dedicated to works of the apostolate.

Accordingly, the whole life of the members is to be imbued with an apostolic spirit; indeed the whole apostolic action is to be informed by a religious spirit.

§2. Apostolic action is to proceed always from an intimate union with God and is to confirm and foster this union.

§3. Apostolic action, to be exercised in the name and by the mandate of the Church, is to be carried out in the communion of the Church.

Can. 676 Lay institutes, whether of men or of women, participate in the pastoral function of the Church through spiritual and corporal works of mercy and offer the most diverse services to people. Therefore, they are to persevere faithfully in the grace of their vocation.

Can. 677 §1. Superiors and members are to retain faithfully the mission and works proper to the institute.

Nevertheless, attentive to the necessities of times and places, they are to accommodate them prudently, even employing new and opportune means.

§2. Moreover, if they have associations of the Christian faithful joined to them, institutes are to assist them with special care so that they are imbued with the genuine spirit of their family.

Can. 678 §1. Religious are subject to the power of bishops whom they are bound to follow with devoted submission and reverence in those matters which regard the care of souls, the public exercise of divine worship, and other works of the apostolate.

§2. In exercising an external apostolate, religious are also subject to their proper superiors and must remain faithful to the discipline of the institute. The bishops themselves are not to fail to urge this obligation if the case warrants it.

§3. In organizing the works of the apostolate of religious, diocesan bishops and religious superiors must proceed through mutual consultation.

Can. 679 When a most grave cause demands it, a diocesan bishop can prohibit a member of a religious institute from residing in the diocese if his or her major superior, after having been informed, has neglected to make provision; moreover, the matter is to be referred immediately to the Holy See.

Can. 680 Among the various institutes and also between them and the secular clergy, there is to be fostered an ordered cooperation and a coordination under the direction of the diocesan bishop of all the works and apostolic activities, without prejudice to the character and purpose of individual institutes and the laws of the foundation.

Can. 681 §1. Works which a diocesan bishop entrusts to religious are subject to the authority and direction of the same bishop, without prejudice to the right of religious superiors according to the norm of can. 678, §§2 and 3.

§2. In these cases, the diocesan bishop and the competent superior of the institute are to draw up a written agreement which, among other things, is to define expressly and accurately those things which pertain to the work to be accomplished, the members to be devoted to it, and economic matters.

Can. 682 §1. If it concerns conferring an ecclesiastical office in a diocese upon some religious, the diocesan bishop appoints the religious, with the competent superior making the presentation, or at least assenting to the appointment.

§2. A religious can be removed from the office entrusted to him or her at the discretion either of the entrusting authority after having informed the religious superior or of the superior after having informed the one entrusting; neither requires the consent of the other.

Can. 683 §1. At the time of pastoral visitation and also in the case of necessity, the diocesan bishop, either personally or through another, can visit churches and oratories which the Christian faithful habitually attend, schools, and other works of religion or charity, whether spiritual or temporal, entrusted to religious, but not schools which are open exclusively to the institute's own students.

§2. If by chance he has discovered abuses and the religious superior has been warned in vain, he himself can make provision on his own authority.

CHAPTER VI.

SEPARATION OF MEMBERS FROM THE INSTITUTE

Art. 1.

TRANSFER TO ANOTHER INSTITUTE

Can. 684 §1. A member in perpetual vows cannot transfer from one religious institute to another except by a grant of the supreme moderator of each institute and with the consent of their respective councils.

§2. After completing a probation which is to last at least three years, the member can be admitted to perpetual profession in the new institute. If the member refuses to make this profession or is not admitted to make it by competent superiors, however, the member is to return to the original institute unless an indult of secularization has been obtained.

§3. For a religious to transfer from an autonomous monastery to another of the same institute or federation or confederation, the consent of the major superior of each monastery and of the chapter of the receiving monastery is required and is sufficient, without prejudice to other requirements established by proper law; a new profession is not required.

§4. Proper law is to determine the time and manner of the probation which must precede the profession of a member in the new institute.

§5. For a transfer to be made to a secular institute or a society of apostolic life or from them to a religious institute, permission of the Holy See is required, whose mandates must be observed.

Can. 685 §1. Until a person makes profession in the new institute, the rights and obligations which the member had in the former institute are suspended although the vows remain. Nevertheless, from the beginning of probation, the member is bound to the observance of the proper law of the new institute.

§2. Through profession in the new institute, the member is incorporated into it while the preceding vows, rights, and obligations cease.

Art. 2.

DEPARTURE FROM AN INSTITUTE

Can. 686 §1. With the consent of the council, the supreme moderator for a grave cause can grant an indult of exclaustation to a member professed by perpetual vows, but not for more than three years, and if it concerns a cleric, with the prior consent of the ordinary of the place in which he must reside. To extend an indult or to grant it for more than three years is reserved to the Holy See, or to the diocesan bishop if it concerns institutes of diocesan right.

§2. It is only for the Apostolic See to grant an indult of exclaustation for nuns.

§3. At the petition of the supreme moderator with the consent of the council, exclaustation can be imposed by the Holy See on a member of an institute of pontifical right, or by a diocesan bishop on a member of an institute of diocesan right, for grave causes, with equity and charity observed.

Can. 687 An exclaustated member is considered freed from the obligations which cannot be reconciled with the new condition of his or her life, yet remains dependent upon and under the care of superiors and also of the local ordinary, especially if the member is a cleric. The member can wear the habit of the institute unless the indult determines otherwise. Nevertheless, the member lacks active and passive voice.

Can. 688 §1. A person who wishes to leave an institute can depart from it when the time of profession has been completed.

§2. During the time of temporary profession, a person who asks to leave the institute for a grave cause can obtain an indult of departure from the supreme moderator with the consent of the council in an institute of pontifical right. In institutes of diocesan right and in the monasteries mentioned in can. 615, however, the bishop of the house of assignment must confirm the indult for it to be valid.

Can. 689 §1. If there are just causes, the competent major superior, after having heard the council, can exclude a member from making a subsequent profession when the period of temporary profession has been completed.

§2. Physical or psychic illness, even contracted after profession, which in the judgment of experts renders the member mentioned in §1 unsuited to lead the life of the institute constitutes a cause for not admitting the member to renew profession or to make perpetual profession, unless the illness had been contracted through the negligence of the institute or through work performed in the institute.

§3. If, however, a religious becomes insane during the period of temporary vows, even though unable to make a new profession, the religious cannot be dismissed from the institute.

Can. 690 §1. The supreme moderator with the consent of the council can readmit without the burden of repeating the novitiate one who had legitimately left the institute after completing the novitiate or after profession. Moreover, it will be for the same moderator to determine an appropriate probation prior to temporary profession and the time of vows to precede perpetual profession, according to the norm of cann. 655 and 657.

§2. The superior of an autonomous monastery with the consent of the council possesses the same faculty.

Can. 691 §1. A perpetually professed religious is not to request an indult of departure from an institute except for the gravest of causes considered before the Lord. The religious is to present a petition to the supreme moderator of the institute who is to transmit it along with a personal opinion and the opinion of the council to the competent authority.

§2. In institutes of pontifical right, an indult of this type is reserved to the Apostolic See. In institutes of diocesan right, however, the bishop of the diocese in which the house of assignment is situated can also grant it.

Can. 692 Unless it has been rejected by the member in the act of notification, an indult of departure granted legitimately and made known to the member entails by the law itself dispensation from the vows and from all the obligations arising from profession.

Can. 693 If a member is a cleric, an indult is not granted before he finds a bishop who incardicates him in the diocese or at least receives him experimentally. If he is received experimentally, he is incardinated into the diocese by the law itself after five years have passed, unless the bishop has refused him.

Art. 3.

DISMISSAL OF MEMBERS

Can. 694 §1. A member must be held as ipso facto dismissed from an institute who:

1/ has defected notoriously from the Catholic faith;

2/ has contracted marriage or attempted it, even only civilly.

§2. In these cases, after the proofs have been collected, the major superior with the council is to issue without any delay a declaration of fact so that the dismissal is established juridically.

Can. 695 §1. A member must be dismissed for the delicts mentioned in cann. 1397, 1398, and 1395, unless in the delicts mentioned in can. 1395, §2, the superior decides that dismissal is not completely necessary and that correction of the member, restitution of justice, and reparation of scandal can be resolved sufficiently in another way. [**Apostolic Letter issued “Motu proprio” *Recognitum Librum VI*, 26 April 2022**]

§2. In these cases, after the proofs regarding the facts and imputability have been collected, the major superior is to make known the accusation and proofs to the member to be dismissed, giving the member the opportunity for self-defense. All the acts, signed by the major superior and a notary, together with the responses of the member, put in writing and signed by that member, are to be transmitted to the supreme moderator.

Can. 696 §1. A member can also be dismissed for other causes provided that they are grave, external, imputable, and juridically proven such as: habitual neglect of the obligations of consecrated life; repeated violations of the sacred bonds; stubborn disobedience to the legitimate prescripts of superiors in a grave matter; grave scandal arising from the culpable behavior of the member; stubborn upholding or diffusion of doctrines condemned by the magisterium of the Church; public adherence to ideologies infected by materialism or atheism; the illegitimate absence mentioned in can. 665, §2, lasting six months; other causes of similar gravity which the proper law of the institute may determine.

§2. For the dismissal of a member in temporary vows, even causes of lesser gravity established in proper law are sufficient.

Can. 697 In the cases mentioned in can. 696, if the major superior, after having heard the council, has decided that a process of dismissal must be begun:

1/ the major superior is to collect or complete the proofs;

2/ the major superior is to warn the member in writing or before two witnesses with an explicit threat of subsequent dismissal unless the member reforms, with the cause for dismissal clearly indicated and full opportunity for self-defense given to the member; if the warning occurs in vain, however, the superior is to proceed to another warning after an intervening space of at least fifteen days;

3/ if this warning also occurs in vain and the major superior with the council decides that incorrigibility is sufficiently evident and that the defenses of the member are insufficient, after fifteen days have elapsed from

the last warning without effect, the major superior is to transmit to the supreme moderator all the acts, signed personally and by a notary, along with the signed responses of the member.

Can. 698 In all the cases mentioned in cann. 695 and 696, the right of the member to communicate with and to offer defenses directly to the supreme moderator always remains intact.

Can. 699 §1. The supreme moderator with the council, which must consist of at least four members for validity, is to proceed collegially to the accurate consideration of the proofs, arguments, and defenses; if it has been decided through secret ballot, the supreme moderator is to issue a decree of dismissal with the reasons in law and in fact expressed at least summarily for validity.

§2. In the autonomous monasteries mentioned in can. 615, it belongs to the diocesan bishop, to whom the superior is to submit the acts examined by the council, to decide on dismissal.

Can. 700 A decree of dismissal does not have effect unless it has been confirmed by the Holy See, to which the decree and all the acts must be transmitted; if it concerns an institute of diocesan right, confirmation belongs to the bishop of the diocese where the house to which the religious has been attached is situated. To be valid, however, the decree must indicate the right which the dismissed possesses to make recourse to the competent authority within ten days from receiving notification. The recourse has suspensive effect.

Can. 701 By legitimate dismissal, vows as well as the rights and obligations deriving from profession cease ipso facto.

Nevertheless, if the member is a cleric, he cannot exercise sacred orders until he finds a bishop who receives him into the diocese after an appropriate probation according to the norm of can. 693 or at least permits him to exercise sacred orders.

Can. 702 §1. Those who depart from a religious institute legitimately or have been dismissed from it legitimately can request nothing from the institute for any work done in it.

§2. Nevertheless, the institute is to observe equity and the charity of the gospel toward a member who is separated from it.

Can. 703 In the case of grave external scandal or of most grave imminent harm to the institute, a member can be expelled immediately from a religious house by the major superior or, if there is danger in delay, by the local superior with the consent of the council. If it is necessary, the major superior is to take care to begin a process of dismissal according to the norm of law or is to refer the matter to the Apostolic See.

Can. 704 In the report referred to in can. 592, §1, which is to be sent to the Apostolic See, mention is to be made of members who have been separated from the institute in any way.

CHAPTER VII.

RELIGIOUS RAISED TO THE EPISCOPATE

Can. 705 A religious raised to the episcopate remains a member of his institute but is subject only to the Roman Pontiff by virtue of the vow of obedience and is not bound by obligations which he himself prudently judges cannot be reconciled with his condition.

Can. 706 The religious mentioned above:

1/ if he has lost the right of ownership of goods through profession, has the use, revenue, and administration of goods which accrue to him; a diocesan bishop and the others mentioned in can. 381, §2, however, acquire property on behalf of the particular church; others, on behalf of the institute or the Holy See insofar as the institute is capable or not of possession;

2/ if he has not lost the right of ownership of goods through profession, recovers the use, revenue, and administration of the goods which he had; those things which accrue to him afterwards he fully acquires for himself;

3/ in either case, however, must dispose of goods according to the intention of the donors when they do not accrue to him personally.

Can. 707 §1. A retired religious bishop can choose a place of residence even outside the houses of his institute, unless the Apostolic See has provided otherwise.

§2. If he has served some diocese, can. 402, §2 is to be observed with respect to his appropriate and worthy support, unless his own institute wishes to provide such support; otherwise the Apostolic See is to provide in another manner.

CHAPTER VIII.

CONFERENCES OF MAJOR SUPERIORS

Can. 708 Major superiors can be associated usefully in conferences or councils so that by common efforts they work to achieve more fully the purpose of the individual institutes, always without prejudice to their autonomy, character, and proper spirit, or to transact common affairs, or to establish appropriate coordination and cooperation with the conferences of bishops and also with individual bishops.

Can. 709 Conferences of major superiors are to have their own statutes approved by the Holy See, by which alone they can be erected even as a juridic person and under whose supreme direction they remain.

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

William Medling
Bar No. 24073061
chase.medling@kellyhart.com
Envelope ID: 75791829
Filing Code Description: Motion (No Fee)
Filing Description: Defendants' Plea to the Jurisdiction
Status as of 5/18/2023 4:56 PM CST

Associated Case Party: THEDISCALCED CARMELITE NUNS INC

Name	BarNumber	Email	TimestampSubmitted	Status
Matthew Bobo		mbobo@mwblawyer.com	5/18/2023 4:38:31 PM	SENT
Katy Hart		katy@mwblawyer.com	5/18/2023 4:38:31 PM	SENT
Chelsey O'Connor		chelsey@mwblawyer.com	5/18/2023 4:38:31 PM	SENT

Associated Case Party: THECATHOLIC DIOCESE OF FORT WORTH

Name	BarNumber	Email	TimestampSubmitted	Status
W. ChaseMedling		chase.medling@kellyhart.com	5/18/2023 4:38:31 PM	SENT
Michael Anderson		michael.anderson@kellyhart.com	5/18/2023 4:38:31 PM	SENT
Melanie Tell		melanie.tell@kellyhart.com	5/18/2023 4:38:31 PM	SENT