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Brief of Amici Curiae Eparchy of Our Lady of Lebanon of Los Angeles and the Orthodox Church in America in Support of Appellee's Petition to Transfer

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IN THE
INDIANA SUPREME COURT

Case No. _____

JOSHUA PAYNE-ELLIOTT, *Plaintiff/Appellant*, v. ROMAN CATHOLIC ARCHDIOCESE OF INDIANAPOLIS, INC., *Defendant/Appellee*.	)	Court of Appeals Case No. 21A-CP-00936 Appeal from the Marion Superior Court 1 Trial Court Case No. No. 49D01-1907-PL-027728 The Honorable Lance Hamner, Special Judge

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BRIEF OF *AMICI CURIAE*
EPARCHY OF OUR LADY OF LEBANON OF LOS ANGELES AND THE ORTHODOX CHURCH IN AMERICA
IN SUPPORT OF APPELLEE'S PETITION TO TRANSFER

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The Eparchy of Our Lady of Lebanon of Los Angeles ("Our Lady of Lebanon") is an Eastern Catholic Maronite Diocese based in St. Louis, Missouri, which serves Maronite Catholics from California to Ohio. The Maronite Church has roots going back to the Apostles through the Patriarchate of Antioch where "we were first called Christians," Acts 11:26. Today, the Church's Patriarch resides in Lebanon. An eparchy, like a diocese in the Western Catholic tradition, is "a portion of the people of God that is entrusted to a bishop to shepherd." Code of Canons of the Eastern Churches, Can. 177 § 1 (1990) [hereinafter "CCEO"].[1] The Maronite Church has always been in communion with the Pope in Rome.

The Orthodox Church in America ("OCA") is a self-governing Church and full member of the Assembly of Canonical Orthodox Bishops of the United States of America. OCA numbers some 700 parishes, missions, communities, monasteries, and institutions throughout North America. As a self-governing Church, the OCA elects its own presiding Primate without relying on any ecclesiastical entity abroad for ratification. The OCA is committed to the unity of Orthodoxy in North America according to the principle of a single, united Church in a given geographic territory.

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[1] The Western Code of Canon Law defines a diocese in much the same way. Code of Canon Law, Can. 369 (1983) [hereinafter "CIC"]. The distinction in terms between "eparchy" and "diocese" is not relevant to the arguments made in this brief and, here, the terms are largely used interchangeably.

Likewise, the theology and canonical duties of the eparchial bishop is essentially the same as that of the diocesan bishop in the Western tradition. *See generally* Ivan Žužek, *Understanding the Eastern Code* 203–38, 459–79 (1997); *compare* CIC, Can. 381, *with* CCEO, Can. 178.

In the religious traditions of both Our Lady of Lebanon and the OCA, bishops carry the sacred duty to serve as the primary shepherds for the faithful believers entrusted to them within their diocese or eparch. *Amici* seek to ensure that bishops are guaranteed the fundamental freedom to fulfill this pastoral calling without the interference of civil courts.

SUMMARY OF ARGUMENT

This case challenges a decision that is manifestly ecclesiastical: a directive from the Archbishop of Indianapolis regarding what policies a religious school must follow in order to be faithfully Catholic and to remain formally part of his Archdiocese. That is a question of exclusively religious concern. In the religious traditions of the Archdiocese and *amici*, it is a question which is entrusted to the care of bishops as the successors to the Apostles of Jesus Christ. This theological understanding of the bishop is defined in particular ways through canon law, which details the rights and duties that pertain to his sacred office. The bishop's performance of those duties cannot be understood or evaluated in any way that is not religious.

It is emphatically clear that the First Amendment of the United States Constitution prohibits a court from interfering with decisions like these. Simply put: "[C]ivil authorities"—including courts—"have no say over matters of religious governance." *Korte v. Sebelius*, 735 F.3d 654, 677–78 (7th Cir. 2013). Courts may not inspect or circumscribe the exercise of a bishop's spiritual authority—nor are they competent to say whether a bishop has exercised that authority in the way he ought. Rather, courts must refuse to entertain claims like the one here so that churches will

have the necessary freedom to direct themselves "in matters of faith and doctrine and in closely linked matters of internal government." *Our Lady of Guadalupe Sch. v. Morrissey-Berru*, 140 S. Ct. 2049, 2061 (2020).

To be sure, debates over the exact parameters of the First Amendment's church-autonomy protections persist. But this case is easy. In light of the pastoral authority entrusted to bishops, there can be no doubt that a bishop's judgment as to the proper moral and theological direction for diocesan associations is a *religious* question. Nothing unearthed through discovery will change that conclusion. The lower court's order for further discovery to investigate the Archbishop's manifestly religious decision threatens the very "entangle[ment] in essentially religious controversies" that the doctrine—and the First Amendment—is designed to prevent. *Serbian Orthodox Diocese v. Milivojevich*, 426 U.S. 696, 709 (1976).

In order to fulfill its guarantees, the church-autonomy doctrine must be determined and applied early in this litigation. This Court should grant review and reverse the decision below in order to prevent that unconstitutional entanglement and to make clear that judicial inspection of ecclesiastical decisions like these "is exactly the inquiry that the First Amendment prohibits." *Id.*

ARGUMENT

I. A court may not intrude into a bishop's religious decisions regarding the direction and membership of associations within his diocese.

The Archbishop's directive in this case cannot be characterized as anything other than religious. On its face, that directive implicates the internal organization of the Archbishop's church and the standards of conduct that he understands its beliefs to

require. These are core matters of religious doctrine and church governance that are canonically entrusted to the care of bishops in the Catholic and Orthodox traditions.

The United States Supreme Court has long made clear that the First Amendment prohibits courts from interfering with exactly such decisions. "[C]ivil authorities"—including courts—"have no say over matters of religious governance" like these. *Korte*, 735 F.3d at 678. Review by this Court is needed to ensure fidelity to this constitutional command and to prevent courts in this state from becoming entangled in unmistakably internal religious affairs.

A. The church-autonomy doctrine prohibits courts from interfering with decisions regarding religious doctrine or church governance.

The United States Supreme Court has long made clear that civil courts may not interfere with a church's management of its internal and religious affairs. *See Our Lady*, 140 S. Ct. at 2060; *Hosanna-Tabor Evangelical Lutheran Church & Sch. v. EEOC*, 565 U.S. 171, 190 (2012); *Milivojevich*, 426 U.S. at 697–99; *Kedroff v. St. Nicholas Cathedral*, 344 U.S. 94, 116 (1952); *Watson v. Jones*, 80 U.S. 679, 713–15 (1871). Collectively, these cases embody the First Amendment's church-autonomy doctrine: the fundamental principle that churches must be free from government interference "in matters of faith and doctrine and in closely linked matters of internal government." *Our Lady*, 140 S. Ct. at 2061; *see also Kedroff*, 344 U.S. at 116 (recognizing "a spirit of freedom for religious organizations, an independence from secular control or manipulation, in short, power to decide for themselves, free from state interference, matters of church government as well as those of faith and doctrine"). That doctrine "gives special solicitude" to religious organizations' freedom

"to shape their own missions, conduct their own ministries, and generally govern themselves in accordance with their doctrines as religious institutions." *Korte*, 735 F.3d at 677 (quotation omitted). The First Amendment prohibits "any attempt by government to dictate or even to influence such matters." *Our Lady*, 140 S. Ct. at 2060.

This doctrine serves two purposes. First, it prevents the government from becoming "entangled in essentially religious controversies" that might implicate the Establishment Clause. *Milivojevich*, 426 U.S. at 709; *accord Our Lady*, 140 S. Ct. at 2060. Second, it protects the fundamental freedom of churches to govern themselves and their religious practices as promised by the Free Exercise Clause. *Milivojevich*, 426 U.S. at 709; *Our Lady*, 140 S. Ct. at 2060. Such controversies raise "inherently theological question[s]" that simply "cannot be resolved by civil courts through legal analysis." *Our Lady*, 140 S. Ct. at 2070 (Thomas, J., concurring). The doctrine thus "mark[s] a boundary between two separate polities, the secular and the religious, and acknowledge[s] the prerogatives of each in its own sphere." *Korte*, 735 F.3d at 677; *see also Presbyterian Church v. Mary Elizabeth Blue Hull Mem'l Church*, 393 U.S. 440, 449 (1969) (the First Amendment "commands civil courts to decide [legal] disputes without resolving underlying controversies over religious doctrine").

To serve these purposes, courts must refuse to entertain claims that would implicate a church's freedom to manage its central and religious affairs. "Avoidance, rather than intervention, should be a court's proper role when adjudicating disputes involving religious governance." *Demkovich v. Saint Andrew the Apostle Par.*, 3 F.4th

968, 975 (7th Cir. 2021). Courts have declined to consider claims that would touch on a variety of religious matters, including disputes over: church property, *e.g.*, *Watson*, 80 U.S. at 679; the appointment of hierarchical church authorities, *e.g.*, *Milivojevich*, 426 U.S. at 721–25; the qualifications of chaplains, *e.g.*, *Gonzalez v. Roman Catholic Archbishop*, 280 U.S. 1 (1929); the employment of teachers at religious schools, *e.g.*, *Our Lady*, 140 S. Ct. at 2060; and allegations of harassing language in ecclesiastical dialogue, *e.g.*, *Bryce v. Episcopal Church in the Diocese of Colo.*, 289 F.3d 648 (10th Cir. 2002). The Seventh Circuit has explained the "[t]wo related principles . . . at work in these cases": "First, civil authorities have no say over matters of religious governance; and second, secular judges must defer to ecclesiastical authorities on questions properly within their domain." *Korte*, 735 F.3d at 678. In combination, these principles lead to the simple demand that courts avoid engaging questions that would compromise the "institutional freedom of [a] church." *Id.*

B. A bishop's pastoral control over the membership of his church is squarely a matter of church autonomy.

Within the Catholic Church, bishops are the "principal dispensers of the mysteries of God" and the "governors, promoters, and guardians of the entire liturgical life in the church committed to them." Pope Paul VI, *Decree Concerning the Pastoral Office of Bishops in the Church* (*Christus Dominus*) ¶ 15 (Oct. 28, 1965)

[hereinafter *Christus Dominus*].[2] The bishop's duty to direct the community entrusted to his care is a deeply religious matter, deriving from a theology of the bishop that has developed from scripture to the present day. The proper expression of that duty is exclusively a matter of faith—and is therefore off-limits for judicial scrutiny.

1. The bishop is entrusted with the sacred responsibility to govern his diocese.

The theology of the bishop is rooted in Jesus Christ's call of the twelve Apostles, to whom, Catholics believe, Christ gave authority over the moral and temporal goods of the Church. *See, e.g.*, Matt. 18:18. Bishops are understood to be "successors of the Apostles as pastors of souls," and they are "sent to continue throughout the ages the work of Christ, the eternal pastor." *Christus Dominus*, *supra*, ¶ 2; *see also*, *e.g.*, 1 Tim.; Hebrews 12–13; 1 Thess. 5:12–13. As such, bishops "presid[e] in the place of God over the flock, whose shepherds they are, as teachers for doctrine, priests for sacred worship, and ministers for governing." Pope Paul VI, *Dogmatic Constitution on the Church (Lumen Gentium)* ¶¶ 19–20 (Nov. 21, 1964) [hereinafter, *Lumen Gentium*]. They are understood to be "true and authentic teachers of the faith,"

[2] Although this section focuses on the role of the bishop specifically in the Catholic tradition, the OCA shares a similar understanding of the bishop. *See* Statute of the Orthodox Church in America, art. VIII, § 1 [hereinafter OCA Statute] ("[T]he Diocesan Bishop possesses full canonical authority within his Diocese . . . . He is the Chief Shepherd of his Diocese. . . . In all matters, the decisions and pronouncements of the Diocesan Bishop are final, except insofar as they are subject to appeal as provided in the Sacred Canons and the Statute.").

specifically "through the Holy Spirit, who has been given to them." *Christus Dominus*, *supra*, ¶ 2.

This theology of the bishop is reflected in the structure of Catholic diocesan governance that endures today. A diocese or eparchy "is a portion of the people of God which is entrusted to a bishop to be shepherded by him with the cooperation of the presbytery." *Id.* ¶ 11; *see also* CIC, Can. 369; CCEO, Can. 177 § 1. Bishops are "the visible source and foundation of unity in their own particular Churches." *Lumen Gentium*, *supra*, ¶ 23. A bishop must ensure this unity through the "exercise [of his] pastoral office over the portion of the People of God assigned to [him]," the "habitual and daily care" of whom "is entrusted to [the bishop] completely." *Lumen Gentium*, *supra*, ¶¶ 23, 25. Indeed, it is understood that "[i]n matters of faith and morals, the bishops speak in the name of Christ and the faithful are to accept their teaching and adhere to it with a religious assent." *Id.* ¶ 25.

Accordingly, the Catholic Church "grants the faculty to each diocesan bishop to dispense" all the "ordinary, proper, and immediate authority" needed to contribute to the "spiritual welfare" of his diocese, except in cases that have been reserved specifically to the Holy See. *Christus Dominus*, *supra*, ¶ 8. Bishops must "rul[e] well their own Churches as portions of the universal Church," *Lumen Gentium*, *supra*, ¶ 23, "performing for them the office of teaching, sanctifying, and governing," *Christus Dominus*, *supra*, ¶ 11.

2. The bishop's sacred authority must be exercised in an array of matters, including the control of schools.

The calling of the bishop's sacred office may be fulfilled only through careful attention to a wide variety of diocesan affairs. Under Catholic canon law, the bishop is "obliged to safeguard the unity of the entire Church, . . . [to] promote the common discipline of the Church [and] to urge the observance of all ecclesiastical laws and legitimate customs." CCEO, Canon 190, 201.[3] He must therefore "govern[] the eparchy entrusted to him with legislative, executive, and judicial power" in all manners of activity "to protect firmly the integrity and unity of the faith." *Id.* Can. 191, 196.

Numerous canons detail how that authority is to be exercised. For example, an eparchial bishop must "moderat[e], promot[e], and guard[] the entire liturgical life in the eparchy committed to him," *id.* Can. 199, and must exercise a number of consequent duties, including those related to: the supervision of "the preaching of the word of God," *id.* Can. 609–15; the celebration of the sacraments, *id.* Can. 667–879;

[3] This section refers to the code of canons applicable to Our Lady of Lebanon's Eastern Catholic tradition. The Eastern and Western Catholic canons are in significant accord, however, and the duties described here are reflected in the canons of the Western Catholic tradition as well. *See generally* CIC & *supra* n.1.

Although different than the codes of Catholic canon law, the Statute of the OCA also details an array of matters entrusted to the authority of the diocesan bishop. *See, e.g.*, OCA Statute, *supra* n.2, art. VIII ("The Diocesan Bishop shall: Expound the Faith and moral teaching of the Orthodox Church and guide his flock in accordance with Church doctrine; Have the right of initiative and authoritative guidance in all matters concerning the life of his Diocese . . . ; Exercise discipline over Diocesan clergy and laity in all cases not requiring the action of a Church Court; . . . [and] Establish Diocesan educational or philanthropic institutions according to the needs of his Diocese, issue their charters, and appoint officers as provided in their charters.").

and catechetical formation within the Church, *id.* Can. 617–26. Likewise, the bishop is responsible for overseeing the structure and daily administration of his eparchy, including by presiding over its financial and administrative affairs, *id.* Can. 227–32, 262–63, and stewarding its property, *id.* Can. 1022–52.

Particularly relevant here, the bishop is responsible for the creation and direction of associations organized within his eparchy or diocese. *See id.* Can. 573–83. Indeed, "no undertaking shall assume the name 'Catholic' unless the consent of competent ecclesiastical authority is given." *See id.* Can. 19, 575. It is further "the duty of the eparchial bishop to be vigilant of all associations exercising activity in his territory" to "see that the integrity of faith and morals is preserved in them, and to watch lest abuse creep into ecclesiastical discipline." *Id.* Can. 577. If an association "causes serious harm to ecclesiastical doctrine or discipline, or is a scandal to the Christian faithful," the bishop is to notify the relevant individuals and "apply appropriate remedies in the meantime." *Id.*

The bishop's duty to supervise diocesan associations applies in particular to Catholic schools. *See id.* Can. 627–30. The Catholic Church, generally, is understood to share with parents the duty to shepherd the souls of their children and to "care for their Catholic education." *Id.* Can. 628. The bishop, in particular, exercises the Church's right "to establish and supervise schools." *Id.* Can. 631. Indeed, a "school is not considered Catholic in law unless it was established [or recognized] as such by the eparchial bishop or by a superior ecclesiastical authority." *Id.* Can. 632. The bishop is thus called to establish Catholic schools and provide "true Catholic

formation" where they are needed. *Id.* Can. 635, 637. Catholic schools themselves bear a "particular obligation to create an atmosphere animated by the Gospel spirit of freedom and love," and their teachers are to be "outstanding in doctrine and exemplary in the witness of their lives." *Id.* Can. 634, 639. The "bishop has the right to judge any school whatever and to decide whether it fulfills the requirements of Christian education"—including the right to "forbid the Christian faithful, for a grave reason, to attend a particular school." *Id.*

Altogether, these particular duties toward Catholic schools are in keeping with the bishop's broader call to take spiritual care of the believers entrusted to him, to safeguard the faith by ensuring that "the whole of Christian doctrine is handed on to all," and to see that the "integrity of faith and morals is preserved" in those associations that form part of his particular church. *Id.* Can. 196, 577. Accordingly, there can be no doubt that the decision at the heart of this case—the Archbishop's judgment as to what the faith requires of Catholic schools within his care—is a matter of fundamentally *religious* concern. As such, there should be no doubt about a court's inability to evaluate that choice.

Nothing more is needed to decide this case. It is abundantly clear that the claim here asks the court to intervene in a matter that is reserved exclusively to religious authorities; that is a demand "that the First Amendment does not allow." *Our Lady*, 140 S. Ct. at 2069.

II. To fulfill its purposes, the church-autonomy doctrine must be resolved early in litigation.

In order to fulfill the dual guarantees of the First Amendment's religion clauses, the church-autonomy doctrine must be resolved early in litigation. The lower court's order to allow further discovery to interrogate the Archbishop's religious decisions threatens the very interference with matters of religion that the doctrine—and the First Amendment—is designed to prevent.

Invasive judicial processes lie at the heart of what the doctrine is supposed to shield a church from. The very nature of litigation into ecclesiastical matters threatens the "entangle[ment] in essentially religious controversies" that courts must avoid. *Milivojevich*, 426 U.S. at 709. Indeed, judicial "inquiry into the procedures that canon or ecclesiastical law supposedly requires . . . or else into the substantive criteria by which [church authorities] are supposedly to decide the ecclesiastical question . . . is exactly the inquiry that the First Amendment prohibits." *Id.* It is thus "well established . . . that courts should refrain from trolling through a person's or institution's religious beliefs." *Mitchell v. Helms,* 530 U.S. 793, 828 (2000). Indeed, "[i]t is not only the *conclusions* that may be reached [by a court] which may impinge on the rights guaranteed by the religion clauses, but also the *very process of inquiry* leading to findings and conclusions." *NLRB v. Catholic Bishop of Chi.*, 440 U.S. 490, 502 (1979) (emphasis added). Such an inquiry would pose great harm to religious communities by harming their "process of self-definition." *Corp. of Presiding Bishop of Church of Jesus Christ of Latter-Day Saints v. Amos,* 483 U.S. 327, 343–44 (1987) (Brennan, J., concurring). Judicial scrutiny of those decisions would "both produce

excessive government entanglement with religion and create the danger of chilling religious activity." *Id.* at 344. A court must instead "accept the ecclesiastical decisions of church tribunals as it finds them." *Milivojevich*, 426 U.S. at 713.

The concerns underlying other immunities from suit confirm the point. Guided by the structure of the Constitution, history, and public policy, the U.S. Supreme Court has recognized that certain actions must be immune from suit—and the harms the judicial process inflicts—rather than from liability alone. These include absolute immunities enjoyed by many public officers in the exercise of their official duties. *See, e.g.*, *Nixon v. Fitzgerald,* 457 U.S. 731 (1982) (presidential immunity); *Imbler v. Pachtman,* 424 U.S. 409 (1976) (prosecutorial immunity); *Eastland v. U.S. Servicemen's Fund,* 421 U.S. 491 (1975) (legislative immunity); *Pierson v. Ray*, 386 U.S. 547 (1967) (judicial immunity). A similar theory extends to the "qualified immunity" that shields certain actors where "social costs includ[ing] the expenses of litigation, the diversion of official energy from pressing public issues, and the deterrence of able citizens from acceptance of public office" demand protection against the judicial process. *Harlow v. Fitzgerald,* 457 U.S. 800, 814 (1982). As in religious matters, courts are incapable of assessing the proper performance of many of these duties, which have been constitutionally committed to other actors. *Cf. White v. Pauly*, 137 S. Ct. 548, 551 (2017) (questioning whether courts can competently "second-guess[]" these official actions).

The Supreme Court "repeatedly [has] stressed the importance of resolving immunity questions at the earliest possible stage in litigation." *Pearson v. Callahan*,

555 U.S. 223, 232 (2009) (quotation omitted). Without early recognition of immunity, the judicial process would inflict irreparable harm as the official would forever lose her "freedom from having to undergo a trial." *McCarthy v. Fuller,* 714 F.3d 971, 975 (7th Cir. 2013). Even "such pretrial matters as discovery . . . can be particularly disruptive." *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985) (quotation omitted).

For similar reasons, courts have recognized that the protections required by the church-autonomy doctrine also require early resolution. This is often seen in the context of the so-called "ministerial exception"—one subset of the First Amendment's guarantee of church autonomy. Several federal courts of appeals—including the Seventh Circuit—have recognized that the denial of a ministerial exception defense is "closely akin to a denial of official immunity." *McCarthy,* 714 F.3d at 975; *see also, e.g.*, *Petruska v. Gannon Univ.*, 462 F.3d 294, 302 (3d Cir. 2006); *Bryce*, 289 F.3d at 654. The concerns are the same as in official immunity contexts: courts are incapable of scrutinizing the merit of ecclesiastical matters and any effort to do so would entangle them in questions inappropriate for the judicial role and act as a barrier to the free exercise of those decisions by religious authorities. *See generally Herx v. Diocese of Fort Wayne-South Bend, Inc.*, 772 F.3d 1085, 1090–91 (7th Cir. 2014) (denial of ministerial-exception defense is immediately appealable "in order to vindicate the important religious-liberty principle that a secular court may not take sides on issues of religious doctrine" (quotation and alteration omitted)). This same conclusion must apply to the broader church-autonomy doctrine.

Continued litigation would be especially inappropriate here, where the religious nature of the dispute is obvious. Nothing uncovered in discovery could alter the conclusion that the Archbishop's assessment of how a Catholic school must uphold the teachings of his Church was an exercise of ecclesiastical judgment into which a court has no business intruding. That is true regardless whether a judge might disagree with the substance of that judgment. And it is true regardless what one might unearth about the nature of Payne-Elliott's work at the school. Put simply: this is a question of a church's central authority to determine what its faith demands of those institutions that belong to it. No inquiry is needed (or allowed) to inspect the details of that determination.

Finally, nothing in this Court's jurisprudence can alter these demands of the federal Constitution. For starters, the lower court almost certainly overstated this Court's observation that the application of church-autonomy defenses is "fact-sensitive and claim specific," *Brazauskas v. Fort Wayne-South Bend Diocese*, 796 N.E.2d 286, 294 (Ind. 2003) (quotation omitted). That may be true in the general sense that the First Amendment may not shield "purely secular" decisions made by a religious body. *See Bryce*, 289 F.3d at 657. But it demands no more than a threshold inquiry to determine whether a dispute raises ecclesiastical concerns; where, as here, the answer to that question is obvious, no further judicial inquiry is needed or allowed. And to the extent anything this Court has said previously would suggest otherwise, the Court should now take this opportunity to make perfectly clear that

the law of Indiana must operate within the parameters demanded by the First Amendment and long defined by the Supreme Court of the United States.

CONCLUSION

Amici respectfully urge this Court to grant the Archdiocese's petition to transfer and reverse the judgment of the court below.[4]

Dated: February 22, 2022

Respectfully submitted,

/s/ John A. Meiser

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[4] The Religious Liberty Clinic thanks students Joseph Graziano, Thomas Hellenbrand, and Olivia Rogers for their assistance with this brief.

WORD COUNT CERTIFICATE

Pursuant to Appellate Rule 44(F), I hereby certify that this brief contains no more than 4,200 words, exclusive of the items listed in Appellate Rule 44(C), as counted by the word-processing system used to prepare the brief, Microsoft Word 2019 MSO. *See* Ind. R. App. P. 44.

/s/ *John A. Meiser*

CERTIFICATE OF SERVICE

I hereby certify that on February 22, 2022, I electronically filed the foregoing document using the Indiana E-Filing System ("IEFS") and that the following parties were served, via their counsel at the emails below, through the IEFS in accordance with Appellate Rule 68:

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