

1. Bosko Vujosevic is a Trustee of the Serbian Orthodox Metropolitanate of New Gracanica – Diocese of the United States of America and Canada.
2. Stojan Bozic is a member of the Serbian Orthodox Metropolitanate of New Gracanica – Diocese of the United States of America and Canada.
3. Radonja Gacanovic is a member of Diocesan Council of the Serbian Orthodox Metropolitanate of New Gracanica - Diocese of the United States of America and Canada.
4. Mike Antonijevic is a member and the treasurer of the Diocesan Council of the Orthodox Metropolitanate of New Gracanica - Diocese of the United States of America and Canada.
5. Milos Puskar is a member of the Diocesan Council of the Orthodox Metropolitanate of New Gracanica - Diocese of the United States of American and Canada.
6. Milorad Prtenjak was a delegate of the Church-People's Assembly (Sabor) in 1998.
7. Milosh Milenkovich was a delegate of the Church-People's Assembly (Sabor) in 1998.
8. Rudy Simovic was a delegate of the Church-People's Assembly (Sabor) in 1998, 1999, 2002, and 2005.
9. Petar Svilar was a delegate of the Church-People's Assembly (Sabor) in 1998, 1999, 2002, and 2005.

10. Milenko Paljich was a delegate of the Church-People's Assembly (Sabor) in 1998.
11. Milton Radovic is the president of the St. Demetrios Serbian Church.
12. Simo Petkovic is the President of the Free St. Sava Serbian Orthodox Church-School Congregation.
13. Mira Prtenjak is a past president of the Free St. Sava Serbian Orthodox Church-School Congregation.
14. The Defendant, Reverend Longin Krco, is the Bishop of the Serbian Orthodox Metopolitanate of New Gracanica – Diocese of the United States of America and Canada.

BACKGROUND

15. In 1963 delegates of the Tenth Church-National Assembly of the Serbian Eastern Orthodox Diocese proclaimed complete autonomy from the Serbian Orthodox Church (here after "Belgrade Church"), headquartered in Belgrade.
16. After the proclamation, a dispute over control of the diocese in North America took place between the newly autonomous diocese and the Belgrade Church. In 1976 the Supreme Court issued its decision in *Serbian Orthodox Diocese v. Milivojevich*, 426 U.S. 696 (1976), which ultimately caused possession of church property in North America to be transferred to the Belgrade Church.

17. As result of the Supreme Court ruling, the autonomous diocese founded its own Church, with independently acquired funds and property, and incorporated pursuant to the Religious Corporation Act of Illinois as THE FREE SERBAIN ORTHODOX DIOCESE OF THE UNITED STATES OF AMERICA AND CANADA (hereafter "Free Church").

18. The Free Church was founded specifically to exist outside the hierarchy of the Belgrade Church.

19. On April 29, 1977, the Free Church recorded its affidavit of organization pursuant to the Religious Corporation Act of Illinois. (Exhibit A).

20. The Affidavit of Organization, recorded in 1977, states:

This independent and autonomous church is not subject to or under the authority or patronage of any higher ecclesiastical or hierarchical authority. This Church is free to independently regulate its own spiritual and secular affairs as well as affiliate or disaffiliate with any religious congregation, group or hierarchical entity.

21. In 1986, the Free Church adopted its most recent version of its constitution, titled: CONSTITUTION of the Serbian Orthodox Free Diocese for The United States and Canada (hereafter "1986 Constitution"). (Exhibit B).

22. Resolution 1 of the 1986 Constitution states:

In accordance with the decrees, sub-paragraphs 3 & 7 of Clause 2 of the Resolution enacted on August 8, 1963, the SERBIAN ORTHODOX DIOCESE FOR THE UNITED STATES OF AMERICA AND CANADA

proclaimed [*sic*] its COMPLETE AUTONOMY and, as a result, in the future, this Diocese shall not accept and carry out orders and decisions of the Patriarch [*sic*], the Holy Synod and Assembly of Bishops of the Serbian Orthodox Church, located in Belgrade, until they are free to function and make their own decisions, because they currently function subject to the present communist regime in Yugoslavia.

23. Article 1 of the 1986 Constitution states:

The Free Serbian Orthodox Diocese of the United States and Canada (henceforth called the Diocese) is fully autonomous and free religious community of Orthodox Serbs in the United States and Canada who are members of Serbian Orthodox Church-School Congregations which is considered ecclesiastically and judicially an organic part of the Free Serbian Orthodox church and which enjoys all of the benefits which originate therefrom.

The Diocese publicly confesses its religious teachings, publicly performs its liturgical functions, and independently rules and regulates its ecclesiastical and religious affairs.

24. Article 5 of the 1986 Constitution states:

The legal bodies of the Diocese shall be: the Diocese, monasteries, parishes, church-school congregations,

25. Article 6 of the 1986 Constitution states:

The jurisdiction of the diocese shall include the entire geo-political territory of the United States of America and Canada, with its See at the Gracanica Monastery in Third Lake, State of Illinois, U.S.A., as well as missionary areas in Central & South America and South Africa.

26. Article 7 of the 1986 Constitution states:

The Diocese shall independently govern and freely dispose of Diocesan properties, Diocesan funds and endowments within the limits of this Constitution and the laws of the United States of America and Canada.

The Diocese shall independently control its income and expenditures. Its properties shall exclusively serve ecclesiastical purposes and shall not be used for any other purpose, unless so provided by thei [sic] Constitution.

27. Article 13 of the 1986 Constitution states:

Decisions regarding the organization of the Diocese and all its organs and bodies shall be made by the Church-People Assembly, in consultation with the Holy Synod of Bishops. All such decisions shall be consistent with the provisions of the Constitution of the Free Serbian Orthodox Church.

28. Article 10 of the 1986 Constitution states:

The legal and property interests of the Diocese and of its integral parts shall be regulated and represented by the ecclesiastical organs in accordance with Articles 114 thru 118 of this Constitution.

29. Article 118 of the 1986 Constitution states:

All tangible and intangible properties of the Diocese belongs exclusively to the Diocese.

All tangible and intangible properties of the Church-School Congregations belong exclusively to the Church-School Congregation.

No higher hierarchcal [sic] authority has any right to these properties.

30. In July of 1991, the Trustees changed the corporate name of the Free Church to: THE SERBIAN ORTHODOX METROPOLITANATE OF NEW GRACANICA – DIOCESE OF THE UNITED STATES OF AMERICA AND CANADA (hereafter “Metropolitanate”).

31. An amendment to the Affidavit of Organization, reflecting the name change, was executed and recorded in Lake County, Illinois. (Exhibit C).

32. In 1995, the Metropolitanate selected new Trustees. The Amendment to the Affidavit of Organization listed the following individuals as being the Trustees of the Metropolitanate:

The Most Reverend Metropolitan Iriney Kovacevich

V. Rev. Djuro Majerle

V. Rev. Marko Todorovich

V. Rev. Dusan Bunjevic

V. Rev. Radomir Chkautovich

V. Rev. Djuro Krosnjar

V. Rev. Dragoljub Popovic

Rev. Cedomir Kostic

Rev. Miodrag Popovic

Rev. Miodjub Matic

Vlado Bjelopetrovich

Zivojin Cokic

Milorad Golubovich

Nick Katich

Ljubisa Lausevich

Louis Milicich

George Sladich

Slavko Stokovich

Mary Lou Suitca

Pavle Toplavich

Zarko Vucinic

Bosko Vujosevich

33. No new Trustees, as such, have been elected since 1995.

34. The Diocesan Church Peoples Assembly – SABOR is the supreme legislative body of the Metropolitanate.

35. The Diocesan Council is the executive arm of the Diocesan Church Peoples Assembly – SABOR. Diocesan Council members are elected every 3 years by the Church Peoples assembly.

36. In 1992, the 5th Assembly of the Metropolitanate approved the Transitional Regulations to be in place for a period, not to exceed three years, while the Metropolitanate and the Belgrade Church considered reuniting under a common constitution. (Exhibit D).

37. At that time and pursuant to the terms of the Transitional Regulations, the Belgrade Church provided the Metropolitane with a cleric to serve as its bishop.

38. According to its terms, the Transitional Regulations were to be in place for a period of 3 years.

39. The Transitional Regulations did not call for or effectuate the transfer of any property owned by the Metropolitanate.

40. Article 14 of the Transitional Regulations states:

The protection of Church property shall be regulated according to the hierarchical structure of the Holy Orthodox Church as provided for by the respective Constitutions, Rules and Regulation of the Serbian Orthodox Church in the U.S.A. and Canada and the New Gračanica Metropolitanate, and the laws of the respective countries.

41. Under Article 14 of the Transitional Regulations, the property of each Church was to continue to be governed according to the respective constitutions of the respective churches.

42. In April of 1998, the Assembly of the Metropolitanate met in 3rd Lake, Illinois, where they considered whether to accept a proposed draft of a common constitution.

43. During the Assembly of April 1998, strong opposition arose concerning provisions of the proposed common constitution which dealt with property belonging to the individual Church Congregations. As a result

the Assembly chose not to adopt the proposed common constitution, but did agree to reconvene in 6 months to revisit the issue.

44. The Assembly did not reconvene until December of 1999. Again the proposed common constitution was rejected by the Assembly.

45. At the meeting of 1999, the Assembly unanimously agreed that they would only be bound by the 1986 Constitution and remain separate from the Belgrade Church.

46. At the meeting of the Assembly in 1999, Bishop Longin acknowledged before the assembly that the issue of a new constitution was no longer being considered and that he would continue to live and work according to the provisions of the 1986 Constitution.

47. The Assembly has since met in the years 2002 and 2005. The Assembly did not approve a common constitution at either of these meetings.

48. Despite the stated goal of the Transitional Regulations, no common constitution has ever been agreed to by the Metropolitanate.

49. According to the 1986 Constitution, only the Assembly of the Metropolitanate has the authority to adopt, extinguish, or amend the Constitution of the Metropolitanate.

COUNT I - DECLARATORY JUDGMENT

50. Plaintiff states and realleges paragraphs 1-49.

51. In or around the year 2008, the Belgrade Church and its agents began circulating a document titled: "CONSTITUTION OF THE SERBIAN ORHODOX CHURCH IN NORTH AND SOUTH AMERICA." (Exhibit E).

Article 34 of this document states:

This Constitution was promulgated and adopted by Church Assembly (Sabor) of the Serbian Orthodox Church in the U.S.A. and Canada on the 24th day of April, 1998, by the Church Assembly (Sabor) of the Serbian Orthodox Metropolitanate of New Granica – Diocese of the U.S.A and Canada on the 24th day of April, 1998, and by the Joint Church Assembly (Sabor) on the 25th day of April, 1998, with the approval of the Joint Episcopal Council, and was ratified by the decision of the Holy Assembly of Bishops, AB Decision No.8/min. 91, of May 22/9, 2007.

52. Article 34 of the above stated document is factually inaccurate and is misleading to the public concerning the events taking place during the 1998 meeting of the Metropolitanate Assembly.

53. In June of 2009, or thereabout, the Belgrade Church or its agents circulated a letter announcing the reorganization of the Metropolitanante as part of the hierarchy of the Belgrade Church. (Exhibit F).

54. On or about July 11, 2009, Biship Longin stated publically that a reorganization of the Metropolitanate had occurred and that there was no longer a division between the Metropolitanante and the Belgrade Church. The statements of Longin were printed and published. A copy of this publication is attached as Exhibit G.

55. Neither the 1986 Constitution nor the Metropolitanate Assembly has ever authorized such reorganization.

56. The Metropolitanate Assembly did not in April 1998, nor has it at any other time, approved any common constitution.

57. Notwithstanding any proclamations of the Belgrade Church or Bishop Longin, the Metropolitanate retains the independent and exclusive authority to self-govern, self-organize, and self-determine the extent to which it chooses to affiliate.

58. That an actual controversy exists pursuant to 735 ILCS 5/2-710.

WHEREFORE, Plaintiff prays that this Court enter an order finding that the Metropolitanate is an independent and autonomous religious organization.

COUNT II - PRELIMINARY INJUNCTION

59. Plaintiff states and realleges paragraphs 1-58.

60. Bishop Longin is the current Bishop of the Metropolitanate.

61. In 1998, Bishop Longin became the Bishop of the Metropolitanate.

62. While serving in the role of Bishop of the Metropolitanate, Longin is bound by its Constitution.

63. If Bishop Longin is to continue to serve the Metropolitanate as its Bishop, he must abide by the authority of the Metropolitanate and its Constitution.

64. While serving in the role of Bishop of the Metropolitanate, Longin owes a duty of loyalty to the Metropolitanate.
65. As set forth above, the Metropolitanate was founded specifically to exist outside the hierarchy of the Belgrade Church. In order to do this they acquired real property in Third Lake, Illinois to serve as their headquarters. On that property they constructed a Monastery for religious services as well as a seminary to train priests. They acquired sacred relics and consecrated a cemetery where church members could be buried. The Third Lake property and the facilities located thereon are unique and cannot be duplicated anywhere else.
66. By way of his position as Bishop of the Metropolitanate and his physical presence on and around the Third Lake property belonging to the Metropolitanate, Longin is in the possession of and has control over the Third Lake property and other tangible and intangible property belonging to the Metropolitanate specifically:
- a) He resides at the Third Lake property and controls who has access to the property,
 - b) He has caused a mortgage to be recorded against the Third Lake property,
 - c) He exclusively controls who can conduct religious services in the Monastery located on the Third Lake property,

- d) All dues collected by the Parishes and Churches in the Metropolitanate are automatically forwarded to him, and on information and belief, are not being used for Metropolitanate purposes,
- e) He has exclusive possession of and controls who has access to the Seminary building located on the Third Lake property, moreover that building has a hall on the first floor which he rents out for weddings and other banquets. On information and belief he is collecting fees for the use of that property, and on information and belief, those fees are not being used for Metropolitanate purposes.
- f) He has exclusive possession of and controls who has access to the picnic grounds (which includes a hall and bar) which he has been renting for various functions. On information and belief he is collecting fees for the use of the picnic ground and hall, and on information and belief, those fees are not being used for Metropolitanate purposes.
- g) There is a cemetery located on the Third Lake Property for the interment of members of the Metropolitanate. He has exclusive control of that cemetery and exclusive control of who is interred in that cemetery
- h) There are relics which are both priceless and sacred to Members of the Metropolitanate which are contained in the altar in the Monastery located in the Third Lake property. If those relics were ever removed from

the Monastery, the Monastery could never again be used for religious services.

67. There exists a substantial and immediate danger that property belonging to the Metropolitanate will be subject to unauthorized and unlawful transfer.

68. The Plaintiffs have no adequate remedy at law to prevent the transfer of property belonging to the Metropolitanate.

WHEREFORE Plaintiff prays that Bishop Longin be restrained from taking any action causing the transfer of property belonging to the Metropolitanate.

COUNT III - PERMANENT INJUNCTION

69. Plaintiff states and realleges paragraphs 1-68.

WHEREFORE Plaintiff prays that Bishop Longin be permanently restrained from taking any action causing the transfer of property belonging to the Metropolitanate.

Respectfully Submitted,

By: _____
Attorney for the Plaintiffs

John W. Quinn
John L. Quinn
Churchill, Quinn, Richtman & Hamilton, Ltd.
P.O. Box 284
Grayslake, IL 60030
Tel: (847) 223-1500
Fax: (847) 223-1700