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This opinion shall not "constitute precedent or be binding upon any court."
Although it is posted on the internet, this opinion is binding only on the
parties in the case and its use in other cases is limited. R. 1:36-3.

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-0230-16T4

CHANG DUK CHO,

Plaintiff-Appellant,

v.

SUNG NAM CHOI,

Defendant-Respondent.

CHANG DUK CHO,

Plaintiff-Appellant,

v.

MYUNGSOO KIM,

Defendant-Respondent.

CHANG DUK CHO,

Plaintiff-Appellant,

v.

HUNG SEO MOON,

Defendant-Respondent.

CHANG DUK CHO,

Plaintiff-Appellant,

v.

EDWIN HAHN,

Defendant-Respondent.

KITAE KIM, JA YOUNG SHIN,
MYONG S. SHIN, KEUM PYO,
YOON SANG KIM, CHUNG WOO KIM,
YOUNG HO LEE, EDWARD LEE,
IN J. LEE, AHN JEH YONG,
CHANG DUK CHO, DUK SOON CHO,
and YUNG HO LEE,

Plaintiffs-Appellants,

v.

SUNGNAM CHOI, and THE CANAAN
KOREAN COMMUNITY CHURCH,

Defendants-Respondents.

Submitted March 13, 2018 – Decided April 3, 2018

Before Judges Fasciale, Sumners and Moynihan.

On appeal from Superior Court of New Jersey,
Law Division, Bergen County, Docket No. L-
4246-15.

Song Law Firm, LLC, attorneys for appellants
(Howard Z. Myerowitz and M. Ari Jacobson, on
the briefs).

Cole Schotz, PC, attorneys for respondents
(Edward S. Kiel and Eric S. Latzer, of counsel
and on the brief).

PER CURIAM

Kitae Kim, Ja Young Shin, Myong S. Shin, Keum Pyo, Yoon Sang Kim, Chung Woo Kim, Young Ho Lee, Edward Lee, In J. Lee, Ahn Jeh Yong, Chang Duk Cho (Cho), Duk Soon Cho, and Yung Ho Lee (collectively plaintiffs) appeal from a February 19, 2016 order consolidating numerous matters; a March 4, 2016 order dismissing plaintiffs' complaint against Reverend Sungnam Choi (Rev. Choi) and the Canaan Korean Community Church (the Church); and an April 29, 2016 order denying plaintiffs' motion for reconsideration. Cho appeals a June 10, 2016 order denying his motion to amend his individual complaints against Rev. Choi, Myungsoo Kim (Kim), Hung Seo Moon (Moon), and Edwin Hahn (Hahn) (collectively defamation defendants); and a June 10, 2016 order dismissing Cho's complaints against Rev. Choi and Kim.¹

Plaintiffs were members of the Church when it hired Rev. Choi to serve as its pastor. The Church – a member of the Korean Methodist Church – hired Rev. Choi in accordance with the procedures and criteria set forth in the Book of Discipline of the Korean Methodist Church. Plaintiffs filed suit against Rev. Choi and the Church concerning the hiring of Rev. Choi.

¹ Cho does not appeal the dismissal of Moon and Hahn.

Nearly a year after the Church hired Rev. Choi, Cho provided a loan to the Church. A promissory note that provided that the Church executed a mortgage to secure repayment, and a security agreement, were executed in connection with the loan. Cho, independently, brought individual actions against the defamation defendants regarding their alleged statements about Cho's loan.

Plaintiffs contend the judge improperly consolidated numerous matters. Rule 4:38-1(a) authorizes consolidation of actions "involving a common question of law or fact arising out of the same transaction or series of transactions." A trial judge has the discretion to grant or deny a party's motion to consolidate, and we will not disturb the judge's decision absent an abuse of that discretion. Moraes v. Wesler, 439 N.J. Super. 375, 378 (App. Div. 2015).

Plaintiffs contend the judge improperly consolidated the four defamation complaints. We disagree. The four defamation complaints are nearly identical, as they contain the same allegations and share factually similar events concerning Cho's loan to the Church. In each complaint, Cho asserts that the named defendant defamed Cho by claiming he "took advantage of the [C]hurch's dire financial situation to leverage favorable terms of the loan" in the presence of hundreds of church members on four particular dates. The judge did not abuse his discretion in

consolidating the four defamation complaints because Cho's actions against the defamation defendants arose out of the same events and involve a common question.

As to the consolidation of the four defamation complaints with Cho's complaint against Rev. Choi and the Church, we agree with plaintiffs that the judge abused his discretion. The complaints arose out of separate events and facts. The complaints did not share any commonality, as Cho's complaint against Rev. Choi and the Church included counts of fraud, breach of contract, infliction of emotional distress, consumer fraud, and negligent hiring, while plaintiffs asserted defamation. Plaintiffs sought relief regarding Rev. Choi's credentials and the Church's hiring of him, while Cho sought relief for statements made about him regarding his loan to the Church.

The judge's improper consolidation, however, was harmless because the judge properly adjudicated the remaining motions. We affirm substantially for the reasons expressed by the judge. We add the following brief remarks.

Contrary to plaintiffs' assertion, the judge properly dismissed plaintiffs' complaint against Rev. Choi and the Church pursuant to Rule 4:6-2(a) for lack of subject matter jurisdiction. "New Jersey cases have long held that civil courts lack jurisdiction over spiritual matters and the administration of

church affairs that do not affect the civil or property rights of individuals." Chavis v. Rowe, 93 N.J. 103, 109 (1983). Courts are prohibited from reviewing "a church's core right to decide who (and in what manner he or she) may propagate its religious beliefs," McKelvey v. Pierce, 173 N.J. 26, 42 (2002), as such review would entangle the government in "questions of religious doctrine, polity, and practice," Jones v. Wolf, 443 U.S. 595, 603 (1979).

Plaintiffs disputed Rev. Choi's qualifications to serve as the Church's pastor, and challenged the Church's hiring of Rev. Choi. The Church is subject to the Book of Discipline of the Korean Methodist Church, and plaintiffs' claims required the court to resolve the matter in accordance with it. Regardless of whether the Church was regulated by the Book of Discipline, the judge properly determined that the Church, and not the court, "retains the authority to decide purely ecclesiastical issues, including whether Rev[.] Choi was properly credentialed to serve as a pastor of the Church."

Regarding Cho's defamation assertions, the judge properly determined that the alleged statements by Rev. Choi and Kim expressing that Cho would place liens of the Church's property in the case of default and that it was Cho's intent to do so were not defamatory. An amendment to Cho's complaint would have been futile

because the amended claims would have failed. See Notte v. Merchs. Mut. Ins. Co., 185 N.J. 490, 501 (2006).

The statements regarding the lien were true conditions that Cho and the Church agreed upon when Cho provided the Church with the loan. The parties executed a deed in lieu of foreclosure expressly permitting Cho to take immediate title of the Church's property in the event of default. As the "truth is a full defense to a cause of action for defamation," Senisch v. Carlino, 423 N.J. Super. 269, 278 (App. Div. 2011), Cho could not recover from these statements. Similarly, the statement regarding Cho's intent to "take over" the Church is a statement of opinion. "Unlike false statements of fact, expressions of opinion, no matter how insulting, are actionable only if they imply the existence of undisclosed defamatory facts on which the opinion was based." Karnell v. Campbell, 206 N.J. Super. 81, 89 (App. Div. 1985). Cho could not recover from Kim's statement as it was an opinion based on the terms of the loan agreement.

In determining that each of the statements were not defamatory, the judge properly found that Cho failed to state a claim for which relief could be granted under Rule 4:6-2(e), denied Cho's motion to amend his complaint, and granted the defamation defendants' cross-motion to dismiss.

Affirmed.

I hereby certify that the foregoing
is a true copy of the original on
file in my office.

