

1 STATE OF SOUTH CAROLINA

COURT OF COMMON PLEAS

2 COUNTY OF DORCHESTER

CASE NO. 2013-CP-18-00013

3

THE PROTESTANT EPISCOPAL )  
CHURCH IN THE DIOCESE OF )  
SOUTH CAROLINA, THE TRUSTEES )  
OF THE PROTESTANT EPISCOPAL )  
CHURCH IN SOUTH CAROLINA, )  
A SOUTH CAROLINA CORPORATE )  
BODY, ET AL., )

PLAINTIFFS, )

8

vs.

TRANSCRIPT OF RECORD

9

THE EPISCOPAL CHURCH, (A/K/A )  
THE PROTESTANT EPISCOPAL )  
CHURCH IN THE UNITED STATES )  
OF AMERICA); THE EPISCOPAL )  
CHURCH IN SOUTH CAROLINA, )

DEFENDANTS. )

13

JULY 8, 2014  
ST. GEORGE, SC

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16 B E F O R E:

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HONORABLE DIANE S. GOODSTEIN

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Ruth L. Mott, RPR, CRR  
Official Court Reporter

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9             Declaration of Trust; St. David's Church; The

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1           (Plaintiff Exhibits DSC-1 through DSC-32 premarked for  
2 identification.)

3           (Plaintiff Exhibits DSC-40 through DSC-55 premarked for  
4 identification.)

5           THE COURT: Thank you all so much and please be seated  
6 and good morning. It is my understanding that we have  
7 members of the press who are present. Of course everyone's  
8 welcome. This is a public forum and we are delighted to have  
9 everyone here, delighted to have members of the public here.  
10 This is, as I say, a public place, however, if you are here  
11 from the press, we have a rule, it's Rule 605, and 605  
12 dictates your ability to be here and report, and so if you  
13 have not submitted your request pursuant to 605, you are not  
14 allowed to photograph or do any videography, and the reason  
15 for that, obviously, is that if someone should jump up with a  
16 camera, we would like to know that you might jump up with a  
17 camera and not confuse it for a gun or something, so it's to  
18 allow for our proceedings to remain in due decorum with these  
19 proceedings, so the only concern that I have with regards to  
20 cameras or video equipment is that I do not want clicking of  
21 cameras. Your cameras, if you're going to use them, must be  
22 silent, and the reason for that is it's very distracting for  
23 lawyers who are working to hear click, click, click, click,  
24 it distracts them, and I don't want them distracted. And so  
25 if your equipment that you intend to use isn't silent, don't

1 use it. I know that we are awaiting the submittal of a 605  
2 form by one of the members of the media who failed to bring  
3 that with them this morning, and as soon as the form arrives  
4 we anticipate that it will be brought up, and I'll have an  
5 opportunity to review it and I will let you know that it has  
6 been signed, and then you may at that point begin to report  
7 in terms of photography or videotaping or whatever you might  
8 like to do.

9 Now, I believe that handles that housekeeping matter.  
10 Now, it's my understanding that you guys are a little  
11 concerned and would like to be able to have a little more  
12 room, is that right, do I understand that? Plaintiffs are  
13 good to go?

14 MR. RUNYAN: No, we're good to go.

15 THE COURT: Defendants, good to go?

16 Good, good, all right. Anything from the plaintiffs  
17 before we begin?

18 MR. RUNYAN: Nothing, Your Honor.

19 THE COURT: Anything from the defendants?

20 MR. TISDALE: Nothing, Your Honor.

21 THE COURT: Very well. Counsel, let me hear from you  
22 with regards to opening statements. We do not have a jury.  
23 This is a nonjury matter. I do not need opening statements.  
24 I think that, given the fact that we lost the trial time  
25 yesterday, it would suit me nicely to go right into the

1 taking of testimony, but let me hear from you.

2 MR. RUNYAN: We're fine with that, Your Honor.

3 THE COURT: Mr. Tisdale?

4 MR. TISDALE: Your Honor, that is correct. Ms. Golding  
5 and I talked about this a month or two ago, and we agreed  
6 that unless you needed them we don't recommend them.

7 THE COURT: You all have done a wonderful job of  
8 apprising me of the issues. I really don't and appreciate  
9 that.

10 Oh, and I now have the request submitted by Andy Owens  
11 as being submitted for Ms. Ashley Barker. Very well. Ms.  
12 Barker is welcome to come in. She's welcome to come in  
13 anyway but with her equipment.

14 Very well. Counsel.

15 MS. GOLDING: Ready to proceed, Your Honor.

16 THE COURT: Yes, ma'am.

17 MS. GOLDING: Your Honor, just for purposes of the  
18 record, Your Honor, I'm Henrietta Golding, and I will be  
19 conducting direct examination and cross-examination on behalf  
20 of the Plaintiff the Trustees of the Protestant Episcopal  
21 Church of South Carolina and also the Diocese St. Luke's  
22 Hilton Head. Mr. Runyan will be conducting direct  
23 examination and cross-examination on behalf of the Diocese,  
24 and he also has several parishes that he will be identifying.

25 THE COURT: Very well, and with regards to counsel that

1 actually anticipate wanting to do examination of offered  
2 witnesses tell me who I should anticipate that from if you  
3 know.

4 MS. GOLDING: Mr. Runyan and myself will be the primary  
5 individuals that will be handling direct and  
6 cross-examination for the plaintiffs except for each  
7 plaintiff parish, and each plaintiff parish has an attorney  
8 who will be directing direct examination, but we hope that  
9 will be somewhat limited due to possible stipulations in that  
10 area, Your Honor.

11 THE COURT: Very well. Thank you so much. Will you be  
12 calling the first witness?

13 MS. GOLDING: Yes, Your Honor. I would like to call  
14 Wade Logan.

15 WADE H. LOGAN, III,  
16 being first duly sworn, testified as follows:

17 THE COURT: All right if you would state your full name  
18 again for our record.

19 THE WITNESS: Yes, ma'am, Wade H. Logan, III.

20 THE COURT: That's also a bit of a sound check. Your  
21 witness.

22 MR. TISDALE: Your Honor, may I enter an objection at  
23 this point?

24 THE COURT: Yes.

25 MR. TISDALE: We just checked the witness list given to

1 us by Mr. Runyan, and Mr. Logan's name is not on it, and he  
2 was not noticed as a witness in any way, and we have not  
3 taken his deposition because he was not noticed, so we object  
4 to his being called as a witness.

5 MS. GOLDING: Your Honor, Mr. Logan has been identified  
6 by both defendants. The national Episcopal Church identified  
7 Mr. Logan as their third witness on their list in response to  
8 the plaintiffs' interrogatories as to who their witnesses  
9 would be. That interrogatory answer was by TEC, the  
10 Episcopal Church, was dated August 14, 2013, and that  
11 interrogatory went to practically all the plaintiffs who sent  
12 out them. Then the other defendant, the Episcopal Church of  
13 South Carolina, also listed Mr. Logan as the third witness in  
14 their answers to interrogatories. That primarily was in  
15 September, September 13, 2013, Your Honor. In their response  
16 as to his testimony they identified him as a chancellor.  
17 They identified that he was a member, that he will be  
18 testifying as to governance issues with respect to his  
19 position as chancellor. Additionally, the defendants,  
20 pursuant to the scheduling order we had in January 9, 2014,  
21 they listed, quote, possible witnesses, Your Honor, and  
22 possible witnesses they listed as -- they had a category as  
23 any witness identified in discovery as a possible witness.  
24 Further, Your Honor, in that same scheduling order, January  
25 9, 2014, the scheduling order asked for anticipated witnesses

1 in No. 1, and then in No. 3 it stated that the parties would  
2 exchange witness lists prior to trial. No parties have  
3 exchanged any witness lists prior to trial, Your Honor. As a  
4 result of Mr. Logan, being listed as a witness for each of  
5 the defendants, Your Honor, I decided that I would call him  
6 instead of the defendants, and I'll handle that.

7 THE COURT: Very well. Any response?

8 MR. TISDALE: Only to say, Your Honor, he was listed as  
9 someone with knowledge of the matter, never as a witness for  
10 trial by anyone, and we object to his being a witness because  
11 his deposition has not been taken.

12 THE COURT: I understand. Ms. Golding, for purposes of  
13 the record I think that I would make the Court's Exhibit, you  
14 mentioned that there was a document that referred to him as a  
15 potential witness; is that correct?

16 MS. GOLDING: Yes, ma'am, Your Honor, I will introduce  
17 them, and we can provide copies. Mine are marked up, Your  
18 Honor, but the national church, TEC, in Interrogatory No. 1,  
19 in their answer, Interrogatory 1 was identify each person  
20 known to be a witness concerning the facts of this case.  
21 State whether any statements have been taken from any such  
22 witnesses and identify which of these individuals the  
23 plaintiff -- the defendant intends to use as a witness in  
24 this trial. Their first witness they listed was the Right  
25 Reverend Charles vonRosenberg, the second witness was the



1 Reverend Canon George Chassey, and the third witness was Wade  
2 H. Logan, III.

3 THE COURT: Very well. We'll make a copy of that the  
4 Court's Exhibit, and if you want to wait and give a clean  
5 copy.

6 MS. KOSTEL: Could Ms. Golding read our full answer? I  
7 believe we qualified our response.

8 MS. GOLDING: This one is not qualified and this is from  
9 the defendant the Episcopal Church in South Carolina, and  
10 I'll also introduce their response as a --

11 THE COURT: As the Court's Exhibit as well? I'm  
12 satisfied with the one.

13 MS. GOLDING: It was the identical question and the  
14 identical answer, Your Honor.

15 MS. KOSTEL: It was not an identical answer. Thank you.

16 MS. GOLDING: I'll be glad to show you what I received  
17 from you to show that it's identical.

18 MS. KOSTEL: Yes, please.

19 MS. GOLDING: May it please the Court, may I?

20 THE COURT: Certainly.

21 (Attorneys confer.)

22 MS. GOLDING: Your Honor, I stand corrected the national  
23 church, TEC, in their response to that question they have  
24 listed all persons who have been members of the standing  
25 committee of the Diocese of South Carolina, and Mr. Logan was

1 a member of the standing committee of the Diocese of South  
2 Carolina.

3 THE COURT: And that is in response to Question No. 1,  
4 who are witnesses?

5 MS. GOLDING: The witnesses, yes.

6 MS. KOSTEL: I'm sorry, but could you read the response  
7 into the record?

8 MS. GOLDING: It's a long response. I'll be glad to.

9 THE COURT: I think I can read. Let me see it.

10 MS. KOSTEL: Your Honor, I believe the point is what the  
11 church was doing at that point was providing people that we  
12 knew who had knowledge, not identifying witnesses.

13 THE COURT: That's not what the interrogatory says, but  
14 let me read it.

15 We have standard interrogatories in South Carolina.  
16 There are five of them. The first one asks that question,  
17 who are witnesses. It says give the names, addresses and  
18 telephone numbers of persons known to you or your counsel to  
19 be witnesses, and clearly your response says, while we are  
20 being responsive to the interrogatory, we may or may not call  
21 them, and I think you are clear in that when you say that in  
22 your response, but the response is asking for folks who may  
23 be witnesses, could be witnesses, known to you, and I think  
24 that your qualification on behalf of the national church does  
25 say that. These are people that we believe very well may

1 know something about these issues. We may or may not call  
2 them as witnesses, but they are identified in response to No.  
3 1 which is calling for who may be witnesses. There's a  
4 little bit of a distinction. Becomes much more important I  
5 think if you all had exchanged witness lists as you had  
6 anticipated doing, but in that that didn't occur I would say  
7 this, while there certainly is a qualification on behalf of  
8 the national church, there certainly isn't one on behalf of  
9 the state church. I'm not going to keep Mr. Logan from  
10 testifying. He's been identified. He's certainly been known  
11 to all parties. No one is surprised. He's listed as a  
12 witness in answers to interrogatories, and he will be allowed  
13 to testify. Very well.

14 MS. GOLDING: Thank you, Your Honor.

15 THE COURT: Thank you, Ms. Golding, and they'll be  
16 Court's Exhibit 1 and 2, and I do appreciate that you'll get  
17 a clean copy and make those exhibits.

18 MS. GOLDING: Yes, Your Honor.

19 DIRECT EXAMINATION BY MS. GOLDING:

20 Q. Mr. Logan, could you tell us where you currently reside?

21 A. Yes, ma'am. I live on Sullivan's Island outside of  
22 Charleston.

23 Q. And how long have you lived in Charleston County?

24 A. Since I was about six months old, I understand.

25 Q. May I please ask you, can I ask you your age? I

1 apologize.

2 A. I just turned 70, fortunately or unfortunately.

3 Q. With respect to your college education, where did you  
4 attend college and when did you graduate?

5 A. I went to Carolina which is located in Chapel Hill,  
6 North Carolina, and I graduated in 1966 with an AB in  
7 political science.

8 Q. Did you thereafter go to law school?

9 A. Yes, ma'am, at the University of South Carolina.

10 Q. And when did you graduate?

11 A. In 1969 with a JD degree.

12 Q. And how long have you been a lawyer in the State of  
13 South Carolina?

14 A. Since September of 1969, I believe.

15 Q. And since September of 1969 have you been in good  
16 standing with the South Carolina Supreme Court as a lawyer in  
17 South Carolina?

18 A. Yes, ma'am.

19 Q. Now, can you tell this Court some of the positions  
20 you've held throughout your years as a South Carolina  
21 attorney --

22 A. Well --

23 Q. -- with the bar association?

24 A. Yes, ma'am. I was a delegate to the house of delegates,  
25 I was chairman of the house of delegates at one point, I went

1 through the chairs and then became president of the South  
2 Carolina Bar and as a result of that became president of  
3 something called the Southern Conference of Bar Presidents.

4 Q. When were you president of the South Carolina Bar  
5 Association?

6 A. It's the South Carolina Bar, and I think it was '89 to  
7 '90.

8 Q. Thank you. What type of law do you currently practice?

9 A. My current practice is basically limited to representing  
10 the diocese as chancellor to do primarily mediations of civil  
11 cases and some arbitration.

12 Q. Prior to being involved in arbitration and mediation  
13 were you active in any other fields of the law?

14 A. Yes, ma'am. I guess you could say my primary vocation  
15 and avocation was as a trial lawyer, primarily on the defense  
16 side, primarily on civil side. I've tried all kinds of  
17 cases, medical malpractice cases, legal malpractice cases,  
18 products liability and a general kind of civil practice.

19 Q. Have you ever had an association with any such as the  
20 American College of Trial Lawyers?

21 A. Yes, ma'am, I'm a fellow of the American College of  
22 Trial Lawyers.

23 Q. Where do you currently attend Church?

24 A. We attend Church at St. Michael's Church in downtown  
25 Charleston.

1 Q. And how long have you attended Church at St. Michael's?

2 A. Well, I was baptized and confirmed there, so however  
3 long that's been.

4 Q. Do you consider yourself to be a member of that parish?

5 A. Yes, ma'am.

6 Q. And with respect to being a member of the parish what's  
7 the basic criteria for that?

8 A. I haven't looked at the bylaws in some time, but  
9 basically you have to be a communicant -- excuse me, you  
10 asked about a member?

11 Q. Yes.

12 A. Baptized member, I believe, in good standing.

13 Q. And as far as with St. Michael's, to your knowledge what  
14 is that corporate status of St. Michael's?

15 A. I believe it was incorporated in 1751.

16 Q. Is it a profit or nonprofit corporation?

17 A. Nonprofit.

18 Q. Do you not have knowledge based upon your dealings with  
19 the parish as to how long that parish has existed?

20 A. Yes, ma'am. I've been on the vestry and was also the  
21 junior and senior warden, so based on my familiarity with  
22 that history I can tell you it's been incorporated and going  
23 since that time.

24 Q. Please tell the Court, what is the vestry?

25 A. The vestry is a group of lay people charged with the

1 governance of the civil affairs of the church as opposed to  
2 the spiritual affairs, which the rector would be in charge  
3 of. At St. Michael's I think there are three new members  
4 elected to three-year terms every year, so it rotates. I  
5 believe that the rector is a member of the vestry.

6 Q. When you say that a vestry member is elected, elected by  
7 whom?

8 A. By the parish at the annual parish meeting.

9 Q. By the members of the parish?

10 A. Yes, ma'am.

11 Q. And would you analogize the vestry to a body --

12 A. It's sort of like a board of directors.

13 Q. And are there members in the vestry that are officers,  
14 or how does that work?

15 A. Yes, ma'am, the senior warden more or less functions as  
16 a president, the junior warden would be the vice president,  
17 at St. Michael's he or she is primarily in charge of  
18 financial affairs, and they elect a secretary.

19 Q. With respect to St. Michaels, are there governing  
20 documents for that nonprofit corporation?

21 A. Yes. I believe there's a constitution and bylaws.

22 Q. What is the role -- you said the role of the senior  
23 warden was president?

24 A. More or less as the president. He functions as  
25 basically the head of the vestry.

1 Q. And what is the role of the junior warden?

2 A. He or she is elected by the parish at the annual meeting  
3 at St. Michael's. It varies from Church to Church, but the  
4 junior warden is elected to a term of two years and then more  
5 or less automatically becomes senior warden for another term  
6 of two years.

7 Q. With respect to the vestry of your parishes, St.  
8 Michael's, does the diocese, the plaintiff diocese, does it  
9 have a vote or a veto power as to the election of those  
10 individuals to the vestry?

11 A. No, ma'am.

12 Q. With respect to the Episcopal -- I'll refer to it as the  
13 national church, to your knowledge does the national church  
14 have any type of vote or veto power with respect to election  
15 of a member in the vestry at St. Michael's?

16 A. No, ma'am.

17 Q. With respect to the rector of your parish, who selects  
18 the rector of St. Michael's?

19 A. I believe that the vestry selects the rector with the  
20 approval of the bishop.

21 Q. And when you say bishop, are you referring to the bishop  
22 of what?

23 A. Of the Protestant Episcopal Diocese of South Carolina  
24 who currently is Mark J. Lawrence.

25 Q. With respect to the rector, what entity directly employs



1 the rector of St. Michael's?

2 A. St. Michael's, the church.

3 Q. And what entity pays the salary of the rector for St.  
4 Michael's?

5 A. St. Michael's Church.

6 Q. Now, when did you become a chancellor for the plaintiff  
7 diocese?

8 A. That is a little fuzzy to me. I think it was in 2006  
9 that Haden McCormick, the Reverend Haden McCormick, who was  
10 then president of the standing committee, and retired Bishop  
11 Ed Salmon asked me if I would handle, quote, a little matter,  
12 unquote, for the diocese. Then Chancellor Nick Zeigler's  
13 health was beginning to decline, and they asked me do that,  
14 which I was willing to do. I believe my appointment was  
15 confirmed by the convention in 2007.

16 Q. Now, when you say by the convention in 2007, what are  
17 you referring to as convention?

18 A. I'm referring to the annual convention of the diocese.

19 Q. With respect to the position of chancellor, can you  
20 explain to us, what is that position?

21 A. Sure. It's an unpaid position, I remember that, and I  
22 believe the canon, excuse me, the constitution says that the  
23 chancellor operates as a legal adviser to the ecclesiastical  
24 authority, which is the bishop, and other diocesan offices  
25 and institutions.

1 Q. Would that be the -- let me hand you what's now marked  
2 as Plaintiff's Exhibit No. 1.

3 Is there any objection to Plaintiff's Exhibit No. 1?

4 MR. TISDALE: It's a journal of --

5 MS. GOLDING: It's the journal of the --

6 MR. TISDALE: -- annual meeting of the convention in  
7 2009?

8 MS. GOLDING: That's correct.

9 MR. TISDALE: We don't have any objection.

10 MS. KOSTEL: No objection.

11 THE COURT: Very well, thank you.

12 (Plaintiff Diocese Exhibit 1 admitted into evidence.)

13 Q. With respect to Plaintiff's Exhibit No. 1, referencing  
14 the constitution of the diocese.

15 A. Yes, ma'am.

16 Q. And I'll refer you to Article 9 of the constitution?

17 MR. TISDALE: Could we inquire what page that is on?

18 MS. GOLDING: A-5.

19 Q. In Article 9, Section 1 of the constitution is there a  
20 reference as to the chancellor?

21 A. Yes, ma'am.

22 Q. Okay.

23 A. It says the chancellor may be an elected member of the  
24 standing committee but if he is not he's an ex officio member  
25 with seat and voice but no vote. What that means basically

1 is that I am a member of the committee and participate in  
2 discussions but cannot vote.

3 Q. And with respect to your duties as a chancellor in your  
4 ex officio position of the standing committee, can you  
5 explain to the Court essentially what is the standing  
6 committee?

7 A. Sure. That is actually in another article of the  
8 constitution entitled Of the Standing Committee.

9 Q. That is Article 9, same page, A-5?

10 A. Yes, ma'am. I can read this if you want or I can  
11 summarize.

12 Q. Summarize, please.

13 A. It's actually I believe, as I entertain it, a board of  
14 directors of the diocese.

15 Q. Now, with respect to your position as the chancellor of  
16 the diocese, is that a term position? How long will you  
17 serve as a chancellor of the diocese?

18 A. I believe it's three years, and I have served  
19 continuously since 2007, 2006.

20 Q. As a chancellor of the diocese do you have access to the  
21 books and records of the diocese?

22 A. Yes, ma'am.

23 Q. And are you familiar with the corporate structure of the  
24 diocese as a chancellor?

25 A. I am not a corporate lawyer, but I'm generally familiar

1 with it, yes, ma'am.

2 Q. Prior to you becoming the chancellor who was the  
3 chancellor?

4 A. Nick Zeigler from Florence I believe was the chancellor  
5 from 1986 until 2006, 2007.

6 Q. And who preceded Mr. Zeigler as chancellor of the  
7 diocese?

8 A. Mr. Tisdale from 1975 to 1986, I believe it was.

9 Q. And to your knowledge does the national church, TEC,  
10 have any choice or vote with respect to the election or  
11 selection of the diocese chancellor?

12 A. They do not.

13 Q. And the individuals that you have named as chancellors  
14 and yourself, are those all South Carolina lawyers?

15 A. Yes, ma'am.

16 Q. Does the position of a chancellor, is that essentially  
17 an inhouse counsel of the diocese?

18 A. Well, I don't actually have an office at the diocese but  
19 I function, yes, as inhouse legal adviser basically.

20 Q. Let's go to with respect to the diocese, where is the  
21 office of the diocese located?

22 A. It's located, I believe, at 126 Coming Street.

23 Q. Is that in Charleston?

24 A. Yes, ma'am.

25 Q. Does the diocese employ any employees?

1 A. Yes, ma'am, there are a number of inhouse employees at  
2 the diocese, and then there is a conference center known as  
3 St. Christopher, and I believe that the employees of that  
4 entity are also considered employees of the diocese.

5 Q. On a yearly basis what would be the average number of  
6 employees at the diocese?

7 A. I would say more than 10, less than 50. I'm not really  
8 sure exactly.

9 Q. Who is the head person in the diocese?

10 A. The bishop.

11 Q. And with respect to the bishop, is that an elected  
12 position with the diocese?

13 A. Yes, ma'am.

14 Q. And who elects the bishop?

15 A. It's sort of complicated, but it starts with the  
16 diocesan convention.

17 Q. And when you say convention, you're referring to the  
18 annual convention?

19 A. Yes, well, it may be -- yes, ma'am, it may be a special  
20 convention.

21 Q. And I guess for the edification of the Court, when you  
22 talk about annual convention of the diocese, is that a  
23 meeting?

24 A. Yes, ma'am.

25 Q. And what's the purpose of that annual convention?

1 A. Generally, to conduct the business of the diocese.

2 Q. And are there delegates to that annual convention?

3 A. Yes, ma'am, each parish is entitled to, I think it's up  
4 to four delegates. As a practical matter, it's more or less  
5 always four lay people. And then any members of the clergy  
6 who are canonically resident basically are also members of  
7 the convention.

8 Q. When you refer to the parishes that have delegates, how  
9 many current parishes are within the plaintiff diocese?

10 A. I was afraid you were going to ask me that. I think  
11 it's around 40, maybe 36.

12 Q. And with respect to those plaintiff parishes, are they  
13 named plaintiffs in this lawsuit?

14 A. Yes, ma'am, most of them are.

15 Q. And what body selects the delegates from each parish to  
16 the annual convention for the diocese?

17 A. Each parish would elect them at its parish annual  
18 meeting.

19 Q. Does the diocese have a say-so as to what delegate from  
20 each parish can attend the annual convention?

21 A. You have to be an elected delegate basically, but as  
22 long as the parish has elected you, that's it.

23 Q. To your knowledge when did the diocese, the plaintiff  
24 diocese come into existence?

25 A. I believe it was in 1785.

1 Q. Do you know how to your knowledge, based on your  
2 knowledge, how it first came about to be formed?

3 A. Sure. The Revolution obviously led to a disassociation  
4 of the American Church from the Church of England. After the  
5 Revolution was over a group of churches in South Carolina got  
6 together to form a diocese to in effect be the church in  
7 South Carolina.

8 Q. At that point in time the existence of the diocese, was  
9 it a corporation or what was the structure?

10 A. It was an unincorporated association from my  
11 understanding.

12 Q. And when did the diocese become a corporation?

13 A. I believe that it was incorporated in 1973.

14 Q. Did it become a South Carolina nonprofit corporation in  
15 1973?

16 A. Yes, ma'am.

17 Q. Thank you. Okay. And to your knowledge what is the  
18 purpose of the diocese?

19 A. Well, that is referenced in some corporate documents,  
20 the governing documents, but basically it's to operate the  
21 Protestant Episcopal Church in South Carolina, the Protestant  
22 Episcopal Diocese.

23 MS. GOLDING: Are there any objections to 2 through 5,  
24 the journals of the annual conventions?

25 MR. TISDALE: No objection, Your Honor.

1 MS. KOSTEL: No objection.

2 THE COURT: Very well.

3 (Plaintiff Diocese Exhibits 2-5 admitted into evidence.)

4 MS. GOLDING: Your Honor, I have provided them a list of  
5 the exhibits, and we have provided them the exhibits so, Your  
6 Honor, it's my understanding Plaintiff's Exhibits 1 through 5  
7 are admitted.

8 THE COURT: In evidence without objection.

9 Q. Mr. Logan, I would like for you to refer to the  
10 plaintiff diocese exhibit, and we're going to go through 7,  
11 8, 9, 10, 11 and 12?

12 A. Okay.

13 THE COURT: Are those pages or exhibits?

14 MS. GOLDING: Exhibit numbers, Your Honor.

15 MR. TISDALE: Ms. Golding, if you don't mind, could you  
16 give us the date of the document as you come to it, tell us  
17 what exhibit number it is?

18 MS. GOLDING: Exhibit No. 7 is a document entitled  
19 Certificate of Incorporation. You have all those documents.

20 MR. TISDALE: I'm trying to find them. Is that in a  
21 journal?

22 MS. GOLDING: No, it's the certificate of incorporation  
23 of the diocese.

24 MR. TISDALE: Thank you.

25 MS. GOLDING: Exhibit No. 8 is application for amendment



1 of eleemosynary corporation. It is dated February 20, 1987.  
2 Exhibit No. 9 is nonprofit corporation articles of amendment  
3 dated October 19, 2010. Exhibit No. 10 is the notice of  
4 change of principal office for nonprofit corporation dated  
5 September 18, 2012. Exhibit No. 11 is nonprofit corporation  
6 articles of amendment dated October 18, 2012 and Exhibit No.  
7 12 is notice of change of registered agent dated October 18,  
8 2012. Your Honor, I would like to ask if there are any  
9 objections to Exhibits 7 through 12.

10 MR. TISDALE: No objections.

11 MS. KOSTEL: No objection.

12 THE COURT: Exhibits 7 through 12 are in evidence  
13 without objection.

14 (Plaintiff Diocese Exhibits 7-12 admitted into  
15 evidence.)

16 Q. Mr. Logan, I would like for you to go to Exhibit No. 7.

17 A. Yes, ma'am.

18 Q. Do you have that in front of you?

19 A. I do.

20 Q. And Exhibit 7, just identify that document, Mr. Logan.

21 A. This is entitled Certificate of Incorporation by the  
22 Secretary of State.

23 Q. And what is the date?

24 A. The date is November 14, 1973.

25 Q. Is this the original certificate of incorporation for

1 the plaintiff diocese?

2 A. To my knowledge, yes, ma'am.

3 Q. Okay. And before November of 1973 what was the  
4 organizational status of the plaintiff diocese?

5 A. I believe it was an unincorporated association.

6 Q. With respect to Exhibit No. 7, are there identified any  
7 managers or directors of the plaintiff?

8 A. Yes, ma'am, paragraph fifth of the certificate of  
9 incorporation says the names and residences of all managers,  
10 trustees, directors or other officers are as follows, and it  
11 lists the Right Reverend Gray Temple, address of 1020 King  
12 Street, Charleston, as the bishop, the Reverend Canon George  
13 I. Chassey, Jr., same address, as secretary, and Thomas E.  
14 Myers, same address, as treasurer.

15 Q. Is there anywhere on Exhibit No. 7 that indicates  
16 another organization such as the defendant the Episcopal  
17 Church has to sign on this document?

18 A. No, ma'am.

19 Q. Is there any approval, any signatures or approval or  
20 reference to any other entity such as the national church  
21 approving this document?

22 A. No, ma'am.

23 Q. Next I ask you to go to Exhibit No. 8 and just identify  
24 and tell the Court what is Exhibit 8 and who signed that and  
25 in what capacity?

1 A. Sure. This document, Exhibit No. 8, is entitled  
2 Application for Amendment of Eleemosynary Charter. It  
3 appears to be dated February 20, 1987. And did you ask me  
4 who signed it?

5 Q. Correct.

6 A. The directors or authorized managing board are  
7 identified as C. FitzSimons Allison, who was the bishop, and  
8 John Q. Beckwith, III, executive secretary.

9 Q. With respect to the role of the bishop in the diocese,  
10 how would you classify that role with respect to the  
11 corporate world?

12 A. Roughly analogous to a CEO, a chief operating officer.  
13 I think the governing documents refer to him as the  
14 administrative head of the diocese.

15 Q. Now, with respect to Exhibit No. 8, there's a second  
16 page. Is that the certification of the amendment?

17 A. I think it's Exhibit 9.

18 Q. Excuse me.

19 A. No, I'm sorry, you're correct, Exhibit 8, yes, there is  
20 a certification.

21 Q. On either page of Exhibit 8 is there anything in the  
22 documents that reflect any signatures on behalf of the  
23 defendant TEC?

24 A. No, ma'am.

25 Q. Let's go to Exhibit No. 9. Can you identify Exhibit No.

1 9?

2 A. Yes, ma'am, Exhibit No. 9 is entitled Nonprofit  
3 Corporation Articles of Amendment. It is dated October 19,  
4 2010, and it is signed by the Protestant Episcopal Church in  
5 the Diocese of South Carolina by Mark J. Lawrence, President.

6 Q. And at that time on October 19, 2010 was Mr. Lawrence an  
7 employee of the plaintiff diocese?

8 A. Yes, ma'am.

9 Q. And what was his position as an employee of the  
10 plaintiff diocese?

11 A. He was the bishop.

12 Q. With respect to Exhibit 9, can you tell the Court what  
13 was amended in the articles of incorporation for the  
14 plaintiff diocese?

15 A. Sure. I believe that it amended the corporate purpose.  
16 Do you want me to read it?

17 Q. Yes, sir.

18 A. To read fourth, the purpose of the said proposed  
19 corporation is to continue operation under the constitution  
20 and canons of the Protestant Episcopal Church in the Diocese  
21 of South Carolina.

22 Q. With respect to the change of the purpose in the  
23 plaintiff diocese articles of incorporation that are  
24 reflected in October 2010, when to your knowledge did the  
25 standing committee first discuss this possible amendment of

1 the articles of incorporation?

2 A. It would have been shortly before this, I'm not sure of  
3 the exact date, and it actually I think then went to the  
4 convention, which I believe was about four, five days before  
5 this document was signed. They approved it, to my  
6 recollection, and then the bishop signed, and the bishop as  
7 president of the convention signed it and had it filed with  
8 the Secretary of State.

9 Q. When you say the convention, you're referring to the  
10 annual convention for the plaintiff diocese?

11 A. Of the diocese, yes, ma'am, may have been a special  
12 convention, but it was a convention of the diocese. Probably  
13 was a special convention, excuse me.

14 Q. But to your knowledge this proposed amendment in the  
15 articles of incorporation that are Exhibit No. 9 was voted on  
16 at the annual convention?

17 A. That is my recollection, yes, ma'am, at maybe a special  
18 election, yes, ma'am, special convention, excuse me.

19 Q. Next I ask you to look at Exhibit No. 10 and identify  
20 that, please.

21 A. This document is one of the Secretary of State's forms  
22 and is entitled Notice of Change of Principal Office for a  
23 Nonprofit Corporation. It is dated September 18, 2012, and  
24 it is signed by Paul C. Fuener, President. My recollection  
25 is that Reverend Fuener was the president of the standing

1 committee at that time.

2 Q. And with respect to Exhibit 10, would you refer to this  
3 change as more of an administrative change?

4 A. Yes, I would call it ministerial, to use a lawyer's  
5 language.

6 Q. Next I'll ask you to go to Plaintiff's Exhibit No. 11.

7 A. Yes, ma'am, I have it.

8 Q. And identify Plaintiff's Exhibit No. 11.

9 A. This is another Secretary of State form document. It is  
10 entitled Nonprofit Corporation Articles of Amendment. It is  
11 dated October 18, 2012, and again it is signed by Paul  
12 Fuener, President, and it references an attachment which  
13 basically incorporates certain provisions of the US Internal  
14 Revenue Code.

15 Q. To your knowledge, prior to this amendment which is  
16 Exhibit 11 being presented to the Secretary of State was the  
17 plaintiff diocese a 501(c)(3) charitable corporation?

18 A. Yes, ma'am, I believe it was.

19 Q. What do you recall is the purpose of this amendment?

20 A. I think I sort of call this in my mind the tax  
21 amendment. It was to add provisions of the Internal Revenue  
22 Code, as I said.

23 Q. Was this again more of a ministerial type of amendment?

24 A. Yes, ma'am.

25 Q. Now, with respect to the Exhibits 9, 10 and 11 that you

1 have just discussed, and, I'm sorry, let's go to also No. 12.

2 A. Okay.

3 Q. What is Exhibit 12?

4 A. Exhibit 12 is yet another Secretary of State form. It  
5 is entitled Notice of Change of Registered Office or  
6 Registered Agent or Both of a Nonprofit Corporation. The  
7 name of the corporation is the Protestant Episcopal Church in  
8 the Diocese of South Carolina. It is dated October 18, 2012,  
9 I believe, and it changes the registered agent of the  
10 corporation to James B. Lewis, who happens to be what's  
11 called the canon to the ordinary, the ordinary being the  
12 bishop, and it is, likewise, a ministerial kind of change.

13 Q. Exhibits 9, 10, 11 and 12, with respect to these  
14 documents is there anywhere on these forms of these documents  
15 in which the defendant TEC is to sign any signature areas?

16 A. No, ma'am.

17 Q. What is the current status of the plaintiff diocese with  
18 respect to the South Carolina Secretary of State?

19 A. To my knowledge it's a nonprofit corporation in good  
20 standing.

21 Q. Let me next ask you to identify Exhibits 6 and 7. I  
22 have on your list, on the list I have identified the  
23 documents, what they are, but for edification, No. 6 is the  
24 bylaws of the Protestant Episcopal Church in the Diocese of  
25 South Carolina.

1 A. Yes, ma'am.

2 Q. And 7's already in evidence, excuse me. Your Honor, we  
3 would offer Plaintiff's Exhibit 6 into evidence.

4 MR. TISDALE: No objection.

5 MS. KOSTEL: No objection.

6 THE COURT: Very well.

7 (Plaintiff Diocese Exhibit 6 admitted into evidence.)

8 Q. Mr. Logan do you have Plaintiff's Exhibit 6 in front of  
9 you?

10 A. Yes, ma'am. I actually have two sets of bylaws in my  
11 copy, one is 2010 and I think one is 2012, so I don't know  
12 which one you're referring to first.

13 Q. Okay. Let's first go -- let me ask you a few questions.

14 THE COURT: Let me stop for a second. Are both dates  
15 Exhibit 6, or is one of these dates Exhibit 6 and the other  
16 date another exhibit?

17 MS. GOLDING: They're both in Exhibit 6 but both have  
18 different dates, Your Honor.

19 THE COURT: That's fine.

20 MS. GOLDING: And I'll be glad to mark them 6A and 6B.

21 THE COURT: That might be helpful.

22 MS. GOLDING: Very good.

23 THE COURT: 6A would then be?

24 MS. GOLDING: The bylaws dated in December 2010.

25 THE WITNESS: All right.



1 MS. GOLDING: And 6B will be the bylaws dated in October  
2 2012.

3 THE WITNESS: Okay.

4 Q. Mr. Logan, let's go back to the constitution and canons  
5 of the diocese.

6 A. Okay.

7 Q. With respect to the constitution and canons of the  
8 diocese, those have been introduced in the journals which are  
9 Exhibits 1 through 5. Can you explain the different roles of  
10 the constitution and canons and then the bylaws?

11 A. Sure. The constitution is what I would call the primary  
12 governing document. It is relatively short compared to the  
13 other documents. It is not totally analogous to but it is  
14 not unlike the United States Constitution. The bylaws,  
15 excuse me, the canons for a long time I believe kind of  
16 operated or were treated as the bylaws of the corporation,  
17 and the bylaws tend to be a more detailed elucidation of the  
18 rules for the diocese.

19 Q. So with respect to Exhibits 6A and B that are identified  
20 as bylaws, did the diocese, the plaintiff diocese have  
21 documents under the name of bylaws prior to December 2010?

22 A. I do not believe so.

23 Q. What in actuality were the bylaws of the plaintiff  
24 diocese prior to December 2010?

25 A. I believe that the canons were treated that way.

1 Q. Based upon your personal knowledge how long were the  
2 plaintiff diocese canons treated as the bylaws for the  
3 plaintiff diocese?

4 A. Certainly going back to its incorporation in '73.  
5 That's before my time, but that's what I believe it was.

6 Q. With respect --

7 A. And maybe before that.

8 Q. With respect to the constitution of the plaintiff  
9 diocese, does it have any provisions as to amendments?

10 A. Yes, ma'am. The last article of the constitution, I  
11 believe it's entitled Of Altering the Constitution, I believe  
12 it's Article 10.

13 Q. Is that article --

14 A. It may be another article but --

15 Q. What year?

16 A. I am looking at the 2013 journal.

17 Q. That would be Plaintiff's Exhibit 5.

18 A. All right.

19 Q. And let me hand you what is Plaintiff's Exhibit No. 1,  
20 the journal that was in March 2009.

21 A. Okay.

22 Q. What is the article --

23 THE COURT: Let me stop you a second. You need to have  
24 a seat, please, sir. Thank you kindly. And I need a bailiff  
25 at the back door, and folks can come in when we have breaks,

1 but there's way too much coming in, it's distracting to me,  
2 and I can't listen to and focus on the testimony while I'm  
3 watching folks coming in and going out. Thank you, Mike.

4 You're going to have to go back, Ms. Golding, if you  
5 don't mind.

6 Q. Certainly. Looking at Plaintiff's Exhibit No. 1, the  
7 constitution as of 2007.

8 A. It was Article 12 entitled Of Altering the Constitution.

9 Q. And can you read that article to the Court, please?

10 A. Yes, ma'am. No alteration or amendment of or addition  
11 to this constitution shall be made unless the same be  
12 proposed in writing and in duplicate on the first day of an  
13 annual convention and after reference to the committee on  
14 constitution and canons is adopted by a majority vote of the  
15 convention at which it is proposed and further adopted by a  
16 two-thirds vote of both orders at the next annual convention.

17 Q. Article 12 in the constitution refers to both orders.  
18 Can you just explain to us what it meant by both orders?

19 A. Yes, ma'am, the way the convention is set up, there are  
20 two orders. There is the clerical order and the lay order.  
21 The clerical order obviously would be the clergy. The lay  
22 order would be the delegates elected by each parish.

23 Q. Very good. Is there anything in Article 12 or in any  
24 article in the diocese constitution in 2007 that specifically  
25 excludes any article as not being subject to amendment?

1 A. No, ma'am.

2 Q. Is that true up to today through the five annual  
3 conventions and the constitution and canons through the five  
4 has there ever been a provision in the diocese plaintiff's  
5 constitution that prohibits amending any article?

6 A. There's no such provision in my knowledge.

7 Q. Now let's refer to the canons, and again going to  
8 Exhibit No. 1.

9 A. All right.

10 Q. The 2007 canons. Is there a provision in the 2007  
11 canons that addresses amendments to the canons?

12 A. I believe that it is 37, excuse me, yes, it is 37 on  
13 page C-35.

14 Q. And does that provision permit amendments to the canons?

15 A. Yes, ma'am.

16 Q. In that provision with respect to amending the canons  
17 does it state that there is any canon that cannot be amended?

18 A. No, ma'am.

19 Q. And this canon that permits the amendment, I believe you  
20 said 37?

21 A. Yes, ma'am.

22 Q. Has that canon been in existence from 2007 to the  
23 current?

24 A. To my knowledge, yes, maybe differently numbered but  
25 it's the same provision.

1 Q. Thank you. Now, going to the bylaws, let's go to 6A,  
2 which is the December 2010 bylaws.

3 A. Okay.

4 Q. Can you explain again the position or the purpose of  
5 these bylaws 6A in conjunction with the governance of the  
6 plaintiff diocese with respect to its constitution and its  
7 canons?

8 A. Sure. These were actually bylaws by that name which  
9 were adopted and signed by Jeffrey Miller who was president  
10 of the standing committee in December 2010, I believe it was  
11 December 16.

12 Q. Is there a provision in the bylaws, Exhibit 6A, that  
13 permits amendments?

14 A. Yes, ma'am.

15 Q. Okay.

16 A. It's on page 9, I believe, of this Exhibit.

17 Q. Is that under article 7?

18 A. Yes, ma'am.

19 Q. And can you just summarize what entity or what board has  
20 the ability to amend the bylaws?

21 A. In this it's referred to as the board of directors.

22 Q. And when you say board of directors in 6A, generally  
23 what is that entity also known as?

24 A. The Protestant Episcopal Church in the Diocese of South  
25 Carolina.

1 Q. And is there a body known as a standing committee?

2 A. Yes, ma'am.

3 Q. What is the standing committee?

4 A. Well, the standing committee is basically the board of  
5 directors of the diocese. These bylaws are a corporate  
6 document which, as we've just discussed, talk about a board  
7 of directors among other things, and it governs the  
8 corporation's operations.

9 Q. How are members of the standing committee, this board of  
10 directors, how are they elected or selected?

11 A. I think that the election is changed every year.  
12 They're basically, the members of the standing committee are  
13 also members of the board of directors, and new members will  
14 be elected each year, two clergy and two lay.

15 Q. Who elects the members of the standing committee?

16 A. The diocesan convention.

17 Q. At the annual convention?

18 A. Yes, ma'am.

19 Q. When I say who elects, are those the delegates to the  
20 convention?

21 A. Yes, ma'am.

22 Q. With respect to Exhibit 6A, are you a member of the  
23 board of directors, 6A and 6B, I believe?

24 A. I am a member of the standing committee, ex officio. I  
25 do not believe I'm a member of the board of directors.

1 Q. With respect to Bishop Lawrence, what's his position  
2 with the board of directors?

3 A. I believe that he is, I believe that he's president of  
4 the board. Excuse me, no, he's not. No, he's not. If you  
5 can refer me to an article or something, I'll tell you.

6 Q. Let's go to 6B, please.

7 A. Oh, sorry. All right. I'm sorry. I've got it on page  
8 2, I believe. The bishop of the body now known as -- that's  
9 what you're referring to?

10 Q. Yes, sir.

11 A. -- known as the Protestant Episcopal Church in the  
12 Diocese of South Carolina, hereinafter the bishop, shall be  
13 an ex officio member of the board with seat and voice but no  
14 vote.

15 Q. In the paragraph right above in 6B in the last sentence  
16 does it identify the selection of a president?

17 A. Yes, ma'am. It must be a clergy member, and a majority  
18 of the board appoints the president.

19 Q. I noticed with respect to Exhibits 1 through 5 in each  
20 of the journals there's also -- there's a section that  
21 addresses standing resolutions.

22 A. Yes, ma'am.

23 Q. Can you tell us, what are standing resolutions?

24 A. Yes, ma'am. A resolution obviously is something passed  
25 by the body. The standing resolution is one, at the risk of

1 being very obvious, is standing, it's continuing, and  
2 typically it is a resolution that governs the procedure under  
3 which the body operates. May be something else but that's  
4 primarily it.

5 Q. When are standing resolutions voted upon?

6 A. At the annual convention of the diocese.

7 Q. And are they voted upon by what bodies, delegates?

8 A. By the delegates at the convention, and I'd also say  
9 that the standing committee may also have standing  
10 resolutions which may also be published in the journals that  
11 you talked about.

12 Q. As chancellor what is your role at a plaintiff diocese  
13 annual convention?

14 A. I am usually the parliamentarian. I'm an ex officio  
15 member of the convention, I believe, with no vote.

16 Q. To your knowledge has the defendant TEC, the national  
17 church, ever had anyone attend plaintiff diocese annual  
18 convention as a delegate?

19 A. Not as a delegate, no.

20 Q. To your knowledge does the defendant TEC, the national  
21 church, have any type of veto right with respect to any  
22 business conducted at an annual convention of the plaintiff  
23 diocese?

24 A. No, ma'am.

25 Q. What is the diocesan council?



1 A. The diocesan council is a body that is described in the  
2 canons, I don't believe it's in the -- I don't believe it's  
3 in the constitution, but it is described -- I'm going to look  
4 at Exhibit 1 which is the 2009 proceedings, and the council  
5 obviously is something that -- not obviously, but it's  
6 described as something that carries out the mission of the  
7 diocese and handles the finances with the budget that's been  
8 approved by the convention.

9 Q. How are the members selected to be on the diocesan  
10 council?

11 A. Several ways. They are -- some of them are elected by  
12 the convention, and some are appointed by others. I believe  
13 that some members are elected by the deaneries, which is a  
14 division of the diocese. I believe there are six of them.  
15 And a number of positions, for example, the president of the  
16 youth would be a member of the diocesan council.

17 Q. Going back now to the standing committee, what role does  
18 the bishop have with respect to the standing committee?

19 A. One of the functions of the standing committee is to be  
20 a council of advice to the bishop. The bishop is not a  
21 member of the standing committee but because one of the  
22 responsibilities is to advise him, he usually attends the  
23 meetings to be advised.

24 Q. Does the bishop have a vote at the standing committee  
25 meetings?

1 A. No, ma'am.

2 Q. Does the standing committee regularly meet or have  
3 regular meetings?

4 A. Yes, ma'am. Recently it's been just about every month.  
5 And while I'm thinking about it, in Exhibit 1 Canon 18 refers  
6 to the diocesan council in some detail about the members and  
7 its functions.

8 Q. Is there any provision in the constitution for the  
9 diocesan council?

10 A. Not to my knowledge.

11 Q. If you have the two documents, the constitution and the  
12 canons, which document trumps the other document?

13 A. The constitution would trump the canons.

14 Q. With respect to the bishop of the plaintiff diocese, we  
15 discussed already the selection of a bishop, but what entity  
16 employees the bishop?

17 A. The diocese.

18 Q. What entity pays the salary of the bishop?

19 A. The diocese.

20 Q. I'd like you to look at Plaintiff's Exhibits 29 and 28.

21 A. All right. I have 29.

22 MS. GOLDING: Exhibit 28 is the lease agreement dated  
23 March 17, 2010, and 29 is an employment agreement dated  
24 February 1, 2011. Any objection?

25 MR. TISDALE: No objection.

1 MS. KOSTEL: No objection.

2 THE COURT: Very well, 28 and 29 are in evidence without  
3 objection.

4 (Plaintiff's Diocese Exhibits 28-29 admitted into  
5 evidence.)

6 Q. With respect to Exhibit 28, what is that document?

7 A. It is a lease agreement between the diocese and Bishop  
8 Lawrence.

9 Q. And the party, is it the diocese or the trustees?

10 A. Excuse me, it's the Trustees of the Protestant Episcopal  
11 Church in South Carolina.

12 Q. The property that is identified in Plaintiff's Exhibit  
13 28, is that property located in Charleston?

14 A. Yes, ma'am.

15 Q. And how is that property being utilized by the tenant,  
16 Bishop Lawrence?

17 A. He is currently residing there with his wife.

18 Q. It's a personal residence?

19 A. Yes, ma'am.

20 Q. Exhibit 29, what is that document?

21 A. That is entitled Employment Agreement. It is dated the  
22 1st day of February 2011 between the diocese this time and  
23 Bishop Lawrence as employee. It's signed by Bishop Lawrence  
24 and Jeffrey Miller on behalf of the diocese, and I witnessed  
25 both of their signatures.

1 Q. Now, since you've referred to the trustees --

2 A. Yes, ma'am.

3 Q. -- can you tell us what is the Trustees of the  
4 Protestant Episcopal Church, Diocese of South Carolina?

5 A. Well, we're getting into history.

6 THE COURT: I'll tell you what, hold on right there  
7 before we get into the history, and we will take a 15-minute  
8 break. I can see this clock, I can't see the one on the  
9 other wall. This one says about four minutes until 11:00, so  
10 we will take a break until about 11:15.

11 (Recess held.)

12 (Court's Exhibits 1 and 2 marked for identification.)

13 THE COURT: Ms. Golding, you may continue.

14 MS. GOLDING: Thank you, Your Honor. Your Honor, at the  
15 break I realized I had an exhibit that was not numbered  
16 properly, and now we've numbered it Exhibit 6C which are the  
17 bylaws of the Protestant Episcopal Church in the Diocese of  
18 South Carolina, and they are dated October of 2010. October  
19 21, 2010.

20 THE COURT: Okay.

21 MS. GOLDING: I believe that's without objection the  
22 defendants have advised.

23 MR. TISDALE: Correct.

24 MS. KOSTEL: Yes.

25 THE COURT: All right. Thank you.

1 Q. Mr. Logan, let me hand you what is Plaintiff's Exhibit  
2 6C.

3 A. Yes, ma'am.

4 Q. With respect to Plaintiff's Exhibit 6C, can you identify  
5 the document and the date?

6 A. Sure. This document is entitled The Bylaws of the  
7 Protestant Episcopal Church in the Diocese of South Carolina.  
8 It is dated October 22, 2010, and it is signed by Lydia Evans  
9 as secretary of the board of directors.

10 Q. On the first page of these bylaws under Article 5 can I  
11 ask you to direct your attention to that article?

12 A. Yes, ma'am.

13 Q. And in that article does it set forth the position of  
14 the bishop?

15 A. Yes, ma'am. It says that he shall be the president of  
16 the corporation.

17 Q. Thank you. Next I want to draw your attention to  
18 Plaintiff's Exhibit 13, Diocese Plaintiff's 13 and Diocese  
19 Plaintiff's 14.

20 A. Okay.

21 MS. GOLDING: Your Honor, Plaintiff's 13 is an act of  
22 the South Carolina General Assembly in February 20, 1880, and  
23 14 is an act of the South Carolina General Assembly in  
24 February 20, 1902. We would offer these into evidence.

25 MR. TISDALE: No objection, Your Honor.

1 MS. KOSTEL: No objection.

2 THE COURT: Thank you.

3 (Plaintiff Diocese Exhibits 13-14 admitted into  
4 evidence.)

5 Q. Mr. Logan, would you please look at plaintiff diocese  
6 Exhibit 13?

7 A. Yes, ma'am.

8 Q. Can you identify this document and basically summarize  
9 the purpose of this act that occurred on February 20, 1880?

10 A. Sure. The title of the act is an act to grant certain  
11 powers to the bishop and standing committee of the Protestant  
12 Episcopal Church for the Diocese of South Carolina. Back  
13 then corporations were frequently created by an act of the  
14 general assembly, and this act, I will call it in pertinent  
15 part says, the bishop and the members of the standing  
16 committee for the time being of the Protestant Episcopal  
17 Church for the Diocese of South Carolina and their successors  
18 in office or a majority of them are hereby appointed trustees  
19 for the purpose of holding in trust any property heretofore  
20 given or acquired or hereafter to be given or acquired for  
21 objects connected with said church in said diocese, and then  
22 there's some further language.

23 Q. With respect to Section 2 of Exhibit 13, the 1880 act,  
24 excuse me, not Exhibit 2, Section 2, did that section in that  
25 act create any entity?

1 A. Yes. That reads, the said trust -- this is Section 2 --  
2 the said trustees are hereby incorporated as a body politic  
3 and corporate by the name of the Trustees of the Protestant  
4 Episcopal Church in South Carolina with all the powers of a  
5 corporate body and may from time to time make such rules and  
6 bylaws for their government and for the management of the  
7 property under their charge as shall be approved by majority  
8 of said trustees.

9 Q. In this act that was passed and approved in February 20,  
10 1880 is there any reference to the national Episcopal Church?

11 A. No, ma'am.

12 Q. The entity that was created by the 1880 act, the  
13 Trustees of the Protestant Episcopal Church in South  
14 Carolina, is that a corporate entity that's the plaintiff,  
15 that's a plaintiff in this lawsuit?

16 A. Yes, ma'am.

17 Q. Now let me ask you to look at Plaintiff's Exhibit 14  
18 which was an act passed by the South Carolina General  
19 Assembly on February 20, 1902.

20 A. Okay.

21 Q. And what was the purpose of that act?

22 A. That basically was to incorporate a board of trustees  
23 separate and apart from the bishop and the standing committee  
24 and to transfer the assets then held by the bishop and  
25 trustees, excuse me, standing committee, as board of

1 trustees, to the other board of trustees.

2 Q. With respect to Exhibit 14 then, as of February 1902 did  
3 the plaintiff corporation, the Trustees of the Protestant  
4 Episcopal Church in the State of South Carolina, become then  
5 the owners of the property once owned by the bishop and the  
6 standing committee?

7 A. Yes, ma'am.

8 Q. Where in Exhibit 14 is there any reference to the  
9 national Episcopal Church?

10 A. There is none.

11 Q. To your knowledge with respect to Exhibits 13 and 14  
12 have these two statutes been appealed, revised or amended at  
13 any time from the time of their enactment to the present?

14 A. Not to my knowledge.

15 Q. What role do you play with respect to the Trustees of  
16 the Protestant Episcopal Church of South Carolina?

17 A. I'm an ex officio member of the board of trustees as the  
18 chancellor with seat and voice but again with no vote.

19 Q. Let me ask you to look at Exhibits 15, 16, and this will  
20 be 17.

21 A. All right.

22 MS. GOLDING: These are the bylaws, 15, 16 and 17 of the  
23 Trustees of the Protestant Episcopal Church. Your Honor, we  
24 would offer these into evidence.

25 MR. TISDALE: No objection.



1 MS. KOSTEL: No objection.

2 THE COURT: Very well. Exhibits 15, 16 and 17 in  
3 evidence without objection.

4 (Plaintiff Diocese Exhibits 15-17 admitted into  
5 evidence.)

6 Q. To your knowledge which exhibit, which bylaws are the  
7 first bylaws of the Trustees of the Protestant Episcopal  
8 Church?

9 A. Exhibit 15 is dated June 1, 1982, and Exhibit 16 is  
10 dated February -- excuse me, is dated March 17, 2010.

11 Q. And Exhibit 17?

12 A. And Exhibit 17 is also entitled Bylaws of the Trustees  
13 of the Protestant Episcopal Church in South Carolina, and  
14 that is dated January 4, 2013.

15 Q. To your knowledge together with the statutory provisions  
16 that we've already introduced in Exhibits 15, 16 and 17, are  
17 these the governing documents for the plaintiff the Trustees  
18 of the Protestant Episcopal Church in South Carolina?

19 A. Yes, ma'am.

20 Q. And with respect to a position as a trustee, can you  
21 tell the Court how a trustee is selected to serve, how a  
22 member of the board of directors of the trustees, how they  
23 are elected to serve in this corporation?

24 A. They are elected by the diocesan convention.

25 Q. Is that the annual convention?

1 A. Yes, ma'am.

2 Q. And their election process, is that covered in either  
3 the constitution or the canons of the plaintiff diocese?

4 A. Yes, ma'am, I believe it is.

5 Q. And who with respect to the Trustees of the Protestant  
6 Episcopal Church constitute the officers of the board of  
7 directors?

8 A. Which document are you referring?

9 Q. You can look at 17, Exhibit 17.

10 A. Okay. Article 2 of Exhibit 17, which is the 2013  
11 version of the bylaws, Article 2 is entitled Officers, and it  
12 says in pertinent part that Mark J. Lawrence shall be  
13 president of the corporation, and a vice president, a  
14 secretary and treasurer shall be elected by the trustees at  
15 the first meeting of the board following each annual  
16 convention of the Diocese of South Carolina to serve until  
17 the next annual convention or until their successors are  
18 elected.

19 Q. And are there terms for the members of the board of  
20 directors for the trustees?

21 A. Yes, I believe the term is six years.

22 Q. This entity, the trustees, this corporate entity, what  
23 is its purpose?

24 A. That is set forth in Article 1 of Exhibit 17. The  
25 purpose of the corporation shall be to hold and manage assets

1 including but not limited to land, buildings, stocks, bonds  
2 or other securities, cash and personal property which are  
3 owned by the Protestant Episcopal Church in the Diocese of  
4 South Carolina (Diocese of South Carolina) or any other  
5 institution which entrusts its assets to the trustees for  
6 management, which duties and responsibilities shall be  
7 performed in accordance with the laws of the United States,  
8 of South Carolina, excuse me, in accordance with the laws of  
9 South Carolina and of the United States.

10 Q. Can you identify some of the property holdings of the  
11 plaintiff trustees?

12 A. I think that the major ones would be the St. Christopher  
13 Camp and Conference Center on Seabrook Island and the  
14 endowment funds.

15 Q. With respect to the St. Christopher's, can you look at  
16 Plaintiff's Exhibit 30?

17 A. Yes, ma'am.

18 Q. And identify Plaintiff's Exhibit 30.

19 A. Plaintiff's Exhibit 30 is a deed from a Mrs. Morewetz,  
20 M-O-R-E-W-E-T-Z, to the trustees of at that point some 980  
21 acres of high land and marsh on Seabrook Island.

22 MS. GOLDING: Your Honor, we would offer Plaintiff's  
23 Exhibit 30 into evidence.

24 MR. TISDALE: No objection.

25 THE COURT: Very well.

1 MS. KOSTEL: No objection.

2 THE COURT: Very well.

3 (Plaintiff Diocese Exhibit 30 admitted into evidence.)

4 MS. KOSTEL: Thank you.

5 Q. What is the date that the trustees, the plaintiff  
6 trustees received the 900-some acres in Kiawah Island?

7 A. The deed is dated July 30, 1951.

8 Q. Does this deed, Plaintiff's Exhibit 30, make any  
9 reference to the national Episcopal Church?

10 A. No, ma'am.

11 Q. The 900-some acres that were received by the trustees in  
12 this Plaintiff's Exhibit 30, do the trustees still own that  
13 property?

14 A. They own a little over 300 acres of it. A portion of  
15 that property, under the administration of Bishop Temple I  
16 believe it was, was transferred to an outside party.

17 Q. What is situated on the 300 acres owned by the trustees?

18 A. There's a camp and conference center, there are nature  
19 trails, I think there's an archeological site going back to  
20 either the Revolution or the Civil War or both, basically the  
21 buildings and the property itself.

22 Q. Would you explain to the Court the relationship between  
23 the plaintiff diocese and the plaintiff trustees?

24 A. I'll try. Exhibit 1, Canon 13 is entitled Trustees of  
25 the Diocese. It is a page and a half long, so I won't read

1 it, but basically the trustees are to hold and manage the  
2 property, manage the property for the diocese. Occasionally  
3 if a parish becomes dormant, that property is passed through  
4 to the trustees. They also own a number -- the property  
5 belonged to a number of missions as opposed to parishes.

6 Q. To your knowledge is the national Episcopal Church, is  
7 that entity a beneficiary of any property owned by the  
8 trustees?

9 A. No, ma'am.

10 Q. I'm going to direct your attention --

11 THE COURT: Before you change, this is property on  
12 Seabrook. At one point you said Kiawah, but I want our  
13 record to be clear that this is property on Seabrook Island.  
14 There's no involvement with Kiawah Island; is that correct?

15 MS. GOLDING: That's my understanding.

16 THE WITNESS: That is correct.

17 MS. GOLDING: I did, I apologize.

18 THE COURT: That's okay.

19 Q. With respect to Exhibit 30, Mr. Logan, where is the  
20 acreage that's referenced in Exhibit 30 that's currently  
21 owned by the trustees, where is that property located?

22 A. If you go to the traffic signal where you go left to  
23 Kiawah, I apologize, you go right to Seabrook Island, and the  
24 property is generally at the end of a road after you get onto  
25 Seabrook Island.

1 Q. I'm going to ask you next to go to Exhibit 21, Mr.  
2 Logan.

3 A. All right.

4 Q. And can you identify Exhibit 21?

5 A. Yes, ma'am. This is a letter dated September 4, 1996  
6 from the Reverend Canon Michael T. Malone, who was then canon  
7 to the ordinary, and it's addressed to the trustees of the  
8 diocese.

9 Q. Does this, when you say trustees of the diocese, that's  
10 the plaintiff trustees?

11 A. Yes, ma'am.

12 Q. Does this letter reference the standing committee in the  
13 third paragraph?

14 A. Yes, I'm sorry, the third paragraph reads, Bishop Salmon  
15 wrote the standing committee officially declaring the church  
16 dissolved and dormant to which declaration the standing  
17 committee added their advice and consent, thereupon the  
18 standing committee became in effect a de facto vestry and can  
19 sign a deed to a buyer in due course without its first being  
20 deeded to the trustees. Want me to keep reading?

21 Q. That will be fine. The role of the standing committee  
22 as referenced in Exhibit 21, is that the role -- are these  
23 additional duties and responsibilities of the standing  
24 committee?

25 A. Yes, ma'am.

1 MS. GOLDING: Your Honor, we would offer Plaintiff's  
2 Exhibit 21 into evidence.

3 MR. TISDALE: No objection.

4 MS. KOSTEL: No objection.

5 THE COURT: Very well.

6 (Plaintiff Diocese Exhibit 21 admitted into evidence.)

7 Q. Next I ask you to look at Plaintiff's Exhibit 22.

8 A. Yes, ma'am.

9 Q. Can you identify Exhibit 22?

10 A. Yes, ma'am. This document is entitled Trustees of the  
11 Protestant Episcopal Church board meeting minutes. They're  
12 dated November 3, 2005 and signed by Nancy J. Armstrong,  
13 diocesan staff liaison.

14 Q. I'm going to reference you to the paragraph beginning  
15 with Elizabeth Hagood made a brief presentation.

16 A. Yes, ma'am.

17 Q. Do you see that paragraph?

18 A. Yes, ma'am.

19 Q. And it has in this paragraph reference to a conservation  
20 easement. What particular role did the standing committee in  
21 accordance with these minutes have to do with the  
22 conservation easement?

23 A. Well, the decision was a complicated one, and it  
24 involved a number of entities. About the third sentence I  
25 believe it is says, no decision will be made, that is as to

1 the conservation easement, until all parties involved, the  
2 standing committee, the diocesan council, the department of  
3 camps and conferences and the trustees, have thoroughly  
4 evaluated the impact this move would have.

5 MS. GOLDING: Your Honor, we would offer Plaintiff's  
6 Exhibit 22 into evidence.

7 MR. TISDALE: No objection, Your Honor.

8 THE COURT: Very well.

9 MS. KOSTEL: No objection.

10 THE COURT: Very well.

11 (Plaintiff Diocese Exhibit 22 admitted into evidence.)

12 Q. Mr. Logan, next I direct you to Plaintiff's Exhibit 23.

13 A. Yes, ma'am.

14 Q. And identify 23.

15 A. This is a letter dated October 2, 2007 on the letterhead  
16 of the standing committee of the plaintiff diocese. It is  
17 signed by the Reverend J. Haden McCormick as president of the  
18 standing committee, and it is addressed to Deborah E. Barker  
19 who at that time was both the diocesan risk manager and the  
20 administrative liaison to parishes.

21 Q. With respect to this letter, did it reference the  
22 standing committee?

23 A. Yes, ma'am. It's a one-sentence letter addressed to Ms.  
24 Barker and it says, during our standing committee meeting on  
25 September 20, 2007, the committee unanimously granted



1 permission for the diocese to sell the Church of the Holy  
2 Family, Moncks Corner, as requested.

3 MS. GOLDING: Your Honor, we would offer Plaintiff's  
4 Exhibit 23 into evidence.

5 MR. TISDALE: No objection.

6 MS. KOSTEL: No objection.

7 THE COURT: Very well.

8 (Plaintiff Diocese Exhibit 23 admitted into evidence.)

9 Q. Mr. Logan, next I direct your attention to Plaintiff's  
10 Exhibit 24.

11 A. Okay.

12 Q. Can you identify Plaintiff's Exhibit 24?

13 A. Yes, ma'am, this is a general warranty deed dated  
14 September 4, 2008. It is from the Protestant Episcopal  
15 Church in the Diocese of South Carolina transferring property  
16 that formerly belonged to the Episcopal Church of the Holy  
17 Family.

18 Q. Is this deed dated September 4, 2008?

19 A. Yes, ma'am.

20 Q. Who signed this deed for the plaintiff diocese?

21 A. It was signed by the Very Reverend John B. Burwell as  
22 president of the standing committee for the diocese.

23 Q. And was this deed signed by members of the standing  
24 committee in accordance with the powers of the standing  
25 committee?

1 A. Yes, ma'am.

2 MS. GOLDING: Your Honor, we would offer Plaintiff's  
3 Exhibit 24 into evidence.

4 MR. TISDALE: No objection.

5 MS. KOSTEL: No objection.

6 THE COURT: Very well.

7 (Plaintiff Diocese Exhibit 24 admitted into evidence.)

8 Q. Next I ask you to look at Exhibit 25.

9 A. Yes, ma'am.

10 Q. Can you identify Exhibit 25?

11 A. Exhibit 25 is a two-page document, the Minutes of the  
12 Standing Committee, the Diocese of South Carolina, dated  
13 February 9, 2010 and it is signed by Lydia Evans as  
14 secretary.

15 Q. With respect to the second page, did the standing  
16 committee take any action to appoint an officer of the  
17 plaintiff diocese?

18 A. Yes, ma'am, Ed Holt, who is a communicant at St.  
19 Philip's, had been a long time treasurer of the diocese, he  
20 had stated that he would be resigning, and the standing  
21 committee appointed Mr. John Wallace as treasurer in his  
22 place.

23 Q. Was that all the action needed by the plaintiff diocese  
24 to replace its treasurer?

25 A. Yes, ma'am.

1 MS. GOLDING: Your Honor, we would offer Plaintiff's  
2 Exhibit 25 into evidence.

3 MR. TISDALE: No objection.

4 MS. KOSTEL: No objection.

5 THE COURT: Very well.

6 (Plaintiff Diocese Exhibit 25 admitted into evidence.)

7 Q. Did the standing committee in Exhibit No. 25 in February  
8 9, 2010 also take other action with respect to hiring  
9 counsel?

10 A. Yes, ma'am. Mr. Runyan had been attending meetings of  
11 the standing committee, informally providing some legal  
12 advice prior to that time. The minutes read, the Reverend  
13 Miller read a letter of agreement and recommended that the  
14 standing committee engage Mr. Runyan, Mr. Alan Runyan as  
15 counsel. The Reverend Gaillard moved same. Mr. Drakeford  
16 seconded the motion and it passed.

17 Q. Was it within the powers of the plaintiff diocese  
18 standing committee to engage counsel?

19 A. Yes, ma'am.

20 Q. Let me next ask you to go to Plaintiff's 26, please.

21 A. Okay.

22 Q. What is Plaintiff's 26?

23 A. These are board meeting minutes of the Trustees of the  
24 Protestant Episcopal Church dated January 4, 2013. They're  
25 signed by Nancy J. Armstrong, again as staff liaison to the

1 trustees.

2 Q. And with respect to Exhibit 26, is it referenced with  
3 respect to an action or nonaction that was taken by the  
4 standing committee?

5 A. Yes, ma'am.

6 Q. And what does that reference?

7 A. The, I think it's the sixth paragraph reads, Mr. Wade  
8 Logan reported that the standing committee of the diocese did  
9 not approve the conservation easement being considered by the  
10 trustees and formally approved by the department of camps and  
11 conferences board. Mr. Robert Kilgo moved that the issue be  
12 permanently removed from the table. It was seconded and  
13 passed unanimously.

14 Q. Is it within the powers of the plaintiff diocese  
15 standing committee not to approve conservation --

16 MR. TISDALE: Your Honor, Ms. Golding's been leading the  
17 witness on the last two questions, so I'd just like to ask  
18 her not to.

19 THE COURT: Okay. Very well.

20 MS. GOLDING: Thank you.

21 Q. Mr. Logan, what is the power of the standing committee  
22 with respect to the approval or non-approval of conservation  
23 easements?

24 A. There is a canon which basically says that before  
25 property can be encumbered or sold the standing committee has

1 to give its approval.

2 Q. And that's a diocesan canon?

3 A. Yes, ma'am.

4 MS. GOLDING: Your Honor, we would offer Plaintiff's  
5 Exhibit 26 into evidence.

6 THE COURT: Any objection?

7 MR. TISDALE: No objection.

8 MS. KOSTEL: No objection.

9 THE COURT: Very well.

10 (Plaintiff Diocese Exhibit 26 admitted into evidence.)

11 Q. Mr. Logan, now I'll ask you to look at Plaintiff Diocese  
12 Exhibit No. 18.

13 A. Okay.

14 Q. Can you identify Exhibit 18?

15 A. Yes, ma'am. This is a document which is on the  
16 letterhead of the law firm, the Beaufort firm of Harvey &  
17 Battey, PA. It's dated November 17, 2011, and it's addressed  
18 to Rector Episcopal Parish Churches in South Carolina and  
19 signed by Tom Davis, who is a lawyer with the Harvey & Battey  
20 firm, and it's entitled Delivery of Quit Claim Deed.

21 Q. With respect to the second page of Exhibit 18, can you  
22 identify that?

23 A. Yes, ma'am. The first page references a memorandum from  
24 me as chancellor, and the second page is dated November 16,  
25 2011 addressed to the parishes of the Diocese of South

1 Carolina from me as chancellor referencing property issues,  
2 and it states that attached is a quit claim deed.

3 Q. And in fact attached to Exhibit 18 is a quit claim deed  
4 to St. Luke's Church, Hilton Head; is that correct?

5 A. Yes, ma'am.

6 MS. GOLDING: Your Honor, we would offer Plaintiff's  
7 Exhibit 18 into evidence.

8 MR. TISDALE: No objection.

9 MS. KOSTEL: No objection.

10 THE COURT: Very well.

11 (Plaintiff Diocese Exhibit 18 admitted into evidence.)

12 Q. With respect to Plaintiff's Exhibit No. 18, the first  
13 page was prepared by Mr. Davis, what was Mr. Davis's role  
14 with respect to the quitclaim deeds?

15 A. Mr. Davis had been in fact acting as an escrow agent,  
16 holding a number of quitclaim deeds which had been delivered  
17 by the diocese.

18 Q. And for what reason were these quitclaim deeds or some  
19 of the quitclaim deeds delivered by the diocese to Mr. Davis?

20 A. Requires something of an explanation.

21 Q. Please do.

22 A. Back in 2009 there was a general convention of the  
23 national Episcopal Church in which the national church had  
24 taken certain actions which our diocese disagreed with on a  
25 number of grounds, believing among others that they were in

1 violation of its own constitution and canons. After that  
2 convention in Anaheim, California, which was in the summer of  
3 2009, there was a great deal of restlessness and upset and  
4 dissatisfaction among a number of our communicants and  
5 parishes regarding actions of the national church. In  
6 addition to that in September of 2009 the South Carolina  
7 Court, Supreme Court, had decided what's known as the All  
8 Saints case basically, and this is a rough summary, holding  
9 that neither the diocese nor the national church held a trust  
10 interest in property belonging to that parish. There was a  
11 lot of concern back then because the actions of the national  
12 church were going in a direction that we very much  
13 disapproved of. The South Carolina Supreme Court had said  
14 that neither the diocese nor the national church held any  
15 interest in that property, and I believe in early 2010 we  
16 started delivering some quitclaim deeds to a number of the  
17 parishes. Basically, as you know, a quit claim deed in plain  
18 English says, I don't know if I've got any interest in this  
19 property, but if I do, here it is, and these deeds that this  
20 November 2011 memorandum refers to are some of those  
21 quitclaim deeds.

22 Q. For what reason was there a specific reason as to  
23 providing quitclaim deeds to the parishes within the  
24 plaintiff diocese?

25 A. Sure. As I said earlier, there was a great deal of

1 upset amongst a number of our communicants and parishes, and  
2 there were what I will call rumblings that some of them were  
3 either -- were even considering withdrawing from the diocese.  
4 We felt that from a unity standpoint that would have been a  
5 disaster. Some of them were some of the larger churches  
6 which contributed a good bit to the budget of the diocese,  
7 and we concluded that we had to do something symbolic, if you  
8 will, to maintain the unity of the diocese. That was one of  
9 the reasons, particularly since the All Saints case had said  
10 that there was no trust interest, that the diocese felt that  
11 it should basically quitclaim any interest it had to the  
12 parishes involved. In addition to that, as chancellor I was  
13 beginning to hear of problems from parishes who were  
14 attempting to refinance their property, and a number of bank  
15 lawyers were concerned about the existence of the trust, even  
16 though the Supreme Court had said that it did not exist, and  
17 again a purpose of these deeds was to avoid that problem.

18 Q. Within the first page Mr. Davis writes to different  
19 parishes, and he states that he was holding them pending  
20 further instruction from the diocese. Why did the diocese  
21 request that the quitclaim deeds that had not been sent were  
22 to be held?

23 A. Well, the first reason that occurs to me was that it was  
24 becoming increasingly obvious that the national church had  
25 some hostility to our diocese, shall we say. We were quite



1 concerned that Bishop Lawrence not be subject to some  
2 attempted disciplinary action by the national church, and we  
3 were afraid that if these were recorded and became public,  
4 that that might precipitate some disciplinary action against  
5 Bishop Lawrence. That was the primary reason, I believe.

6 Q. With respect to any of the quitclaim deeds that the  
7 diocese presented to any of the parishes, was there ever any  
8 intent to harm the national Episcopal Church, the defendant?

9 A. No, ma'am. The intent was what I just described to you.

10 Q. To your knowledge did any parish reject or send back any  
11 quitclaim deed?

12 A. Not to my knowledge. There were some which did not  
13 record the deeds ultimately, but I don't believe anyone sent  
14 one back. I may be wrong, but I don't recall any.

15 Q. Look at the second page of Exhibit 18, and I want to ask  
16 that you summarize -- not summarize, that you read into the  
17 record your second full paragraph in Exhibit 18.

18 A. Okay. The one beginning, for 190 years --

19 Q. Yes.

20 A. -- (1789 to 1979) there had never been any idea that  
21 somehow the parishes did not completely and fully own their  
22 property. Our Supreme Court has now said that the attempt to  
23 change that in 1979 by the general convention was not binding  
24 on the parish of All Saints, Pawleys Island, SC. In  
25 recognition of that ruling and in continued pursuit of our

1 historic unity based on common vision rather than legal  
2 coercion the diocesan convention removed the relevant section  
3 from our canons in October 2010. The issuance of these  
4 quitclaim deeds lays to rest any lingering issue that may  
5 exist for some parishes when they seek to obtain title  
6 insurance or secure bank financing for parish projects.  
7 Parishes may choose to file them or not based on their  
8 individual needs. We trust this action will enable parishes  
9 to freely exercise their rights and responsibility to see --  
10 to oversee that which God through the faithfulness of prior  
11 generations has bequeathed to them, and it closed with an  
12 invitation to call the diocesan office if they had any  
13 questions.

14 Q. This memo that's the second page of Exhibit 18, to your  
15 knowledge was that sent to all the parishes in the diocese?

16 A. Yes, ma'am.

17 Q. In Exhibit 19 I believe there are two quitclaim deeds  
18 attached to that; is that correct?

19 A. Yes, ma'am, I believe that's correct.

20 Q. And are these just sample copies of the two quitclaim  
21 deeds?

22 A. Yes, ma'am, this is not all of them.

23 Q. And the first is a quitclaim deed from -- can you  
24 identify Exhibit 19 as to what quitclaim deed that is?

25 A. Sure. The first one that is attached, which I will call

1 19A for ease of reference, is a quitclaim deed to Trinity  
2 Church Myrtle Beach, and it is dated February 1, 2010, and  
3 it's signed both by Bishop Lawrence as bishop and by Reverend  
4 Miller as president of the standing committee. 19B is a  
5 quitclaim deed from the diocese and the standing committee to  
6 the parish of St. Philip, and it is dated the same date,  
7 February 1, 2010.

8 Q. Signed by the same parties?

9 A. Yes, ma'am.

10 Q. Your Honor, we would introduce Plaintiff's Exhibit 19A  
11 and B.

12 MR. TISDALE: No objection.

13 MS. KOSTEL: No objection.

14 THE COURT: Very well.

15 (Plaintiff Diocese Exhibits 19A and 19B admitted into  
16 evidence.)

17 Q. Next I'll direct your attention to Plaintiff Diocese  
18 Exhibit No. 20.

19 A. Yes, ma'am.

20 Q. And there are various letters in this Exhibit 20. Can  
21 you just briefly identify who the letters are to and from and  
22 the period of time they cover?

23 A. Sure. The first letter in point of time, well, first of  
24 all all of the letters -- the first letters are addressed to  
25 me as chancellor from Mr. Tisdale. The first letter is dated

1 January 25, the first and second letters, I believe. Then  
2 there are some more letters to me, and there is a response  
3 from me dated February 5, I believe it is. Yes, that is  
4 correct.

5 MS. GOLDING: Your Honor, we would offer into evidence  
6 the letters that are identified as Plaintiff's Exhibit 20.

7 MR. TISDALE: No objection.

8 MS. KOSTEL: No objection.

9 (Plaintiff Diocese Exhibit 20 admitted into evidence.)

10 THE COURT: What I need to do, though, is for our record  
11 I need to know how many letters and it's probably appropriate  
12 to give them the numeric as well as a --

13 THE WITNESS: Sure. Okay.

14 Q. Let's go through each letter.

15 A. That's fine, and let me make one correction. The last  
16 letter in here is a letter dated February 10 from Mr. Runyan  
17 to Mr. Tisdale.

18 Q. If you could just go through each letter, the date to  
19 and from?

20 A. Sure. The first letter dated January 25 to me from  
21 Mr. Tisdale I will call 20A. It's entitled Threatened  
22 Departures from the Episcopal Diocese of South Carolina. 20B  
23 is a letter also dated January 25 of 2010 to me from  
24 Mr. Tisdale entitled Recent Ordinations in the Episcopal  
25 Diocese of South Carolina. C is also to me from Mr. Tisdale,

1 and it is entitled Episcopal Diocese of South Carolina. D is  
 2 a letter dated January 26, excuse me, to me from Mr. Tisdale  
 3 entitled Parish/Mission Bylaw Amendments. E is a letter  
 4 dated January 27, 2010 to me from Mr. Tisdale entitled  
 5 Standing Committee Minutes. F is a letter again from  
 6 Mr. Tisdale to me dated January 28 referencing St. Luke's  
 7 Hilton Head. G is a letter to me from Mr. Tisdale dated  
 8 January 28, 2010 referencing St. Andrew's, Mount Pleasant. H  
 9 is a letter to me under date of January 29 from Mr. Tisdale  
 10 referencing St. John's, John's Island. The next one would be  
 11 I which is another letter from Mr. Tisdale to me dated  
 12 January 29, 2010, entitled Trinity Church, Myrtle Beach. J  
 13 would be a letter to Mr. Tisdale from me dated February 5,  
 14 2010 referencing the Diocese of South Carolina, and K would  
 15 be a letter to Mr. Tisdale from Mr. Runyan dated February 10,  
 16 2010, entitled Information Requested from the Diocese of  
 17 South Carolina Concerning Diocesan Parishes.

18 MS. GOLDING: Your Honor, we would offer Exhibits 20A  
 19 through K into evidence.

20 THE COURT: 20 was already in, but with the additional  
 21 identification, any objection?

22 MR. TISDALE: No objection.

23 MS. KOSTEL: No objection.

24 THE COURT: Very well.

25 (Plaintiff Diocese Exhibits 20A-20K admitted into

1 evidence.)

2 Q. Going to 20B.

3 A. Yes.

4 Q. 20B, identify that letter again?

5 A. That is a letter to me from Mr. Tisdale dated January  
6 25, 2010 entitled Recent Ordinations in the Episcopal Diocese  
7 of South Carolina.

8 Q. In this letter does Mr. Tisdale identify his position,  
9 who he was representing?

10 A. The introductory clause says as South Carolina counsel  
11 for the Episcopal Church.

12 Q. And to your knowledge all of Mr. Tisdale's letters in  
13 Exhibit 20A through K were written in his capacity as counsel  
14 for the Episcopal Church?

15 A. Generally speaking, except the first one does not  
16 identify him in that way. 20A I guess it would be.

17 Q. Now, with respect to 20E, can you look at that?

18 A. Yes, ma'am.

19 Q. Who is that letter from and to?

20 A. From Mr. Tisdale to me dated January 27, referencing  
21 standing committee minutes.

22 Q. In any of these letters did Mr. Tisdale request minutes  
23 of any other committees such as diocesan council?

24 A. I do not believe so.

25 Q. With respect to the All Saints decision in September

1 2009 issued by the South Carolina Supreme Court, are you  
2 familiar with that decision?

3 A. Yes, ma'am.

4 Q. And was the plaintiff diocese a party to that  
5 litigation?

6 A. Yes, ma'am.

7 Q. What actions if any did the plaintiff diocese take with  
8 respect to the issuance of that decision? Was there an  
9 appeal by the diocese?

10 A. Not by the diocese, no. I think Bishop Lawrence felt --  
11 our feeling was that that had been a very divisive thing for  
12 the diocese. We had spent an enormous amount of money  
13 pursuing it and that the money would be better spent on the  
14 mission of the church rather than paying lawyers.

15 Q. Okay.

16 A. We had had a decision from the highest court in South  
17 Carolina.

18 Q. Was the defendant the national church a party to that  
19 lawsuit also, the All Saints case?

20 A. Yes, ma'am.

21 Q. To your knowledge did the defendant national church  
22 appeal that decision?

23 A. Not after the decision of the South Carolina Supreme  
24 Court I don't believe they did.

25 Q. Do you consider the position of the plaintiff diocese in

1 this legal action as being in conflict with its position with  
2 the All Saints case?

3 A. No, ma'am.

4 Q. And can you explain that to the Court?

5 A. Sure. The diocese had taken the position in that  
6 litigation that in fact the -- there was a trust interest in  
7 the parish property. My recollection is that Mr. Zeigler had  
8 actually recorded the canons in the Clerk of Court's Office  
9 or the RMC Office for Georgetown County. We lost. The  
10 Supreme Court said that, no, there was no interest in the  
11 parish property, and we accepted that.

12 Q. Now I'll ask you if you would go to Exhibit 32, please.

13 A. Ms. Golding, I'm not sure I've got an Exhibit 32.

14 Q. Excuse me, I apologize (indicating).

15 A. Okay.

16 Q. Can you identify Exhibit 32?

17 A. Yes, ma'am. This is entitled Minutes of the Meeting of  
18 the Standing Committee of the Protestant Episcopal Church in  
19 the Diocese of South Carolina. It is dated October 2, 2012.  
20 It's signed by Ann Hester Willis as secretary. It's roughly  
21 a three-page document.

22 Q. Can you please read a resolution that was passed or a  
23 motion that was made with respect to the plaintiff diocese  
24 association with the national church?

25 A. Sure. The minutes state the following motion was made



1 by Mrs. Willis and seconded by the Reverend Greg Snyder, and  
2 I quote, the Protestant Episcopal Church in the Diocese of  
3 South Carolina, through its board of directors and its  
4 standing committee, hereby withdraws its accession to the  
5 constitution of the Episcopal Church and disaffiliates with  
6 the Episcopal Church by withdrawing its membership from the  
7 Episcopal Church. This decision shall be effective  
8 immediately upon the taking of any action of any kind by any  
9 representative of the Episcopal Church against the Bishop,  
10 the standing committee or any of its members or the  
11 convention of this diocese or any of its members, including  
12 purporting to discipline, impair, restrict, direct, place on  
13 administrative leave, charge, de-recognize or any other  
14 action asserting or claiming any supervisory, disciplinary or  
15 other alleged hierarchical authority over this diocese, its  
16 leaders or members. The chancellor shall certify to the  
17 ecclesiastical authority and to the board of directors that  
18 such condition has occurred which certification shall be  
19 conclusive and says after thorough discussion the motion  
20 passed unanimously.

21 Q. And what was the effect of this passage of this motion,  
22 Mr. Logan?

23 A. Well, I think it sort of speaks for itself, but  
24 basically what it says was that the minute that the national  
25 church took any such action that triggered the operation of

1 this resolution, effective immediately upon the taking of  
2 that action, in other words, it did not date back to the date  
3 of the minutes of the meeting, it dated to the date that the  
4 action was taken by the national church.

5 MS. GOLDING: Your Honor, we would offer Plaintiff's  
6 Exhibit 32 into evidence?

7 MR. TISDALE: No objection.

8 MS. KOSTEL: No objection.

9 THE COURT: 32 in evidence without objection.

10 (Plaintiff Diocese Exhibit 32 admitted into evidence.)

11 Q. Mr. Logan, next I ask you to look at Exhibit 31.

12 A. Yes, ma'am.

13 Q. Can you please identify Exhibit 31?

14 A. This is a letter from me to Mr. Kurt Barnes, who is  
15 treasurer and chief financial officer of the defendant  
16 national church dated October 29, 2012. It was my  
17 understanding that at that point there were -- the national  
18 church had what's called a group exemption represented by the  
19 acronym GEN, which stands for group exemption number, and  
20 this letter of October 29, 2012 to Mr. Barnes stated that it  
21 was -- I had been told that the Episcopal Church still listed  
22 the Diocese of South Carolina under its group exemption, and  
23 it was my understanding from tax experts that the church --  
24 the Episcopal Church must obtain permission for that listing  
25 on an annual basis. It stated that we have not had a recent

1 request for permission and that we wished to make clear that  
2 we did not give permission to be included on the group  
3 exemption and asked if the diocese were still listed under  
4 the GEN to please remove it and had invited him to call me if  
5 he had any questions, and it's copied to Reverend Lewis, the  
6 canon to the ordinary and Mr. Gordon McCay, who is the  
7 outside accountant for the diocese.

8 MS. GOLDING: Your Honor, we would offer Plaintiff's  
9 Exhibit 31 into evidence.

10 MR. TISDALE: No objection.

11 MS. KOSTEL: No objection.

12 THE COURT: Very well.

13 (Plaintiff Diocese Exhibit 31 admitted into evidence.)

14 MS. GOLDING: Indulge the Court for a moment, Your  
15 Honor.

16 THE COURT: Certainly.

17 MS. GOLDING: Mr. Logan, please answer any questions  
18 defendants may have.

19 THE COURT: Cross-examination.

20 CROSS-EXAMINATION BY MR. TISDALE:

21 Q. Mr. Logan, I'll start out with some basic questions if I  
22 may about the structure and governance of the diocese.

23 Before I do that I'm going to get a glass of water.

24 THE COURT: Certainly.

25 Q. I believe you said, Mr. Logan, at the beginning of your

1 testimony or early in it that the basic governing documents  
2 of the diocese throughout its history have been, perhaps up  
3 until the time the bylaws you talked about came into  
4 existence, the constitution and canons of the diocese; is  
5 that correct?

6 A. Mr. Tisdale, I got a little bit lost. I think for the  
7 first -- you may have just said this -- for the first part of  
8 its history except for the canons there were no bylaws.

9 Q. Let me clarify that. Is it your understanding that the  
10 basic governing documents of the Diocese of South Carolina  
11 have been the constitution and canons of the diocese up until  
12 the time these bylaws were passed by the standing committee,  
13 at which time there was a change; is that correct?

14 A. I'm not sure it is, Mr. Tisdale. I'm not sure that the  
15 bylaws, which were recently adopted, changed the canons. I  
16 think it supplemented them.

17 Q. Okay. Let's take that last part off.

18 A. All right.

19 Q. Is it true that the basic governing documents,  
20 fundamental governing documents of the diocese from its  
21 foundation have been the constitution and canons of the  
22 diocese?

23 A. You keep asking about canons and I don't believe --

24 Q. Canons and constitution.

25 A. The constitution?

1 Q. Right.

2 A. As soon as there was one, yes, sir, I think the  
3 constitution was.

4 Q. Of course. So are we in agreement then that the  
5 governance of the diocese was controlled by the constitution  
6 and canons, whenever they came into existence, of the diocese  
7 until now?

8 A. I think that they were governed by the constitution and  
9 canons of the diocese as supplemented by any bylaws that may  
10 have been added since then.

11 Q. Okay. And have any bylaws been added except for a  
12 corporation that you've testified about and then the  
13 trustees' corporation?

14 A. I think the answer to that question is no if I  
15 understand it correctly.

16 Q. I want you to understand it. You said that all of the  
17 governing documents were the constitution and canons except  
18 as imposed by bylaws that came about at various times  
19 respecting the standing committee and the trustees.

20 A. That is my understanding, Mr. Tisdale, and I'm not  
21 trying to cop out, but I'm not a corporate lawyer. Any  
22 questions of law would be for Judge Goodstein and not me, but  
23 that is my understanding of the facts.

24 Q. I understand that. But you have before you, and I think  
25 it's Exhibit 1, the journals of the diocese that contain the

1 constitution and canons of the diocese, right?

2 A. That is correct.

3 Q. And could you please refer to the section of those  
4 documents that prescribe the duties and responsibilities of  
5 the standing committee?

6 A. Okay.

7 Q. And I believe it's the constitution, number one?

8 A. I believe that you are referring to the canon.

9 Q. Excuse me, it's the canon.

10 A. Which I think -- I'm sorry, this was put together with  
11 page numbers.

12 Q. Well, I think I could help you find it.

13 A. Article 9, Roman numeral IX, is entitled Of the Standing  
14 Committee.

15 Q. Of the Standing Committee?

16 A. Yes, sir.

17 Q. You've been chancellor of the diocese now since 2006 you  
18 say?

19 A. Acting as such, yes, sir.

20 Q. Period around eight years, so you're familiar with these  
21 documents and you've participated in the amendment of a good  
22 many of these documents, have you not?

23 A. I'm familiar with them certainly.

24 Q. At any time in your tenure have the provisions related  
25 to the responsibility of the standing committee been changed

1 in the constitution and canons?

2 A. I don't believe that the constitution's been changed,  
3 and to my knowledge the canons have not been changed,  
4 although there may have been something added at the end of  
5 the canons.

6 Q. With respect to the standing committee, what are the  
7 responsibilities of the standing committee prescribed by the  
8 constitution. You can read it if it would be helpful.

9 THE COURT: The constitution or the canons?

10 MR. TISDALE: He said Article 9, I believe, Your Honor.

11 THE WITNESS: The constitution references the election  
12 of officers.

13 Q. Election of officers for what?

14 A. Of the standing committee.

15 Q. So limited to the standing committee?

16 A. Yes, sir.

17 Q. Okay.

18 A. Other members of the body would be secretary. Obviously  
19 their duty is to keep minutes of the proceedings and the  
20 business, to preserve them carefully recorded in a book, to  
21 preserve the originals of all letters and papers addressed to  
22 the standing committee, to attest to their public acts, and  
23 to perform such other duties as they may require and  
24 faithfully deliver into the hands of its successors -- this  
25 is talking about the secretary now.

1 Q. Of the standing committee.

2 A. Right. Section 3 says they must report to the annual  
3 convention an abstract of the minutes. It says that  
4 vacancies in the committee shall be filled by the suffrage or  
5 vote of the remaining members, and the standing committee may  
6 adopt standing resolutions. I believe that's it.

7 Q. All right. Now, this is with respect to the  
8 constitution, Article 9, right?

9 A. Yes, sir.

10 Q. To your knowledge is there anything else in the  
11 constitution that applies to the duties and responsibilities  
12 of the standing committee?

13 A. Sure. I think that an answer to that question requires  
14 generally a response that there is a canon that says that in  
15 the absence -- maybe it's in the constitution -- in the  
16 absence of the bishop the standing committee acts as what's  
17 known as the ecclesiastical authority. If there is a bishop,  
18 he is the ecclesiastical authority, so in his capacity as  
19 ecclesiastical authority he has a number of authorities  
20 which -- powers which might be addressed or performed by the  
21 standing committee in his absence. I think that articles 1  
22 and 2 talk about the ecclesiastical authority. Article 4  
23 says that the president of the standing committee is the  
24 president of the convention if there is no bishop. Article 5  
25 says that the standing committee may appoint the secretary if



1 there is no bishop or if something happens to him, and in  
2 Article 7 it plays a role in the admission of parishes and  
3 missions to the convention -- to union with the convention.

4 Q. Anything else in the constitution with respect to  
5 standing committee?

6 A. Not that I can recall, no, sir.

7 Q. Would you take a look at the canons of the diocese, and  
8 I'm sorry to say I can't read the exhibit that's in evidence  
9 because it's too small for my eyes and I think most  
10 everybody.

11 A. Well, like you, my eyes are not what they used to be,  
12 and this is very small print, but I can try to summarize as I  
13 understand it some of those duties.

14 Q. Well, I'd like you to refer to the specific canon, if  
15 you will.

16 A. Sure. Canon, I think it's Roman numeral 32, which may  
17 not be in this one, talks about being the ecclesiastical  
18 authority in the absence of a bishop.

19 Q. Would you look at it and read it to us?

20 A. I don't have that in Exhibit 1, sir, I'm sorry.

21 Q. You don't have the canons?

22 A. I've got the canons. I don't think it's in here, in  
23 this copy of them.

24 Q. Where would it be if it's not in that copy?

25 A. It would be in a later edition of the proceedings.

1 Q. As to whether or not the standing committee would be  
2 ecclesiastical authority?

3 A. Well, that is actually in the constitution.

4 Q. It is?

5 A. I believe that there is a mention in a canon.

6 Q. Are you talking about the constitution or the canons?

7 A. I'm talking about both. The first time I said it's in  
8 the constitution and the second I said I think there is  
9 mention of the standing committee acting as the  
10 ecclesiastical authority in the canons in the absence of a  
11 bishop.

12 Q. Right.

13 A. I may be wrong about that.

14 Q. Okay. Well, where either in the constitution of the  
15 diocese or in the canons of the diocese does it say that the  
16 standing committee can act as a board of directors of a  
17 corporation?

18 A. I don't think that there is any reference in either the  
19 constitution or canon to the term board of directors.

20 Q. There's nothing in the constitution or canons of the  
21 Diocese of South Carolina, when I say that, in history, as  
22 far as you know that authorizes the standing committee to act  
23 as a board of directors, is that your testimony?

24 A. There is nothing in the current constitution and canons.  
25 I think that you would have to go back to history and custom

1 and usage and so on but no, there's nothing in the  
2 constitution and canons.

3 Q. Well, in fact, based upon your knowledge as chancellor  
4 of the diocese have you ever come across any such authority?

5 A. In the constitution and canons?

6 Q. Yes.

7 A. No.

8 Q. And in fact --

9 A. There may be some in way -- what I'll call the way, way  
10 back, but not now.

11 Q. And there certainly weren't any when the board of  
12 directors was created a couple years ago, was there?

13 A. Again, you're asking about specific references to a  
14 board of directors --

15 Q. Yes.

16 A. -- in the constitution and canons, and I don't believe  
17 so unless it's in one of these -- I think there's a later  
18 canon which does refer to them as the board of directors.

19 Q. Well, I don't want to -- can you find that?

20 A. Not in the documents before me, no, sir.

21 Q. What do you need?

22 A. Well, I need the -- I may have it here, excuse me.  
23 Sorry, that may be in a standing resolution.

24 Q. So that's not a basic governing document, is it?

25 A. No, it's not.

1 Q. It's not.

2 A. It is Standing Resolution No. 16 in the 2013  
3 proceedings.

4 Q. All right. So we've talked about how there's nothing in  
5 the constitution and canons, the basic governing documents,  
6 that you know of that say the standing committee can be a  
7 board of directors. That's just not in there.

8 A. Not the present ones, no, sir.

9 Q. Okay. Mr. Logan, with respect to let's call it the  
10 alienation and encumbrance of property.

11 A. Yes, sir.

12 Q. I think you testified a while ago, and correct me if  
13 this is wrong, that a parish or mission that wanted to  
14 alienate its property by selling it or encumbering it had to  
15 obtain permission from the standing committee to do that,  
16 right?

17 A. I think the canon says that is without the previous  
18 consent of the bishop acting with the advice and consent of  
19 the standing committee, and if you're talking about a church  
20 or chapel, it says without the previous consent of the bishop  
21 and standing committee.

22 Q. Can do what?

23 A. To encumber it.

24 Q. Which canon is that?

25 A. Well, in this copy of the journal it is canon Roman

1 numeral 29.

2 Q. All right. And that refers to specific obligation of  
3 the standing committee?

4 A. Yes, sir.

5 Q. Now, let's talk for a few minutes about the structure of  
6 this diocese in the last few years. First of all, let's turn  
7 a minute to the trustees. Is it your testimony that the  
8 trustees under a statute that was passed by the general  
9 assembly of South Carolina, it is responsible for holding and  
10 managing property of the diocese?

11 A. Yes, sir.

12 Q. And that was in 1880, I believe, right?

13 A. Actually, I think the 1880 statute gave that property to  
14 the bishop and the standing committee, and then the 1902  
15 statute transferred that to the trustees.

16 Q. For the purpose of holding and managing property?

17 A. I think that's what it said, yes, sir.

18 Q. And the trustees are a corporation, right?

19 A. Yes.

20 Q. And in that first legislative act in 1880 is it not true  
21 that the beneficiary of this trust was defined?

22 A. Was the what?

23 Q. Beneficiary of the trust that the trustees would have  
24 managed was defined as to who it was.

25 A. Let me take a look at it.

1           Would you repeat your question, please, sir?

2   Q.    Try to.  Does not the 1880 legislative act creating the  
3   trustees establish the beneficiary of the trust that they are  
4   to manage?

5   A.    Mr. Tisdale, I may be missing something.  If you will  
6   refer me to the provision of it, I'll be glad to look at it.

7   Q.    Well, let me see if I can find a copy of the act.

8           MS. GOLDING:  I believe that's Exhibit 13.

9   Q.    Looking at Exhibit 13, Mr. Logan.

10  A.    Yes, sir.

11  Q.    You read this I think earlier, and didn't you testify in  
12  the reading of this as to who the beneficiary of the trust  
13  was?

14  A.    Mr. Tisdale, I'll repeat, I don't recall, and if you'll  
15  refer me to some specific language, I'll be glad to take a  
16  look at it.

17  Q.    Well, let's try to find it.  These trustees are hereby  
18  appointed -- looking at the bottom of page 2 of the  
19  exhibit -- for the purpose of holding in trust, right?

20  A.    That's correct.

21  Q.    Any property heretofore given or acquired, correct?

22  A.    Correct.

23  Q.    To be given or acquired.

24  A.    Correct.

25  Q.    For objects connected with said church.

1 A. Correct.

2 Q. In said diocese.

3 A. Correct.

4 Q. Other than that now held by other corporations.

5 A. Correct.

6 Q. So the beneficiary, would you agree, of this trust are  
7 or is the church in this diocese, correct?

8 A. Mr. Tisdale, that's a legal question that I'm not sure  
9 I'm qualified to answer, but it says what it says.

10 Q. Well, we'll have to leave it at that. Has the  
11 beneficiary of this trust ever been changed?

12 A. I don't know.

13 Q. You don't know?

14 A. I don't think so, but I don't know.

15 Q. Don't think so but you don't know.

16 A. No.

17 Q. All right. Let's talk for a few minutes if we may, Mr.  
18 Logan, about the election and consecration or ordination of  
19 Bishop Lawrence.

20 A. All right.

21 Q. Now, you were chancellor when this occurred, were you  
22 not?

23 A. I was.

24 Q. Is it possible to elect a bishop of a diocese in the  
25 Episcopal Church of which you were chancellor without

1 receiving permission and consent?

2 MS. GOLDING: Your Honor, I'm going to object to the  
3 question. Mr. Logan was never chancellor of the Episcopal  
4 Church.

5 MR. TISDALE: In South Carolina, of course I meant that.  
6 We understand that, Mr. Logan.

7 THE COURT: You all might, but I don't. I do need you  
8 to be careful if you don't mind because it helps me.

9 MR. TISDALE: Be glad to.

10 THE COURT: Thank you.

11 Q. Mr. Logan, you in 2006, roughly, or 2007, became  
12 chancellor of the Episcopal Diocese of South Carolina, didn't  
13 you?

14 A. That's one of the names, the Protestant Episcopal  
15 Diocese.

16 Q. There are other names for it.

17 A. The plaintiff diocese, yes.

18 Q. Well, the plaintiff diocese or the diocese.

19 A. Okay.

20 Q. And at that time you were responsible, as you said, for  
21 advising the diocese on legal matters generally.

22 A. That's correct.

23 Q. With respect to how it was structured and operated?

24 A. I would say that was within my duties, yes, it was.

25 Q. Now, when it came time that Bishop Edward Salmon



1 resigned and retired, did it become necessary to elect  
2 another bishop?

3 A. Yes. All that occurred before I became chancellor.

4 When I became chancellor, Bishop Salmon had already retired,  
5 I believe, by reason -- mandatory retirement by reason of his  
6 age, and the standing committee was operating as the  
7 ecclesiastical authority.

8 Q. Right, under the constitution.

9 A. Correct.

10 Q. All right. And was it necessary to get permission and  
11 consent of any other body to elect a bishop for this diocese?

12 A. Yes.

13 Q. Who did you have to get permission and consent from?

14 A. Well, it was kind of complicated, Mr. Tisdale, but as I  
15 recall, once a bishop was elected by the diocesan convention,  
16 which Bishop Lawrence was, under the canons and/or  
17 constitution of the Episcopal Church, he had to receive  
18 consents to that election by a majority of the standing  
19 committees of all the other dioceses and a majority of the  
20 bishops with jurisdiction I believe.

21 Q. Actually your question follows up on the one I asked.

22 A. Okay.

23 Q. Is not a diocese required in the Episcopal Church then  
24 to seek permission even to elect a bishop?

25 A. Yes, I think you're correct.

1 Q. And did this diocese do that for the purpose of electing  
2 a bishop?

3 A. I'm not sure I'd go along with the permission. We went  
4 through whatever the process was that we had to do to elect a  
5 new bishop.

6 Q. Right. And did that require obtaining the consents of a  
7 majority of the bishops with jurisdiction in the United  
8 States?

9 A. I believe so.

10 Q. And that would be a majority of say 110 or 11?

11 A. Roughly.

12 Q. All right. And did you also have to get permission to  
13 elect a bishop from the standing committees of a majority of  
14 such dioceses?

15 A. I don't recall that, Mr. Tisdale.

16 Q. Don't recall that?

17 A. You're just asking for a permission to elect a bishop?

18 Q. Yes, sir.

19 A. I don't think that -- I don't recall that.

20 Q. You don't recall it?

21 A. No, sir.

22 Q. But whatever was required you all did.

23 A. Yes, sir, that's my recollection.

24 Q. And Bishop Lawrence was ultimately elected bishop,  
25 correct?

1 A. Well, yes, ultimately. His first election, the  
2 presiding bishop ruled to my recollection that a couple of  
3 consents had come in by email and that that did not  
4 constitute a writing. If they had been considered writings,  
5 then he would have been confirmed. Was not. He was  
6 ultimately re-elected by the diocesan convention and  
7 confirmed by the bishops and standing committees, by a  
8 majority of them.

9 Q. So the Episcopal Church determined that he did not  
10 receive the sufficient consents after the first election?

11 A. I think that was the presiding bishop's determination,  
12 yes, sir.

13 Q. Well, she's a part of the Episcopal Church, is she not?

14 A. She's a part of it, but she's not the Episcopal Church.

15 Q. Right. And so ultimately was he elected for a second  
16 time?

17 A. Yes, sir.

18 Q. And was that with the permission and consent of the  
19 Episcopal Church?

20 A. I don't recall.

21 Q. Don't recall. And was he ultimately confirmed by or  
22 given consents from a majority of the bishops in the  
23 Episcopal Church and in the standing committees of the  
24 majority of the dioceses?

25 A. Yes, sir.

1 Q. When did that happen?

2 A. I believe that he was re-elected in August. The consent  
3 process began -- this is August of 2007, I believe -- the  
4 consents came in late that year and he was consecrated in  
5 January of 2008.

6 Q. Under the constitution and canons of the Episcopal  
7 Church that you've testified you know something about as  
8 chancellor --

9 MS. GOLDING: Your Honor, I want to make an objection.  
10 He did not testify that he knew about the Episcopal Church  
11 constitution and canons. He only testified he knew about the  
12 plaintiff diocese constitution and canons, Your Honor.

13 MR. TISDALE: We'll get that cleared up.

14 THE COURT: Thank you.

15 Q. Mr. Logan, is it possible to install a bishop of a  
16 diocese without the consent of a majority of the bishops, of  
17 the bishops and standing committees in the Episcopal Church?

18 A. Back then it was not, no.

19 Q. It was not?

20 A. No.

21 Q. All right.

22 A. To my understanding.

23 Q. You testified that you thought the parishes, following  
24 the American Revolution, in South Carolina became a diocese  
25 around 1785?

1 A. That's my understanding, that's correct.

2 Q. What's the source of your authority for that, if any?

3 A. I'm not a historian, Mr. Tisdale, but I remember reading  
4 some history that indicated that they -- a group of churches,  
5 I think maybe six or seven, in 1785 had met in convention,  
6 sent delegates to the national convention of the Episcopal  
7 Church which occurred later that year, and that we were one  
8 of the founding dioceses of the Episcopal Church.

9 Q. That would be around 1789?

10 A. I think that's correct, sir.

11 Q. My question to you is this: Do you know, or are you  
12 just basing it on what, that the churches in this diocese  
13 were a diocese before 1789?

14 A. I'm not sure I understand your question.

15 Q. All right. You testified that the churches in this  
16 diocese, how many ever there were, became a diocese around  
17 1785?

18 A. Correct.

19 Q. I just simply want to know what your authority was for  
20 that.

21 A. I can't cite you the specific document. I just recall  
22 reading it.

23 Q. Recall reading it.

24 A. Yes.

25 Q. Now, I want to talk to you a minute about the

1 corporation that is one of the parties here that was first  
2 formulated in 1973. Do you have a copy of that in the  
3 exhibits before you?

4 A. I don't know which exhibit you're referring to,  
5 Mr. Tisdale.

6 Q. It's No. 7.

7 A. You're referring to the certificate of incorporation?

8 Q. That is correct.

9 A. Yes, sir.

10 Q. Do you know why the diocese formed this corporation?

11 A. No, sir, I do not.

12 Q. Well, the intent and the purpose would be set out in  
13 this document, would it not?

14 A. Yes, it is, under paragraph fourth.

15 Q. And what in 1973 was the intent and purpose said to be  
16 for the creation of this corporation?

17 A. Paragraph fourth reads the purpose of the said proposed  
18 corporation is to continue the operation of an Episcopal  
19 Diocese under the constitution and canons of the Protestant  
20 Episcopal Church in the United States of America.

21 Q. Okay. Does it say anything about the Episcopal Church  
22 in South Carolina?

23 A. Not in what I just read, no, sir.

24 Q. No. And so would it be your testimony the intent of the  
25 creators of this corporation was to operate a diocese under

1 the constitution and canons of the Protestant Episcopal  
2 Church, United States of America?

3 MS. GOLDING: Your Honor, I'm going to object to the  
4 form of the question. I think he's trying to vary the words  
5 of this document. The document specifically uses the purpose  
6 and does not use the word intent, so I would object to trying  
7 to vary the terms of Exhibit No. 7.

8 THE COURT: In other words your objection is that the  
9 document speaks for itself.

10 MS. GOLDING: That's correct, Your Honor.

11 THE COURT: Document speaks for itself.

12 Q. So Mr. Logan, do you know what led to the need to create  
13 this corporation?

14 A. First of all, I think it was a corporation -- I beg your  
15 pardon, exactly right, it was an unincorporated association,  
16 and the answer is no, I do not know.

17 Q. You weren't around then, neither was I?

18 A. We were both around, Mr. Tisdale, but we weren't  
19 chancellors.

20 Q. Right. All right. Is there any other purpose or intent  
21 for this corporation expressed anywhere that you know of in  
22 any legal document?

23 A. First of all, I don't think it references intent. It  
24 talks about purpose, and there are other documents where the  
25 purpose was changed.

1 Q. Of course in more recent times.

2 A. Correct.

3 Q. And who gave authority to change the purpose of this  
4 corporation?

5 A. You're getting into matters of corporate law. My  
6 understanding is that this is a nonmember corporation and  
7 that the board of directors was the standing committee and  
8 that they authorized this change.

9 Q. Right. And it is your testimony as far as you know they  
10 had legal authority to do that?

11 A. Yes, sir.

12 Q. Can you base that on any substantive authority?

13 A. If you're asking me to cite legal authorities, no, I  
14 can't.

15 Q. Cannot. And we've already discovered I think in your  
16 testimony that there's nothing in the constitution and canons  
17 that say the standing committee's on the board of directors  
18 of anything, right?

19 A. That is correct, in the constitution and canons to my  
20 knowledge.

21 Q. Okay.

22 A. Except for that later canon that we discussed briefly  
23 which I think identifies -- excuse me, it's the standing  
24 resolution, you're right.

25 Q. Standing resolution.



1 A. Yes, you're correct.

2 Q. And I think we agreed that was not one of the basic  
3 governing documents but a resolution only, right?

4 A. Correct.

5 Q. Now, to your knowledge, Mr. Logan, since 1973 did this  
6 corporation have any bylaws other than the constitution and  
7 canons of the diocese that controlled it?

8 A. Not during my administration and to my knowledge not  
9 during Mr. Zeigler's, nor during yours from '75 to '85, I  
10 think it was.

11 Q. So would it be fair to describe it as a dormant  
12 corporation?

13 A. No, I don't think it would be fair.

14 Q. Well, what did it do?

15 A. It conducted the business of the diocese.

16 Q. Does it have any minutes?

17 A. I don't know, sir.

18 Q. Have you ever seen any?

19 A. No.

20 Q. Did it have any officers other than the bishop, the  
21 canon to the ordinary and Mr. Tom Myers ever?

22 A. I am unaware of any other officers, though I'm not sure  
23 when Mr. Myers became treasurer.

24 Q. Right, and of course then up until more recent times in  
25 the 21st century the bishop was the only person who had any

1 authority under this corporation, is that correct?

2 A. I don't believe that's correct.

3 Q. Who else would?

4 A. The board of directors.

5 Q. Okay.

6 A. The standing committee.

7 Q. If they had one, right?

8 A. I believe that the --

9 Q. Have you ever seen --

10 THE COURT: Hold on. She can't take down all three of  
11 you at the same time. First of all there's an objection.

12 MS. GOLDING: Mr. Tisdale had interrupted an answer.

13 THE COURT: And that is correct.

14 MR. TISDALE: I did do that and I apologize.

15 THE COURT: So hold up, and you probably don't even  
16 remember what the question was.

17 THE WITNESS: Ma'am?

18 THE COURT: Do you remember what the question was?

19 THE WITNESS: I'm not sure.

20 THE COURT: Now you know how witnesses your whole career  
21 felt.

22 THE WITNESS: Particularly the witnesses that I'm  
23 examining, Your Honor.

24 THE COURT: Do you remember what the question was?

25 MR. TISDALE: Well, I think I can rephrase it in a

1 different way.

2 THE COURT: Perfect. Thank you.

3 Q. I believe you testified earlier that you'd never seen  
4 any minutes or been privy to any minutes of this  
5 corporation --

6 A. During the timeframe we're talking about.

7 Q. -- during the timeframe I'm talking about up until  
8 sometime in the 21st century, that it did not have any  
9 officers except the bishop, the canon to the ordinary and the  
10 treasurer.

11 A. There may be such minutes, but I do not recall seeing  
12 any. There were other instances where, for example, in the  
13 act of 1880 the general assembly referred to the bishop and  
14 the board.

15 Q. We're talking about the standing committee now?

16 A. I understand.

17 Q. The corporation?

18 A. Right.

19 Q. Not the trustees.

20 A. I understand that.

21 Q. You've never seen any?

22 A. Not any minutes that I can recall, no, sir.

23 Q. Do you know if any such minutes exist?

24 A. I do not.

25 Q. Never seen any though.

1 A. Not that I recall, no, sir. You're talking about the  
2 21st century.

3 Q. Yes, from 1973 until the time Bishop Lawrence became  
4 bishop do you know of any act taken by this corporation?

5 A. Any acts?

6 Q. Any activity, doing anything.

7 A. Well, I think the board of the standing committee  
8 operating as a board of directors met more or less regularly.

9 Q. You're talking about trustees?

10 A. No, I'm talking about the standing committee.

11 Q. I said up until the time Mr. Lawrence became the bishop.

12 THE COURT: Hold on. There's an objection.

13 MS. GOLDING: Mr. Tisdale again interrupted the witness  
14 and would not permit the witness to complete the answer.

15 MR. TISDALE: Start over, please.

16 THE COURT: All right.

17 Q. Up until the time Bishop Lawrence became bishop do you  
18 have any knowledge or evidence of this corporation doing  
19 anything?

20 THE COURT: Stop one second. This corporation, describe  
21 what you mean.

22 MR. TISDALE: The plaintiff corporation, the Protestant  
23 Episcopal Church in the Diocese of South Carolina.

24 THE COURT: Thank you.

25 THE WITNESS: Yes, I think they gave deeds to property,

1 I think they conducted their activities like they normally  
2 would.

3 Q. And they gave deeds to property under the constitution  
4 and canons that allowed such activity, didn't they?

5 A. Of the diocesan canons and constitution, I believe.  
6 There's actually a letter that I've seen of yours talking  
7 about a deed where you said you knew of no legal prohibition  
8 why the standing committee couldn't do that.

9 Q. Well, that's provided for in the canons, is it not?

10 A. I think so, yes, sir.

11 Q. Not in any corporate bylaws except the constitution and  
12 canons, right?

13 A. I think that's right, at that time.

14 Q. With regard to the lease and the employment agreement  
15 with Bishop Lawrence --

16 A. Yes, sir.

17 Q. -- that you testified about, and they're in evidence,  
18 I've forgotten what numbers they are, but were you involved  
19 in negotiating the lease for his house?

20 A. Well, first of all I'm not sure what negotiations there  
21 were, and the short answer is, no, my general practice has  
22 been when I run into an area of real estate where I am  
23 outside my areas of concentration, then I would hire another  
24 lawyer to do that, so my recollection is no, I was not  
25 involved in either of those documents.

1 Q. You're familiar with the lease, aren't you?

2 A. Sir?

3 Q. Familiar with the lease?

4 A. Yes, sir.

5 Q. All right. Why does that lease lease this property on  
6 Pitt Street or Smith Street?

7 A. Is it Pitt Street? Smith Street? I'm sorry.

8 Q. It could be.

9 A. Okay.

10 Q. Why does it lease it to him as an individual and not as  
11 bishop of the diocese?

12 A. Again, you'd have to ask the lawyer that drafted it. My  
13 experience was, Mr. Tisdale, that nonprofit corporations like  
14 churches don't ordinarily or always cross their T's and dot  
15 their I's, and that was part of an effort to more or less  
16 document some of the existing relationships.

17 Q. Right.

18 A. Put it on a more businesslike basis, if you will.

19 Q. When did the Diocese of South Carolina discontinue  
20 accession to the constitution and canons of the Episcopal  
21 Church?

22 A. I don't recall the exact date, but it's in one of these  
23 exhibits.

24 Q. Has it been fairly recently?

25 A. Within the 21st century, I think, yes.

1 Q. Since Bishop Lawrence has been bishop?

2 A. Yes.

3 Q. And by what authority was that accession withdrawn?

4 A. I think that it was originally passed by the standing  
5 committee, went to the convention which approved it.

6 Q. Approved by the standing committee?

7 A. Approved by the standing committee and approved by the  
8 convention, yes, sir.

9 Q. And by what authority did either the standing committee  
10 or the convention have to approve the withdrawal of accession  
11 to the Episcopal Church constitution and canons?

12 A. Again, you're asking a legal question.

13 Q. I am, asking of you as chancellor.

14 A. I'm not an expert in corporate law, so I don't think I  
15 can answer that question.

16 Q. I'm really asking you a question based upon the  
17 constitution and canons of the Episcopal Church in the  
18 Diocese of South Carolina.

19 A. I believe, and I understand you disagree with me, that  
20 the president, who approved that ultimately, the bishop, the  
21 standing committee, which I believe was the board of  
22 directors, and the diocesan convention being the bodies that  
23 made that kind of decision all approved it. I think it  
24 speaks for itself.

25 Q. Well, my only question to you on that is do you know the

1 basis for that authority other than they just did it?

2 A. Again, I think I've told you that I believe that that  
3 was the correct corporate and canonical path to do it.

4 Q. If anybody had it they did.

5 A. I believe so.

6 Q. That's your testimony.

7 A. That's my testimony, and I know that there was no  
8 requirement the Episcopal Church approve that.

9 Q. Right. Now, where in the Exhibit 1, the canons and  
10 constitution of the diocese --

11 A. Yes, sir.

12 Q. And if we've been over this I apologize. It won't take  
13 but a minute. Where does it provide that the standing  
14 committee must approve the alienation or encumbrance of  
15 property?

16 A. I think I previously read that to you, and I may be  
17 wrong, but I think, and these canons have been re-numbered  
18 from time to time, but in Exhibit No. 1 it is Canon 30, Roman  
19 numeral XXX.

20 Q. What does it say?

21 A. It's entitled prohibiting the desecration of consecrated  
22 buildings and the alienation of church property without  
23 consent of the ecclesiastical authority and the standing  
24 committee.

25 Q. Okay. Thank you now, let's talk about the quitclaim



1 deeds for a few minutes.

2 A. Okay.

3 Q. How many quitclaim deeds, when I'm saying quitclaim  
4 deeds, you generally -- you and I generally know what we're  
5 talking about, don't we?

6 A. Yes, sir.

7 Q. You've testified about them.

8 A. Yes, sir.

9 Q. Under what authority were these quitclaim deeds issued?

10 A. I think that they were authorized by the standing  
11 committee and the bishop and the trustees.

12 Q. Did the corporation, the plaintiff corporation, the  
13 Protestant Episcopal Church in South Carolina, when it issued  
14 these quitclaim deeds, own any property?

15 A. It may have. I don't think that it did. I think most  
16 of the property was in the trustees.

17 Q. Okay. So the corporation that granted the quitclaim  
18 deeds did not own any property, is that your testimony?

19 A. The testimony, Mr. Tisdale, is that if it did in fact  
20 own any property, it was giving up whatever property right it  
21 had to the parishes in question.

22 Q. Do you know whether it owned any property?

23 A. I do not believe that it did, but I don't -- as a  
24 diocese, but I'm not sure.

25 Q. Did it have any assets?

1 A. Yes.

2 Q. What?

3 A. There were funds that were contributed by the various  
4 parishes. That's the main one that occurs to me.

5 Q. The standing committee?

6 A. No, the diocese.

7 Q. I'm asking you did the corporation.

8 A. Well, you're asking two questions. I think you're  
9 asking about the standing committee and you asked me about  
10 the corporation. I think the corporation owned some assets.  
11 I don't think that the standing committee did.

12 Q. What assets did the corporation own?

13 A. As I just told you, I think the funds that came in from  
14 the various dioceses. It may be others that don't occur to  
15 me right now. Excuse me, the funds that came in from the  
16 various parishes.

17 Q. Now, I saw in some of the quitclaim deeds that you  
18 testified about that Bishop Lawrence himself was a grantor in  
19 the deeds; is that correct?

20 A. That's correct.

21 Q. Did Bishop Lawrence have any assets to convey to these  
22 parishes?

23 A. Again, the intent of the quitclaim deed was -- I don't  
24 think he did but the intent of the quitclaim deed was to say,  
25 if I do, I'm giving it to you.

1 Q. Do you know of any?

2 A. No.

3 Q. Do you know whether or not the standing committee had  
4 any assets?

5 A. I don't think any of them were conveyed by the quitclaim  
6 deeds, if that's what you're asking.

7 Q. Okay. You testified about your understanding of some  
8 aspects of the All Saints case.

9 A. Yes, sir.

10 Q. Mr. Logan, what was the status of that case,  
11 procedurally, when you became chancellor?

12 A. I believe it was on appeal to the South Carolina  
13 Appellate Court.

14 Q. Did you participate in the appeal?

15 A. No, sir.

16 Q. You did not.

17 A. I sat in on the oral argument, but I did not have part  
18 in the appeal.

19 Q. Going back to quitclaim deeds for a second, I think you  
20 said they were, quote, symbolic?

21 A. I think that was one of the purposes, yes, sir.

22 Q. What would be the other purpose?

23 A. Well, as I testified, I think that they were to give  
24 assurance to the parishes to keep the unity of the diocese  
25 and to avoid any problems that parishes may have been having

1 with title insurance or mortgaging the property, what have  
2 you.

3 Q. Were any of these parishes told what they were receiving  
4 as a result of having those quitclaim deeds conveyed to them?

5 A. If they did, it was in the quitclaim deeds and/or in the  
6 memorandum that we talked about, but I don't think my  
7 memorandum said what they were receiving.

8 Q. In fact, they were receiving nothing, weren't they?

9 A. No, I don't believe that's correct.

10 Q. But they were receiving no real property, were they?

11 A. They were receiving any interest that we might have as a  
12 claim against real property.

13 Q. Did you have any interest?

14 A. No, I don't believe so at that time.

15 Q. So the quitclaim deeds were basically an act without any  
16 object, is that right?

17 A. No, sir, that's not correct.

18 Q. Well, they certainly conveyed no real property, did  
19 they?

20 A. Not to my knowledge, no, sir.

21 Q. Okay. Now, I know that you didn't come here today to  
22 testify about the law, but in the All Saints case it is true  
23 that that decision said that the Dennis canon was not  
24 effective in South Carolina, didn't it?

25 A. That was my understanding of the significance of the

1 decision, yes, sir.

2 Q. That the Dennis canon had no application in this state.

3 A. The Dennis canon, and that there was no trust interest  
4 in the property. The decision says what it says.

5 Q. Well, I understand that, but let me be a little bit more  
6 specific. Did the All Saints case say that the Dennis canon  
7 was not effective in South Carolina?

8 MS. GOLDING: Your Honor, I think that this is going  
9 beyond what should be permitted.

10 THE COURT: Sustained.

11 MS. GOLDING: Thank you.

12 Q. Let me ask you this question, and I hope it won't be  
13 objected to, but it might be, did the All Saints case discuss  
14 any trust interests the church might have, the Episcopal  
15 Church, other than based on the Dennis canon?

16 A. Again, Mr. Tisdale, the decision says what it says, and  
17 its significance would be up to Judge Goodstein.

18 Q. You don't know.

19 THE COURT: Please don't interrupt him. My court  
20 reporter, she's a wonderful court reporter, I would love to  
21 be able to keep her for a while, so you all try not to talk  
22 at the same time.

23 MR. TISDALE: For now, Your Honor, I don't think I have  
24 anything else.

25 THE COURT: Thank you. All right. Is there any

1 redirect?

2 MS. KOSTEL: Your Honor, excuse me.

3 THE COURT: I'm so sorry, of course. Thank you for  
4 that. I just was trying to sort of round up where we are  
5 because I would think everybody's dinner bell's screaming, so  
6 I think it's time for us to take a lunch, and then we'll take  
7 your cross-examination and any redirect when we return.  
8 Given the number of folks that are here, we'll take a little  
9 less than an hour and a half. We're going to reconvene at  
10 2:30.

11 (Lunch recess held.)

12 THE COURT: Cross-examination.

13 MS. KOSTEL: Good afternoon, Your Honor.

14 THE COURT: Good afternoon.

15 CROSS-EXAMINATION BY MS. KOSTEL:

16 Q. Good afternoon Mr. Logan.

17 A. Good afternoon, Ms. Kostel.

18 Q. Just a couple of questions to follow up on your earlier  
19 testimony. You testified earlier that when a diocese elects  
20 a bishop, it's required to get consents, before that bishop  
21 can be consecrated, from a majority of the bishops with  
22 jurisdiction in the Episcopal Church and the standing  
23 committees in the Episcopal Church, is that right?

24 A. That is my recollection of the canons of the Episcopal  
25 Church, yes, ma'am.

1 Q. That was my next question for you is that requirement  
2 comes from the constitution and canons of the Episcopal  
3 Church, is that correct?

4 A. Yes, ma'am, I believe it does.

5 Q. That's not a requirement of the diocesan constitution  
6 and canons, is it?

7 A. No, ma'am.

8 Q. And, Mr. Logan, you were the chancellor when Mark  
9 Lawrence was elected bishop the second time which resulted in  
10 his consecration as bishop, were you not?

11 A. I believe that's correct, yes, ma'am. I know I was the  
12 second time.

13 Q. At that time requirements -- there was a requirement in  
14 the church's constitution and canons that that election be  
15 certified by testimonials made by the convention, isn't that  
16 correct?

17 A. I think that's correct, yes.

18 Q. And that was a requirement of the church's canons,  
19 correct?

20 A. The Episcopal Church's canons, that's right. I think  
21 the form of the canon may have said that the form of the  
22 consent, required form was a testimonial.

23 Q. Yes, that's correct, and the canons also required that  
24 Mr. Lawrence, before he became Bishop Lawrence, undergo a  
25 medical exam; is that correct?

1 A. I think that's correct, yes.

2 Q. And the church's canons also required that he undergo a  
3 psychiatric exam; is that correct?

4 A. I'm not sure about the Episcopal Church. I think that's  
5 requirement of the diocesan communion. You may be correct.  
6 I'm not saying it doesn't, just don't recall.

7 Q. I have a document that may refresh your recollection.

8 May I approach the witness?

9 THE COURT: You may.

10 Q. Thank you. Can you identify that document?

11 A. Yes, ma'am, this appears to be the 2012 edition of the  
12 constitution and canons of the Episcopal Church.

13 Q. And if I represent to you that it's substantively the  
14 same in the provisions we're going to discuss as the  
15 constitution and canons in effect when Bishop Lawrence took  
16 office, will you accept that?

17 A. I will accept your representation, yes, ma'am.

18 Q. Okay. So I'd ask you to turn to page 105.

19 A. Okay.

20 Q. And at the bottom of that page it sets out requirements  
21 that the Episcopal Church has for persons that have been  
22 elected bishop in a diocese before they can become the bishop  
23 of the diocese, is that right?

24 A. Yes, ma'am.

25 Q. And subsection A2 requires certifications from --



1 certificates from a licensed medical doctor and a licensed  
2 psychiatrist, isn't that correct?

3 A. That is correct.

4 Q. Okay. Thank you. And not all of those requirements to  
5 your knowledge as chancellor were complied with, is that  
6 right? The testimonials that we spoke about, the medical  
7 exam and the psychiatric exam?

8 A. Frankly, Ms. Kostel, I don't recall. I would have  
9 expected they would have been, but I really don't recall.

10 Q. None of those requirements came solely from a diocesan  
11 constitution and canons, is that correct?

12 A. Not solely no.

13 Q. The medical exam came from the church's constitution and  
14 canons.

15 A. I think that's right.

16 Q. Now, you also testified that Bishop Salmon retired  
17 because of a mandatory retirement age; is that correct?

18 A. Yes, ma'am.

19 Q. And that mandatory retirement age is what, do you know?

20 A. I don't remember whether it was 72 or 75, frankly, but  
21 he had already reached it.

22 Q. I think it's 72. That mandatory retirement age is not  
23 in the diocesan constitution and canons, is it?

24 A. No, ma'am, I don't believe it is.

25 Q. Where is that mandatory retirement age?

1 A. Either the constitution or canons of the Episcopal  
2 Church.

3 Q. Thank you. You also testified about the standing  
4 committee of the diocese, and you testified about its  
5 governance. The church's constitution regulates the  
6 governance of standing committees, does it not?

7 A. Of the Episcopal Church?

8 Q. Yes.

9 A. Yes, it did.

10 Q. Standing committees of all the dioceses of the Episcopal  
11 Church, correct?

12 A. Yes, ma'am.

13 Q. And in fact the church's constitution requires every  
14 diocese to have a standing committee, does it not?

15 MS. GOLDING: Your Honor, the attorney keeps referring  
16 to the church, and I assume just for the record she's talking  
17 about her defendant TEC, and I just want to make that  
18 absolutely clear because there are obviously very different  
19 number of churches in this room and in this lawsuit, so I  
20 would like to just get the record -- a clarification from  
21 defense counsel, when she says the word church, she's  
22 referring to her client, the defendant TEC.

23 THE COURT: Is that correct?

24 MS. KOSTEL: That's correct.

25 THE COURT: That's very helpful to me because you lose

1 me when you do that. Since I'm the going to make a  
2 determination, you all need to be circumspect because while  
3 you may know who you're speaking of, the names are very  
4 similar.

5 MS. KOSTEL: When I use the phrase the church, I'm  
6 talking about the Episcopal Church.

7 THE COURT: Don't call it the church. Call it the  
8 national church, and then I'll know what you're talking  
9 about.

10 MS. KOSTEL: And when I refer to local entities I'll  
11 call them parishes.

12 THE COURT: I don't think anybody's called it a national  
13 parish or a state parish.

14 MS. KOSTEL: That's correct.

15 THE COURT: But when you use church, it's difficult.  
16 Thank you.

17 MS. KOSTEL: You're welcome.

18 Q. As to standing committees, so the Episcopal Church's  
19 constitution requires every diocese in the Episcopal Church  
20 to have a standing committee, is that correct?

21 THE COURT: Well, now, see there it goes, Episcopal  
22 Church. You know how many of those I've got? A bunch.

23 MS. KOSTEL: Your Honor, that's my client. How would  
24 you like me to refer to my client? Your Honor, it's the name  
25 of the defendant. The plaintiff named the defendant the

1 Episcopal Church, and that's my client, so would you like me  
2 to say --

3 THE COURT: The plaintiff named the defendant the  
4 Episcopal Church. What does that mean?

5 MS. KOSTEL: It listed us as the Episcopal Church. It  
6 listed the defendant who I represent, the first defendant.

7 THE COURT: I thought we just discussed the fact that  
8 you were going to help me by --

9 MS. KOSTEL: I'm trying to.

10 THE COURT: I would appreciate it greatly if you could  
11 refer to yourself as the national Episcopal Church or the  
12 national church, and the reason for that, just to be clear,  
13 is that that allows me to distinguish between defendants who  
14 is national and who is state with regards to the defendants.  
15 It's very difficult otherwise.

16 MS. KOSTEL: I'll do that, Your Honor.

17 THE COURT: I do appreciate that.

18 Q. The national church, the national church's constitution,  
19 would you agree requires every diocese in the church, in the  
20 national church, to have a standing committee?

21 A. Ms. Kostel, I am looking at Canon 12 entitled  
22 Outstanding Committees. If you would refer me to the portion  
23 of the constitution of the national church that you're  
24 talking about, I'll be glad to look at it.

25 Q. Of course. Page 5, Article 4.

1 A. Article 4.

2 Q. Yes, IV.

3 A. Want me to read it?

4 Q. Sure.

5 A. It begins, in every diocese a standing committee shall  
6 be elected by the convention thereof, etc., etc.

7 Q. Yes, so that's a requirement that every diocese have a  
8 standing committee, is it not?

9 MS. GOLDING: Your Honor, I object to the question.

10 She's trying to vary what is written in the document, and I  
11 think the document speaks for itself.

12 THE COURT: Which is not in evidence.

13 MS. GOLDING: That's correct, Your Honor.

14 THE COURT: Sustained.

15 Q. Let me also ask you about the -- it's your understanding  
16 as chancellor, when you were chancellor for a diocese of the  
17 Episcopal Church, that the diocese was required to have a  
18 standing committee by the national church's constitution,  
19 correct?

20 MS. GOLDING: Your Honor, I'm going to make an objection  
21 again. She is trying to vary the terms of the document, and  
22 I believe that if she wants the documents in evidence, she  
23 should put the document into evidence.

24 MS. KOSTEL: The document will be in evidence, but I'm  
25 asking Mr. Logan his understanding as chancellor, Your Honor.

1 THE COURT: My concern is I don't really care what he  
2 thinks about it. I care what it is. So that's where I'm  
3 struggling a little bit. Having him publish a document which  
4 is not in evidence is not appropriate, and now you want to  
5 ask him his opinion as the chancellor about what is and isn't  
6 required by the national Episcopal Church, and yet there's a  
7 document that will give me great information, so I'm a little  
8 torn at this point. I'll sustain it.

9 MS. KOSTEL: I'll strike the question. Nothing further.

10 THE COURT: Very well. Any redirect?

11 MS. GOLDING: Your Honor, I believe that Mr. Runyan may  
12 have some questions first.

13 MR. RUNYAN: On behalf of the diocese.

14 THE COURT: Okay.

15 DIRECT EXAMINATION BY MR. RUNYAN:

16 Q. Mr. Logan, you were asked some questions about whether  
17 in the constitution and canons there was any reference to the  
18 standing committee as a board of directors. Do you recall  
19 that?

20 A. I recall those questions, yes, sir.

21 Q. Is there any reference in the canons to anyone being a  
22 board of directors?

23 A. Not that I recall, no, sir.

24 Q. Is there a reference in the canons to the vestries?

25 A. Yes, sir.

1 Q. Is there any reference in the canon with respect to the  
2 vestries that it is a board of directors?

3 A. I don't recall that exact language, but I think it  
4 functions that way.

5 Q. Okay. Do you have the 2013 constitution and canons,  
6 Exhibit 5?

7 A. Yes, sir.

8 Q. Would you turn, please, to page A8 in the constitution  
9 and canons?

10 A. Yes, sir.

11 Q. Is there at the top of that page a standing resolution  
12 No. 16?

13 A. Yes, it is.

14 Q. Would you read that into it the record, please?

15 A. Yes, sir, 16, resolved, whereas the members of the  
16 standing committee also serve as the board of directors of  
17 the Protestant Episcopal Church in the Diocese of South  
18 Carolina, a South Carolina nonprofit religious corporation,  
19 that no member of the standing committee may be removed,  
20 replaced or a vacancy filled except by compliance with the  
21 South Carolina Nonprofit Corporation Act, the bylaws of the  
22 Protestant Episcopal Church in the Diocese of South Carolina  
23 and the constitution of the diocese.

24 Q. Mr. Logan, are standing resolutions in fact referred to  
25 in the constitution of the diocese?

1 A. I believe they are. They're typically listed between  
2 the constitution and the canons.

3 Q. In the article having to do with the standing committee  
4 in the constitution, would you turn to that, please, sir?

5 A. Yes, sir. Okay.

6 Q. Would you look at the last paragraph?

7 A. Yes, sir.

8 Q. Is there a reference to standing resolutions that the  
9 standing committee has the authority to enact?

10 A. Yes, sir.

11 Q. Does it indicate that they are placed in the journal?

12 A. Yes.

13 MR. RUNYAN: Your Honor, at this time I'd like to  
14 publish two portions from the Defendant Episcopal Church in  
15 South Carolina's counterclaim.

16 THE COURT: All right.

17 MR. RUNYAN: Their answering counterclaim.

18 THE COURT: Any objection to that? It's been filed with  
19 the Court.

20 MR. RUNYAN: That's okay. I'll leave it there, I don't  
21 need to publish it. It's in the record.

22 THE COURT: All right. Very well. All right.

23 MS. GOLDING: Limited redirect, Your Honor.

24 THE COURT: All right.

25 REDIRECT EXAMINATION BY MS. GOLDING:



1 Q. Mr. Logan, do you have Plaintiff's Exhibit 27 in front  
2 of you?

3 A. Yes, ma'am, I believe I do. 27?

4 Q. Correct.

5 A. Yes, ma'am.

6 Q. With respect to Exhibit 27, do these letters represent  
7 communications and correspondence from Mr. Tisdale, the  
8 chancellor of the plaintiff diocese, relating to property  
9 matters?

10 A. Yes, ma'am, they appear to be.

11 MS. GOLDING: Your Honor, we would offer Plaintiff's  
12 Exhibit 27 into evidence.

13 MR. TISDALE: No objection.

14 MS. KOSTEL: No objection.

15 THE COURT: Very well.

16 (Plaintiff Diocese Exhibit 27 admitted into evidence.)

17 Q. Mr. Logan, I would ask you to read on the first page of  
18 Exhibit 27, please read the first sentence in the second  
19 paragraph.

20 A. Yes, ma'am. That reads, it is my opinion that there is  
21 no legal prohibition to the trustees selling the property to  
22 anyone they wish, however it is obvious Mr. Hastie strongly  
23 desired that the property be used directly for church  
24 purposes.

25 Q. And who wrote this letter and the date it was written?

1 A. It was written by Mr. Tisdale on February 1st, 1977.

2 MS. GOLDING: Thank you. No further questions.

3 THE COURT: All right. Now, the parishes are good to  
4 go? You better hop up. All right. Very well. Mr. Tisdale,  
5 recross.

6 MR. TISDALE: Just object to the last line of  
7 questioning because the constitution and canons in 1977 and  
8 2013 are different, and so I would object to his response to  
9 the last question.

10 THE COURT: Okay. I think it comes late, but I'll note  
11 it for the record.

12 MR. TISDALE: All right. I just have a few other  
13 questions, Mr. Logan, if I may.

14 THE WITNESS: Yes, sir.

15 RECROSS-EXAMINATION BY MR. TISDALE:

16 Q. Mr. Logan, you testified earlier that the assets of this  
17 corporation might involve contributions from parishes?

18 MS. GOLDING: Your Honor, I'm going to make an objection  
19 to this line of questioning. Recross can only be directed to  
20 my redirect or any new matter that came up. That's not  
21 addressing new matter, Your Honor.

22 THE COURT: Well, I understand, but because there was  
23 some discussion of assets and because I am still in a  
24 learning curve, I will certainly allow that, Mr. Tisdale, but  
25 would you do me a favor and tell me, corporation, which

1 corporation?

2 MR. TISDALE: I will, and I will be fairly brief, Your  
3 Honor.

4 THE COURT: Thank you.

5 Q. Mr. Logan I'm asking you some follow-up questions about  
6 your testimony of what assets, if any, the Protestant  
7 Episcopal Church in the Diocese of South Carolina, a  
8 corporation, holds, and one of the things you said was that  
9 it might have some assets of parishes that have contributed  
10 to it. Is that the substance of your testimony?

11 A. No, sir, I think that what I said was that its assets  
12 from time to time might involve contributions that have been  
13 made to the diocese from the parishes. It also occurs to me  
14 that its assets may include intellectual property like a  
15 trademark or trade name, for example. I'm not trying to be  
16 inclusive. I was just trying to give you an example.

17 Q. Well, the standing committee does not hold property over  
18 a long term, does it; does it not transfer it to the  
19 trustees?

20 A. Yes, sir, that's correct.

21 Q. It does?

22 A. Yes.

23 Q. So is there any record that you know of, any assets held  
24 by this corporation, anything we can look at?

25 A. I can't show you a document right now. I can tell you,

1 and I frankly don't recall how long it is, that when a parish  
2 is declared dormant I think its property goes to the standing  
3 committee, but I think you're correct, they subsequently pass  
4 it through to the trustees.

5 Q. Pass through?

6 A. Yes, sir.

7 Q. So if we wanted to look at lists of assets, do you know  
8 if any such thing exists?

9 A. I think they're probably contained in some of these  
10 journals that are listed in the, excuse me, that have been  
11 admitted into evidence.

12 Q. The trustees certainly make a report of what they own  
13 regularly, don't they?

14 A. Yes, sir.

15 Q. Do you know of any such similar report from this  
16 corporation, the Protestant Episcopal Church in South  
17 Carolina?

18 A. I think such a report is contained in the annual  
19 convention proceedings, Mr. Tisdale.

20 Q. So if it is one, it's in there?

21 A. I would think it would be there, I would also look at,  
22 the diocese has property insurance, and I'm sure there's a  
23 schedule of the property owned by the diocese and the  
24 trustees.

25 Q. Not talking about the diocese.

1 A. The diocese and the trustees.

2 Q. Talking about the corporation.

3 A. Yes, sir.

4 Q. You think the corporation owns an insurance policy?

5 MS. GOLDING: Your Honor, can we make clarification,  
6 when he asks the question corporation, which --

7 Q. Protestant Episcopal Church in the Diocese of South  
8 Carolina, does it have an insurance policy?

9 A. I believe it has more than one. I would have to look at  
10 the policies to tell you who the named insured is.

11 MR. TISDALE: Thank you very much, Your Honor.

12 THE COURT: Yes, absolutely.

13 MS. KOSTEL: Nothing.

14 THE COURT: Let me ask this question because this would  
15 help me tremendously. Now, I've got several entities, and  
16 there is a little bit of a natural naming, if you will,  
17 because I've got -- and we just did it -- the diocese  
18 corporation, we've got the diocese, it's an unincorporated  
19 association, so I've got an incorporated diocese and an  
20 unincorporated association diocese. And you were right, they  
21 did name it the Episcopal Church, but it does say in  
22 parentheses, also known as the Protestant Episcopal Church in  
23 the United States of America. Let's just call it the  
24 national church. It would be so much easier for everyone.  
25 What that does is it allows me to keep it straight. The

1 parishes, they all have different names, and I know that  
2 contained within certainly examination of Mr. Logan there  
3 have been things such as the trustee, and it's a separate  
4 corporation. I got that. That would help me so much,  
5 particularly as I go back to look at notes and things. It  
6 would be wonderful if you all could help me in that regard.  
7 That would be most helpful.

8 And with that, call your next witness.

9 MR. RUNYAN: The diocese calls Jim Lewis.

10 JAMES BARTON LEWIS, JR.,  
11 being first duly sworn, testified as follows:

12 THE COURT: Would you state your full name for the  
13 record for us again?

14 THE WITNESS: James Barton Lewis, Jr.

15 THE COURT: Your witness.

16 DIRECT EXAMINATION BY MR. RUNYAN:

17 Q. Mr. Lewis, where do you live?

18 A. I live in Mount Pleasant, South Carolina.

19 Q. Are you originally from South Carolina?

20 A. I was born in Petersburg, Virginia and have lived all  
21 over the southeast.

22 Q. Where are you employed?

23 A. I'm an employee of the Diocese of South Carolina.

24 Q. And are you its registered agent?

25 A. That is correct.

1 Q. Do you have another title that you go by as well?

2 A. Yes, sir, I am the canon to the ordinary.

3 Q. Are you married?

4 A. That is correct.

5 Q. Do you attend a parish in this diocese?

6 A. I attend Christ Church in Mount Pleasant.

7 Q. Other than attending church there, do you have any  
8 leadership role in that parish?

9 A. I do not.

10 Q. Could you just briefly tell us your educational  
11 background?

12 A. I have a master's in, excuse me, a bachelor's of science  
13 in natural resources from the University of the South at  
14 Sewanee, a master's degree in forest biology from Virginia  
15 Tech and a master of divinity degree from Seabury Western  
16 Seminary.

17 Q. You got your master's from Virginia Tech in '84 and got  
18 your minister degree in '94; what did you do between, in that  
19 ten-year period?

20 A. In the interim I worked for a number of years for Dow  
21 Chemical in their agricultural products department, and I  
22 worked for the Division of Soil and Water Conservation for  
23 several years.

24 Q. When did you come to South Carolina?

25 A. Came to South Carolina after graduating from seminary in

1 1994.

2 Q. And why did you come to this beautiful state?

3 A. I was blessed to be called to be the rector of St.

4 Jude's in Walterboro.

5 Q. How long were you rector at St. Jude's?

6 A. Ten years.

7 Q. And after St. Jude's what did you do?

8 A. I served for five years as priest associate at

9 Resurrection of Surfside Beach.

10 Q. And after those five years did you take another job?

11 A. I did.

12 Q. What was that?

13 A. I was called to be the canon to the ordinary to Bishop

14 Lawrence.

15 Q. And moved to Charleston?

16 A. That is correct.

17 Q. What is a canon?

18 A. A canon is anyone in the church with a specific assigned

19 role. My particular assigned role is to work for the

20 ordinary, who is the bishop of the diocese.

21 Q. Can you tell us what you do on a regular basis as canon  
22 to the ordinary?

23 A. Covers a broad range. I'm a member of the commission on  
24 ministry and consequently involved with ordination process  
25 from discernment to ordination and seminary in between. Also



1 am involved in the finances of the diocese, attending finance  
2 committee meetings, being involved in the risk management  
3 committee, insurance for the diocese, also have some  
4 involvement in the benefits committee of the diocese. I'm a  
5 secretary to the diocesan council and a staff liaison to both  
6 trustees meetings and to meetings of the standing committee.

7 Q. As part of that work do you have occasion to attend  
8 meetings of some of these bodies within the diocese?

9 A. I do.

10 Q. What meetings do you regularly attend?

11 A. I regularly attend meetings of the standing committee,  
12 the diocesan council, commission on ministry, risk management  
13 committee, benefits committee, and it feels like there are  
14 others as well but they don't come immediately to mind.

15 Q. How about the trustees?

16 A. And the trustees, that is also on that list.

17 Q. How about the finance committee?

18 A. I named that one earlier but yes, I do attend finance  
19 committee.

20 Q. Advancement society ring a bell?

21 A. That's another one.

22 Q. How often do you attend these meetings?

23 A. Varies depending upon the individual committee.

24 Diocesan council, as a for instance, usually doesn't meet but  
25 once a quarter at the most, same for trustees and finance

1 committee. Of late the standing committee has been meeting  
2 on almost a monthly basis.

3 Q. We had a question earlier that wasn't completely  
4 answered about the number of people the diocese employs.  
5 Would you just give us an understanding of the employment  
6 picture of the diocese?

7 A. Yes. There are approximately eight employees downtown,  
8 staff members with various responsibilities, administratively  
9 and ministry-wise, and then the rest of the diocesan  
10 employees are employees of the camp, Camp St. Christopher,  
11 St. Christopher Camp and Conference Center, and employment  
12 there varies considerably from 75 to 150, depending upon  
13 whether camp is in session during the summer and whether or  
14 not the barrier island program is at work.

15 Q. Mr. Lewis, does the Protestant Episcopal Church in the  
16 Diocese of South Carolina, a South Carolina nonprofit  
17 corporation own property?

18 A. Indeed it does.

19 Q. Does it have bank accounts?

20 A. It does.

21 Q. Does it lease cars?

22 A. It does.

23 Q. Does it lease or own equipment?

24 A. Yes, it does.

25 Q. Does it cut payroll checks?

1 MR. TISDALE: Your Honor, I'm going to object to leading  
2 the witness. I think he can just ask him the question.

3 MR. RUNYAN: That's true.

4 THE COURT: Yes, sustained.

5 Q. Do you know if payroll checks are cut?

6 A. Yes, I do.

7 Q. Do you know if anything is withheld from them?

8 A. It is.

9 Q. What?

10 A. Pension for clergy, and laity now, health insurance,  
11 optional life insurance if people have opted to receive that  
12 benefit, income tax, all the usual things that would be part  
13 of a payroll withholding.

14 Q. Do you know if the same corporate entity has borrowed  
15 money?

16 A. Yes, it has.

17 Q. Do you know whether it leases property or not?

18 A. Property as in.

19 Q. Real property.

20 A. Real property, I believe it does.

21 Q. Does it have a lease at the present time?

22 A. I'm not sure.

23 Q. Okay. Has it sold property?

24 A. Yes, it has.

25 Q. How many parishes and missions are there currently in

1 the diocese?

2 A. There are currently 39 parishes and 12 missions.

3 MR. RUNYAN: Your Honor, I'd like to display a map of  
4 the parishes and missions that's presently on the website.  
5 Any objection?

6 MR. TISDALE: No objection.

7 MS. KOSTEL: No objection.

8 THE COURT: Very well, all right.

9 Q. Mr. Lewis, can you see that?

10 A. I can.

11 Q. Just tell us what this is.

12 A. It's a map of the eastern portion of South Carolina  
13 showing the location of the various parishes and missions of  
14 the diocese as they are located across the landscape.

15 Q. And the little cartouche that looks like a seal, is that  
16 the location of the parishes?

17 A. That's correct.

18 Q. Are these the parishes and missions that are currently  
19 in union with the diocese?

20 A. I'm looking to confirm. I believe so.

21 Q. Okay. Tell the Court what is the difference between a  
22 parish and a mission.

23 A. A full parish has the financial ability to pay for a  
24 full-time rector, full-time clergy member. A mission as a  
25 general rule does not have that financial ability and often

1 is supported financially by the diocese.

2 Q. What is the oldest congregation that you're aware of in  
3 the diocese?

4 A. St. Philip's.

5 Q. Can you tell us about how old it is?

6 A. Over 300 years.

7 Q. Can you tell us approximately how many parishioners it  
8 has?

9 A. 2 to 3,000.

10 Q. What is the youngest congregation in the diocese?

11 A. That would be Grace Parish in North Myrtle Beach.

12 Q. And how long has it been in the diocese?

13 A. One year.

14 Q. And approximately how many parishioners does it have?

15 A. Two to three dozen.

16 Q. Today how many parishioners are there, Mr. Lewis, in the  
17 parishes and missions that are in union with the diocese?

18 A. Approximately 25,000.

19 Q. How many active clergy are there in the diocese at  
20 present?

21 A. I believe about 90.

22 Q. Does that include deacons and priests?

23 A. That would only -- that count would only include priests  
24 who are active in ministry. That does not include retired  
25 clergy or deacons. That would add another 20 or 30 easily.

1 Q. Are there bishops who have retired from the Episcopal  
2 Church that are active in the diocese?

3 A. Yes, three that I'm aware of.

4 Q. I'd ask you some questions about diocesan statistics.  
5 Does the diocese keep a record of its statistics?

6 A. Yes, it does.

7 Q. Are you familiar with some of these as they relate to  
8 the diocese before it withdrew from the Episcopal Church?

9 A. Yes, I am.

10 Q. Between 2002 and 2012 of the 110 dioceses in union with  
11 the Episcopal Church how many showed any growth in baptized  
12 membership during that same period?

13 A. During that ten-year period?

14 Q. Yes.

15 A. Three.

16 Q. And where did the diocese fit in?

17 A. It had the greatest growth of those three.

18 Q. In the year before the diocese withdrew from the  
19 Episcopal Church could you tell us the state of growth in its  
20 communicants?

21 A. In the Episcopal Church?

22 Q. In the diocese.

23 A. Oh, in the diocese, during that ten years membership,  
24 baptized membership grew by a bit over 6 percent.

25 Q. What communication methods did the diocese use?

1 A. In addition to a traditional printed newsletter that now  
2 comes out quarterly, the The Jubilate Deo.

3 MR. RUNYAN: Hold it right there, I'd like to display a  
4 copy of that. Any objection?

5 MR. TISDALE: No objection.

6 MS. KOSTEL: No objection.

7 Q. We skipped over that one. What is this one you're  
8 seeing now?

9 A. This is the diocesan e-news, this is every two weeks a  
10 publication of the diocese announcing various and sundry  
11 special events, visitors and other newsworthy items for the  
12 diocese.

13 Q. Does the diocese have a website?

14 A. It does.

15 Q. Is that what we just saw together with what we're seeing  
16 here?

17 A. What's now on the screen is the diocesan website.

18 Q. Does it have a Facebook page?

19 A. That is correct, it does.

20 Q. Okay.

21 A. And that would appear to be it.

22 Q. Any other means of communication that it has?

23 A. As of recently the diocese also has a twitter account  
24 for communications.

25 Q. Is that a page there?

1 A. That is correct.

2 Q. And anything else?

3 A. Diocese also has regular targeted email and printed  
4 communications, and of course here I see in front of me now  
5 the bishop's blog. The bishop has a weblog.

6 Q. Is the diocese affiliated with any other organizations  
7 internationally?

8 A. Yes, it is. It is affiliated with the Fellowship of  
9 Confessing Anglicans globally, which is a confessional  
10 organization within the larger Anglican Communion worldwide.  
11 It has also been granted primatial oversight by the Global  
12 South Primates of the Anglican Communion, and that is a  
13 geographic and ecclesiastical body within the Anglican  
14 Communion.

15 Q. Does it have any relationship with Trinity School For  
16 Ministry of Pittsburgh?

17 A. It does.

18 Q. What is that?

19 A. The bishop and members of the diocese serve as members  
20 of its board of directors.

21 Q. Does it have any relationship with Nashotah House in  
22 Wisconsin?

23 A. It does. The bishop is also a board member of Nashotah  
24 House as are several members of the diocese.

25 Q. Is it affiliated with more local organizations within



1 the state as well?

2 A. It is.

3 Q. Could you tell us some of those?

4 A. Among the local organizations that it is affiliated with  
5 is, excuse me, Coastal Crisis Chaplaincy, which is a ministry  
6 to the emergency and other service providers of the low  
7 country throughout this region headed up by Rob Dewey, and  
8 this diocese has always been a supporter, in fact originally  
9 he was paid through the Diocese of South Carolina when that  
10 position was first established. Parishes of this diocese and  
11 the diocese itself continue to support that ministry. This  
12 diocese is also a supporter of Water Missions International,  
13 and it is involved in other institutions here locally and  
14 also in this region.

15 Q. Does it have a relationship with Porter-Gaud?

16 A. That is correct.

17 Q. What is that relationship?

18 A. We have members of this diocese including the bishop who  
19 serve on its board of directors.

20 Q. Does it have a relationship with Canterbury House?

21 A. It does with a similar arrangement, the bishop serving  
22 on the board.

23 Q. What is Canterbury House?

24 A. Canterbury House is a retirement community located here  
25 in Charleston.

1 Q. Does it have similar relationships with some other local  
2 organizations as well?

3 A. It does. I'm afraid I'm drawing a blank at the moment.

4 Q. We'll leave it at that. There's been a mention of Camp  
5 St. Christopher's. Would you tell the Court what Camp St.  
6 Christopher's is and what it does?

7 A. St. Christopher's is a camp and conference center. That  
8 means it has two functions: During the summer, this season  
9 of the year, it is full up with hundreds of children,  
10 different age groups, each week coming to the camp in order  
11 to have an experience of not only the out-of-doors and the  
12 activities that the camp makes possible, but more to the  
13 point, experience the Christian gospel being lived and taught  
14 throughout the course of the week.

15 THE COURT: Hold on. We have criminal court going on  
16 next door.

17 Would you ask your question over please, Mr. Runyan?

18 Q. There were some earlier questions about Camp St.  
19 Christopher's. Would you tell the Court what Camp St.  
20 Christopher's is and what it does?

21 A. Another aspect of the camp facility, the camp is host to  
22 other camping activities in addition to its own programing,  
23 one of those being the burn camp which is an annual event  
24 where the camp hosts, along with emergency providers,  
25 children who have been victims of fires. That's an annual

1 event that the camp participates in. As the conference  
2 center the camp is also a host throughout the entire year,  
3 but primarily in the nine school months of the year, if you  
4 will, to various conference types events. Some of those are  
5 diocesan events. Some of the major events of the diocese  
6 hosted there are youth retreats, anywhere from 7 to 800  
7 teenagers at one time, a scary thought, all descending upon  
8 Camp St. Christopher. There are normally three of those  
9 retreats during the course of any given year. We also host  
10 an annual men's ministry retreat, which is open to the larger  
11 community, that has participants beyond just those in the  
12 Diocese of South Carolina. Camp also hosts an annual women's  
13 retreat which has a similarly broad audience beyond just the  
14 Diocese of South Carolina and its members. There is normally  
15 a retreat for the Daughters of the King hosted at the camp as  
16 well as during the course of the year various parishes  
17 holding their own parish retreats, sometimes parish-wide  
18 retreats, St. John's, Johns Island has an annual retreat  
19 there where the entire parish is invited. In other cases it  
20 may be simply the vestry leadership that gathers at St.  
21 Christopher's for a retreat. It's also used for similar  
22 small groups. The Commission on Ministry has an annual  
23 retreat held at St. Christopher's each year that is to meet  
24 over a two to three-day period with candidates for postulancy  
25 in the ordination process. It is part of the discernment and

1 ordination process for those individuals.

2 Q. You mentioned a group called the Daughters of the King  
3 and you also mentioned a women's group. Is there another  
4 women's organization other than Daughters of the King?

5 A. The Diocesan Church Women.

6 Q. That's also known as DCW?

7 A. DCW.

8 Q. All right. Does the diocese engage in any activities  
9 that are not directly linked with its parishes for the  
10 community?

11 A. For the community, had mentioned those institutions that  
12 we support such as the Coastal Crisis Chaplaincy, the  
13 children's burn victim retreat and Water Missions  
14 International. Those are all organizations that are on the  
15 side of the diocese and benefit a much wider audience than  
16 just the Diocese of South Carolina.

17 Q. What is mere Anglicanism?

18 A. Mere Anglicanism is an annual event hosted by the  
19 Diocese of South Carolina and organized by members of this  
20 diocese that provides a scholarly engagement with issues of  
21 theological and cultural significance today. The attendees  
22 of that conference come from all around the world, as do the  
23 speakers, and at the last event I believe there were over 400  
24 attendees in Charleston for that gathering.

25 Q. Do you remember the theme of the last event?

1 A. Faith and science.

2 Q. Do the parishes in fact have any community outreach  
3 programs of which you're aware?

4 A. They do. Every congregation has some measure or form of  
5 community outreach, at least if it's a healthy congregation,  
6 so some of them have engagement in some of the institutions  
7 we have already mentioned. Others have their own programs.  
8 One example from close to home here would be St. Paul's in  
9 Summerville which has a summer reading camp as one of its  
10 outreaches, but they also have a food pantry, as do many of  
11 our congregations, and in that place a number of outreaches  
12 that they're responsible for.

13 Q. Mr. Lewis, have you recently seen a slide show that  
14 illustrates what you've been describing about the activities  
15 of the diocese?

16 A. Yes, I have.

17 Q. Does it fairly and accurately depict some of the matters  
18 about which you've testified?

19 A. I believe it does.

20 MR. RUNYAN: At this time I'd like to show that if  
21 there's no objection?

22 MR. TISDALE: Suits me.

23 MS. KOSTEL: No objection.

24 THE COURT: Okay.

25 (Slide show displayed.)

1 Q. Mr. Lewis, we saw a number of photographs in there about  
2 the diocesan convention. When did you first attend one of  
3 these conventions?

4 A. My first diocesan convention would have been in 1995.

5 Q. In what capacity did you attend at that time?

6 A. As the rector of St. Jude's in Walterboro.

7 Q. When did you start attending conventions in the capacity  
8 as canon to the ordinary?

9 A. That would have been the fall of 2009.

10 Q. And based on your experience, about how many people  
11 attend the convention since you've been canon to the  
12 ordinary?

13 A. Typically about 100 clergy and about 200 laity, give or  
14 take a few.

15 Q. This is a convention of something. Who are the  
16 participants at the convention?

17 A. Participants are the clergy of the diocese, who are  
18 canonically resident with seat, voice and vote. That means,  
19 among other things, that they must be active in ministry in  
20 the diocese. The other participants, members, if you will,  
21 of the convention are the parishes, who are represented by  
22 their elected deputies.

23 Q. About how often are these held?

24 A. An annual convention is held each year, usually in  
25 March.

1 Q. Are they sometimes held more frequently than once?

2 A. Canons allow for special conventions for other purposes,  
3 including the election of a bishop or issues of moment to the  
4 diocese.

5 Q. Have there been occasions in the history of the diocese  
6 that you're aware of when they didn't meet in a particular  
7 year?

8 A. I'm aware of one occasion, I believe, when that  
9 happened.

10 Q. Mr. Lewis, did the diocese donate some of its historical  
11 records to the South Carolina Historical Society?

12 A. That's correct.

13 Q. Who was the bishop when that happened?

14 A. Edward Salmon.

15 Q. Subsequent to that -- or can you tell the Court what was  
16 donated, roughly what was donated?

17 A. The archival facilities of the diocese on the premises  
18 are limited, and primarily what was conveyed at that time  
19 were all the diocesan journals, convention journals of the  
20 diocese.

21 Q. In the last couple of years did you enter into an  
22 agreement with the South Carolina Historical Society about  
23 providing some of these records so that they could be brought  
24 to Court today?

25 A. That is correct.

1 Q. Would you take a look at the first document that you  
2 have? I believe it's been premarked as Exhibit 40. Tell me  
3 if this is a copy of that agreement.

4 A. It is.

5 MR. RUNYAN: Move it into evidence.

6 MR. TISDALE: No objection. What exhibit number will it  
7 be?

8 MR. RUNYAN: 40.

9 MS. KOSTEL: Just one moment, please.

10 THE COURT: Certainly.

11 MS. KOSTEL: No objection.

12 THE COURT: Very well, 40 is in without objection.

13 (Plaintiff Diocese Exhibit 40 admitted into evidence.)

14 Q. Mr. Lewis, as a result of this agreement did the South  
15 Carolina Historical Society bring some old documents here?

16 A. I believe they did.

17 Q. I want to exhibit to you and then to the Court the  
18 earliest one that we have.

19 Let me show them to you first.

20 (Counsel confer.)

21 MR. TISDALE: Your Honor, we'll take a minute to look at  
22 this.

23 THE COURT: Of course, absolutely. This is probably a  
24 good time to take our afternoon break while you all do that.  
25 We'll take 15 minutes and be at ease.



1 (Recess held.)

2 THE COURT: Mr. Runyan, are you ready to continue?

3 MR. RUNYAN: Ready, Your Honor.

4 THE COURT: Very well. Have you all had an opportunity  
5 to look at the documents?

6 MR. TISDALE: We have, Your Honor.

7 MS. KOSTEL: Yes.

8 THE COURT: All right.

9 Q. Mr. Lewis, you have in front of you I believe Exhibit  
10 41, is that correct?

11 THE COURT: I thought it was Exhibit 40. Is it 41?

12 MR. RUNYAN: It should be, well, we haven't introduced  
13 it yet, it's 41.

14 MR. TISDALE: Alan, you're introducing the agreement,  
15 right?

16 MR. RUNYAN: That was already in. That's 40.

17 MR. TISDALE: And I thought you said you weren't going  
18 to mark -- oh, you weren't going to mark the book as an  
19 exhibit.

20 MR. RUNYAN: No.

21 MR. TISDALE: But certain pages in it.

22 MR. RUNYAN: Constitution, yes.

23 Q. All right. Exhibit 40 was the agreement with the  
24 historical society, is that right?

25 A. Correct.

1 Q. Do you have another document that looks sort of like  
2 this (indicating)?

3 A. Yes, I do.

4 Q. Does that have a number on it?

5 A. 41.

6 Q. Okay. I'd like to, before we get to that I would like  
7 to do what I was going to do before and hand you these  
8 original records from the 1780s, ask you to look at them and  
9 verify that they did in fact come from the diocese, were  
10 given to the historical society, and then if you would please  
11 hand them to the Court.

12 A. These are embossed on the outside of the bound volume,  
13 Minutes of Conventions, Protestant Episcopal Church, Diocese  
14 of South Carolina, 1785 to 1799.

15 MR. RUNYAN: If you would hand that to the Court,  
16 please, sir.

17 THE COURT: Are they unprotected?

18 MR. RUNYAN: Well, they don't have anything else on  
19 them, no. That's why we gave them up.

20 THE COURT: I don't have gloves or anything.

21 Oh, let's hear it for criminal court. All right.

22 Okay. Are you going to ask a question because I don't  
23 want to disturb it any more than I absolutely need to.

24 MR. RUNYAN: I will.

25 Q. Mr. Lewis, Exhibit 41 that you have in front of you,

1 what is that?

2 A. That is the 1786 constitution, first constitution of the  
3 Diocese of South Carolina.

4 Q. And how many pages are in that exhibit?

5 A. Three.

6 MR. RUNYAN: Your Honor, on the screen is the first page  
7 of that exhibit, and if the Court would look at the very back  
8 of the old document that you have, and it's actually  
9 upsidedown, I believe the original is at the very back  
10 upsidedown.

11 THE COURT: It's like reading Hebrew.

12 Q. Mr. Lewis, the copy that is 41, was that made from the  
13 original that the Court has?

14 A. Yes.

15 Q. When was that made?

16 A. The copy?

17 Q. Yes. During the course of this litigation?

18 A. Yes, during the course of this litigation, part of  
19 discovery.

20 Q. Did the diocese request that from the historical society  
21 to make a copy?

22 A. Yes, we did.

23 Q. Did we make a copy and return it to the historical  
24 society?

25 A. Yes, we did.

1 MR. RUNYAN: I would offer Exhibit 41.

2 MR. TISDALE: No objection.

3 MS. KOSTEL: No objection.

4 THE COURT: We're going to substitute a copy.

5 MR. RUNYAN: It is the copy, yes.

6 THE COURT: All right.

7 MR. RUNYAN: I've actually marked that as 41A because I  
8 would like to offer a transcription of that as 41B.

9 (Plaintiff Diocese Exhibit 41 admitted into evidence.)

10 Q. Mr. Lewis --

11 MR. TISDALE: Do you have one for us, please?

12 MR. RUNYAN: I think I gave one to you (indicating).

13 Q. Mr. Lewis, what is 41B?

14 A. It is titled Constitution of the Protestant Episcopal  
15 Church in South Carolina dated May 31, 1786.

16 Q. Is that a typed document?

17 A. That is correct.

18 MR. RUNYAN: We'd offer that in evidence.

19 MR. TISDALE: No objection.

20 MS. KOSTEL: Excuse me, Your Honor. I believe that  
21 there are some transcription errors.

22 MR. RUNYAN: Well, if that's the case, we don't want it.

23 MS. KOSTEL: Want what?

24 MR. RUNYAN: We'll withdraw it.

25 MR. TISDALE: What did you say Mary?

1 MS. KOSTEL: There are some transcription errors.

2 MR. RUNYAN: That's fine. We'll mark it for  
3 identification if we could, 41B for identification.

4 THE COURT: Okay.

5 MR. RUNYAN: Could you identify those, Ms. Kostel?

6 MS. KOSTEL: Identify what?

7 MR. RUNYAN: The transcription errors.

8 MS. KOSTEL: Sure. Holding them side by side, going  
9 through the document, I guess I'll refer, Alan, to the line  
10 in the transcription, okay?

11 MR. RUNYAN: Okay.

12 MS. KOSTEL: So in the second line of the transcription  
13 the R in religion in the original is capitalized, and it's a  
14 small r in the transcription. At the end of that line after  
15 the word -- I'm sorry, just a second. In the fourth line  
16 after the word God there's a comma in the transcription that  
17 does not appear in the original. And also in that line the  
18 word blessing is capitalized in the original, and it's not  
19 capitalized in the transcription. Also in that line the word  
20 community is capitalized in the original and not in the  
21 transcription. And at the end of that line there's a colon  
22 in the transcription, it's a comma in the original. In the  
23 next line after the word whereas the transcription says  
24 agreeably; it's agreeable in the original.

25 Your Honor, Mr. Beers is suggesting that I offer to

1 complete this exercise at the end of the day if that's better  
2 for the Court.

3 MR. RUNYAN: No problem with that. We'll mark it 41B  
4 for identification and then we'll deal with this. Thank you.

5 MS. KOSTEL: Yes, thank you.

6 MR. TISDALE: And if it's corrected, we don't have any  
7 objection to it.

8 Q. Mr. Lewis, what documents govern how the convention of  
9 the Protestant Episcopal Church in the Diocese of South  
10 Carolina operates when it meets?

11 A. The constitution and the canons of the Protestant  
12 Episcopal Church in the Diocese of South Carolina.

13 Q. Do the constitution and canons of the national church  
14 govern how the convention operates?

15 A. No, they do not.

16 Q. Do they provide for how the diocese elects a bishop?

17 A. The actual election process is described in Rule 21 of  
18 our canons.

19 Q. Do they speak to the number of votes required to pass?

20 MR. TISDALE: Your Honor, I'm going to object to his  
21 leading the witness on all of this.

22 MR. RUNYAN: I'm not sure that's leading.

23 MR. TISDALE: You could ask him what it does, not tell  
24 him what it does and then ask him if that's right.

25 Q. Does the constitution and canons of the national church

1 have anything to say about how the Diocese of South Carolina  
2 operates its convention?

3 A. I do not believe so.

4 Q. When the Diocese of South Carolina amends or changes its  
5 constitution and canons, is there any provision or any  
6 requirement of which you are aware that that change must be  
7 reviewed first and approved by the national church?

8 A. None of which I'm aware.

9 Q. When the Episcopal Church changes its constitution, when  
10 the national church changes its constitution, does this  
11 diocese and others have to review and approve that change  
12 before it is effective?

13 A. Every diocese in the national church is expected to vote  
14 upon those proposed changes to the national constitution.

15 Q. Mr. Lewis, what's the process used to call a convention  
16 of the Diocese of South Carolina?

17 A. Normally at the conclusion of any annual convention the  
18 date and location for the next convention is published,  
19 announced at that time at the conclusion of that convention.  
20 For special conventions the requirement in the canons is for  
21 30 days advanced notice for any convention, and normally even  
22 for an annual convention, even though the day and location  
23 has been pre-noticed 30 days in advance, there will be a  
24 reminder from the diocesan office that goes out, along with  
25 any pre-filed resolutions for that convention.

1 Q. Okay. And are notices of convention, in fact, packets  
2 for the convention sent out in advance?

3 A. That is correct.

4 Q. You should have in front of you, Mr. Lewis, 42A through  
5 E, I believe.

6 A. Yes.

7 Q. Could you tell us what these are?

8 A. These are the preconvention packets that are mailed to  
9 all clergy and deputies who are expected to attend the  
10 diocesan convention, annual diocesan convention.

11 Q. And for what years of convention gathering do they  
12 cover?

13 A. I see March 2010, January 2011, March 2012, October,  
14 it's a notice for November 2012 and March 2013.

15 Q. What kind of information is contained in these packets,  
16 Mr. Lewis?

17 A. Normally they send an agenda for the meeting, the  
18 business to be conducted, especially if it's at a special  
19 convention. Also included would be any pre-filed resolutions  
20 or other business to be conducted. If it's an annual  
21 convention, there will be election of officers, and the  
22 nominees for those positions, that slate will be provided  
23 along with a brief biography of all the candidates. Normally  
24 the diocesan budget is approved at annual convention, and  
25 depending upon the timing of this mailing that would also be



1 mailed out in advance to the deputies for their review prior  
2 to the gathering of the convention.

3 Q. You may have said this, but to whom are these sent?

4 A. These are sent to the clergy of the diocese as well as  
5 the deputies who represent the parishes and missions of the  
6 diocese.

7 Q. And how do you know who to send them to?

8 A. All clergy who are canonically resident are identified  
9 as such in the diocesan mailing list. For the deputies  
10 representing the parishes there is a requirement that the  
11 deputation be certified in advance. The parishes supply us  
12 with a list of who their deputies will be at least 30 days in  
13 advance, that's the request, and most make that request for  
14 us so that we know precisely who to mail these packets to.  
15 They send us both the names and all the pertinent contact  
16 information for who those individuals are, both deputies and  
17 alternates.

18 MR. RUNYAN: Offer 42A through E.

19 MR. TISDALE: No objection.

20 MS. KOSTEL: No objection.

21 THE COURT: Very well.

22 (Plaintiff Diocese Exhibits 42A-E admitted into  
23 evidence.)

24 Q. Mr. Lewis, when you go to a convention what do you do  
25 since you became canon to the ordinary?

1 A. As canon my duties tend to vary at a diocesan  
2 convention. Appointments to committees are at the bishop's  
3 discretion, so I do from time to time serve on various  
4 committees, convention committees, that's one of my areas of  
5 responsibility. I also assist with the actual administrative  
6 conduct of the meeting, helping with vote tallies, I'm  
7 involved with the nominating process, help support the work  
8 of the nominating committee in presenting those nominations,  
9 have some involvement in that part of the process as well,  
10 and then I'm simply available for whatever needs at the  
11 moment might arise during the course of the convention, so if  
12 you were studying the pictures that were shown earlier of  
13 diocesan convention, you would have seen me seated behind the  
14 bishop on the dais.

15 Q. Mr. Lewis, who serves as president of the convention?

16 A. That would be the bishop.

17 Q. If he is not there, who serves as president?

18 A. President of the standing committee.

19 Q. Is there a secretary?

20 A. There is.

21 Q. And is the chancellor there?

22 A. Chancellor's present under normal circumstances.

23 Q. What is the role of the chancellor?

24 A. He normally functions as the parliamentarian.

25 Q. Is there a process by which a quorum is determined?

1 A. There is. All the pre-filed registrations are organized  
2 at the registration area, and then as each individual comes  
3 in before they can receive a name tag and enter the actual  
4 convention area, they have to check in, and we check off  
5 registrations against those that we have preregistered for  
6 the convention, and before convention actually begins  
7 business there's report of the committee to inform us of the  
8 number of clergy present with seat, voice and vote and the  
9 number of parishes and missions registered with seat, voice  
10 and vote.

11 Q. Since you've been attendings diocesan conventions have  
12 you ever attended a convention where there was not a quorum?

13 A. No, never have.

14 Q. Does the staff at the convention prepare a convention  
15 notebook?

16 A. That is correct, we do.

17 Q. What is that?

18 A. That is a working agenda for the convention to provide  
19 in more detail what actually transpires during the course of  
20 the diocesan convention. All the pieces of business that  
21 need to be conducted from elections to resolutions to  
22 reports, financial statements, appointments of officers and  
23 convention committees, all of that's laid out in some detail  
24 in that notebook. Also normally concluded in that notebook  
25 are the materials needed to make records of the actual voting

1 process. For elections that's fairly simple. That's become  
2 an electronic process that's been with an electronic voting  
3 device. But for items such as alteration to the constitution  
4 or the canons, parts of that process require a vote by  
5 orders, so there is a tally sheet available so that if there  
6 is a vote by orders, we have a way to record each individual  
7 clergy vote and each individual parish and mission vote.

8 Q. Mr. Lewis, at the conclusion of a convention or sometime  
9 after that is there a document prepared known as a journal?

10 A. That is correct.

11 Q. And from what is it prepared?

12 A. It is prepared in part using the minutes taken at the  
13 course of that meeting, also makes use of the notes taken in  
14 those convention journals about which we were just referring,  
15 and on some occasions we have had a court reporter present in  
16 order to transcribe the business of that convention.

17 Q. Mr. Lewis, you have in front of you what's been  
18 premarked as Exhibit 43. Which convention does this relate  
19 to?

20 A. October 2010.

21 Q. What would you call this document?

22 A. These are the working records of the reconvened 219th  
23 convention, excuse me, this contains both the March session  
24 and the October session from 2010.

25 MR. RUNYAN: Offer Exhibit 43.

1 MR. TISDALE: Bear with us just one second, Your Honor.

2 THE COURT: Certainly.

3 MR. TISDALE: Did you say what months in 2010?

4 MR. RUNYAN: The whole year.

5 MR. TISDALE: I know, but there were two, weren't there?

6 MR. RUNYAN: March and October.

7 MR. TISDALE: Okay. No objection.

8 MS. KOSTEL: No objection.

9 THE COURT: Very well.

10 (Plaintiff Diocese Exhibit 43 admitted into evidence.)

11 Q. Mr. Lewis, back to the convention, would you tell the  
12 Court who has the right to vote?

13 A. All the clergy who are canonically resident of the  
14 diocese and active in ministry have the right to vote as well  
15 as retired clergy under a few specific canonically prescribed  
16 circumstances, also the deputation from each parish and  
17 mission has a right to vote. Parishes have a full vote, one  
18 vote per parish, and missions have one half of a vote.

19 Q. So how many delegates are there per parish?

20 A. Normally four for each parish.

21 Q. And what happens if the four delegates don't agree?

22 A. If their vote is tied, it counts as an abstained, if it  
23 is a majority in one direction or the other, the majority  
24 rules.

25 Q. So when a parish votes in delegation, what is the number

1 of votes that it has?

2 A. One.

3 Q. And when a clergy votes, what is the number of votes  
4 that he or she has?

5 A. One.

6 Q. And when a mission votes, what is the number of votes  
7 that it has?

8 A. One half.

9 Q. Now, in addition to the number of votes are there  
10 different manners of voting?

11 A. Yes, there are. The most common form of voting is a  
12 simple voice vote, meaning the matters of convention  
13 resolutions passed can be adopted by simple majority vote by  
14 voice. That is normally determined by the chair if a motion  
15 has prevailed. If there is some doubt on that matter, a  
16 division can be called and a vote for orders requested in  
17 order to get a more precise accounting of whether or not a  
18 motion has indeed passed or not.

19 Q. What is a vote by orders?

20 A. Vote by orders is when the clergy vote is -- and lay  
21 vote are taken separately. Vote by orders normally begins  
22 with a roll call of all the clergy who are registered with  
23 seat, voice and vote at that convention. After that roll  
24 call has been taken and the number counted, we then proceed  
25 with a roll call of the individual parishes and then the

1 individual missions, each being called one by one and being  
2 asked for their vote, yay or nay.

3 Q. When there is a vote by orders, is it recorded by who  
4 voted?

5 A. In the case of the individual clergy each individual  
6 clergy vote is recorded so we know how each individual voted.  
7 In the parish voting, the lay voting, all that we know is the  
8 outcome of the deputation, whether their vote was yay, nay or  
9 abstained.

10 Q. But is it recorded as a vote of the parish?

11 A. Yes, it is recorded as a vote of the parish.

12 Q. Or of the mission?

13 A. Or of the mission.

14 Q. What are the number of votes required to change a canon  
15 in the Diocese of South Carolina?

16 A. Requires a two-thirds vote.

17 Q. In what way?

18 A. Both the clergy order must vote by two-thirds majority  
19 for the change, and then the lay order of the parishes and  
20 missions together collectively must vote by two-thirds in  
21 order for the passage of a change.

22 Q. Now, to change a provision, add or change a provision in  
23 the constitution, what is the process required to accomplish  
24 that?

25 A. On first reading the proposed change must pass by simple

1 majority of the convention present, and then the second  
2 reading requires a two-thirds vote by orders.

3 Q. So in order to change the constitution how many times  
4 must it be voted on?

5 A. It must be voted upon at two successive diocesan  
6 conventions.

7 Q. We've talked about changing the canons. We've talked  
8 about changing the constitution. For the passage of any  
9 other resolution how many votes are required?

10 A. A single vote.

11 Q. And to what amount must that equal?

12 A. By a simple majority.

13 Q. Okay. Thank you. If there is a majority vote, can  
14 someone call for a roll call vote if they desire?

15 A. Yes, they can.

16 Q. You mentioned that resolutions got to the floor  
17 typically by pre-filed resolutions that went out in these  
18 notices and packets. Is there any other way that the  
19 resolution can get to the floor?

20 A. The canons also allow for resolutions to be filed on the  
21 floor on the day of convention. The primary requirement is  
22 that whoever moves the motion must bring enough copies that  
23 they are available for each individual clergy and deputy.

24 Q. Can anyone file a resolution?

25 A. Anyone may file a motion at convention who is a



1 registered clergy or deputy.

2 Q. Did the convention meet in 2010?

3 A. Yes, it did.

4 Q. How often did it meet?

5 A. It convened annual convention on March 26 and reconvened  
6 for the conclusion of that convention on October 15.

7 Q. And where did it meet?

8 A. St. Paul's, Summerville.

9 Q. Were you present?

10 A. Yes, I was.

11 Q. Was there a quorum?

12 A. Yes, there was.

13 Q. Were any resolutions passed at that convention, those  
14 two meetings?

15 A. Yes, there were.

16 Q. How many resolutions were passed at the one in March?

17 A. I believe four.

18 Q. How many of those resolutions, or did any of those  
19 resolutions deal with the diocese's relationship with the  
20 national church?

21 A. I believe two of those had some bearing on that.

22 Q. Let's take a look at March 1st. Do you have 43A, Mr.  
23 Lewis?

24 A. I have it.

25 Q. You have also a 43B?

1 A. I do.

2 Q. I'm not sure if you have a 43C. Do you have that?

3 A. I do not.

4 Q. Okay. I didn't think so. Are you familiar with these  
5 two resolutions?

6 A. Yes, I am.

7 Q. Were you present when they were offered?

8 A. I was.

9 Q. Do these appear to be the resolutions marked as R-2 and  
10 R-3 that were considered by the convention of the Diocese of  
11 South Carolina in March of 2010?

12 A. Yes, they are.

13 Q. And were they voted upon?

14 A. They were.

15 MR. RUNYAN: I'd offer them in evidence.

16 MR. TISDALE: No objection.

17 MS. KOSTEL: No objection.

18 THE COURT: All right. In evidence without objection.

19 (Plaintiff Diocese Exhibits 43A and 43B admitted into  
20 evidence.)

21 Q. Mr. Lewis, were these two resolutions R-2 and R-3  
22 passed?

23 A. Yes, they did.

24 Q. Would you tell us what R-2 is, what it relates to?

25 A. R-2 related to an issue that was referred to earlier in

1 Chancellor Logan's testimony, the letters received from  
2 Mr. Tisdale asking for various and sundry documents. The  
3 resolution in question pointed out that the presiding bishop  
4 has no authority to retain attorneys in this diocese to  
5 present themselves as legal counsel of the Episcopal Church,  
6 since the diocese at that time was the Episcopal Church in  
7 South Carolina, and resolved that the presiding bishop,  
8 excuse me, demanded the presiding bishop remove all such  
9 retainer of legal counsel.

10 Q. All right. And what was R-3 about?

11 A. R-3 gave the bishop of the diocese -- let me rephrase  
12 that. It clarified what we believed to be the case, that the  
13 bishop was the ecclesiastical authority of the diocese, and  
14 in his absence the standing committee, and that the  
15 interpretation of our constitution and canons was ultimately  
16 in the purview of the bishop and whatever interpretation he  
17 provided was final and binding.

18 Q. Back to R-2 just a moment, there's a reference to  
19 presiding bishop. Could you tell the Court who that person  
20 was at that time?

21 A. That would be the Right Reverend Katharine Jefferts  
22 Schori.

23 Q. And is the presiding bishop someone who is associated  
24 with the national church?

25 A. That is correct.

1 Q. Are the results of these votes contained in the journals  
2 of the convention?

3 A. That is correct.

4 Q. Could you tell the Court what the first resolution  
5 passed by?

6 A. The first resolution R-2 was, because it was not a  
7 canonical change, was a simple voice vote by majority.

8 Q. Was the second, R-3, was that a canonical change?

9 A. That was a canonical change, that was an addition to our  
10 canons, and it passed in the clergy order 95 to 6 and the lay  
11 order 47 to 7.

12 Q. There was a third one also that was considered that  
13 involved the relationship, do you recall a resolution  
14 involving a generous pastoral response?

15 A. Yes, that was resolution R-4.

16 Q. And what did that relate to?

17 A. At that point in time we had come to the conclusion or  
18 near the conclusion of the All Saints litigation. The bishop  
19 had made it very clear that it was his intention not to go  
20 through that kind of litigation in the diocese again. It had  
21 been tremendously expensive and divisive. St. Andrew's,  
22 Mount Pleasant, had indicated that they were contemplating  
23 disassociating from the diocese and the Episcopal Church, and  
24 while we believed the bishop already had authority to deal  
25 pastorally with such matters, this canon made it clear that

1 the diocese agreed with his assessment that that was not a  
2 road we wished to travel again, and it gave the bishop  
3 authority canonically for a generous pastoral response in how  
4 it dealt with any congregation, mission or parish that was in  
5 conflict with the diocese or the larger church.

6 Q. Did that pass?

7 A. It did pass.

8 Q. Was that a canonical change?

9 A. Yes, it was a canonical change.

10 Q. Did it pass by a vote by orders?

11 A. It did.

12 Q. Would you say what the percentage was of the passage in  
13 the parishes and the missions and the clergy?

14 A. It was over 90 percent.

15 Q. Did you also attend the October 15 meeting of the 2010  
16 convention?

17 A. Yes, I did.

18 Q. Prior to that meeting did you attend a standing  
19 committee meeting where the resolutions that were going to be  
20 offered were considered by the standing committee and voted  
21 upon?

22 A. I was present at that meeting.

23 Q. Could you tell the Court what the vote was on those  
24 resolutions?

25 A. The standing committee was unanimous in its support of

1 the resolutions put forward.

2 Q. And did some of those resolutions relate to the  
3 diocese's relationship with the Episcopal Church?

4 A. Yes, they did.

5 Q. And were those resolutions sponsored by the standing  
6 committee?

7 A. That is correct.

8 Q. You have in front of you a document marked 44 -- excuse  
9 me, I'm sorry, 44D, E, F and G. Do you have those?

10 A. I do.

11 Q. Could you just broadly describe, without talking about  
12 the topics yet, what these are?

13 A. One is a change to the constitution of the diocese. One  
14 is a change to the canons of the diocese. That would be R-8.  
15 R-10 is a change to the canons of the diocese and R-11 was an  
16 approval for change in the corporate charter purpose  
17 statement.

18 Q. Were these voted on by the convention?

19 A. They were.

20 Q. Were these the resolutions that the standing committee  
21 voted on and approved?

22 A. Yes, that is correct.

23 MR. RUNYAN: I offer them into evidence, 44D through F  
24 and G.

25 MR. TISDALE: No objection.

1 MS. KOSTEL: I don't have all of them, Alan. I don't  
2 have anything from 2011, I mean R-11, I don't have R-11.

3 MR. RUNYAN: They're on one page, 10 and 11.

4 MS. KOSTEL: Oh, it's on one page. Could we go through  
5 what the numbers of each of these is?

6 MR. RUNYAN: We're going to do that.

7 MS. KOSTEL: Thanks.

8 MR. RUNYAN: The exhibit numbers?

9 MS. KOSTEL: Yes.

10 MR. RUNYAN: Okay. R-6, Exhibit 44D; R-8, Exhibit 44E;  
11 and R-10 and 11 is Exhibit 44F.

12 MS. KOSTEL: Thank you.

13 THE COURT: Any objection?

14 MR. TISDALE: No objection.

15 MS. KOSTEL: No objection.

16 THE COURT: Thank you. All right.

17 (Plaintiff's Diocese Exhibits 44D-F admitted into  
18 evidence.)

19 Q. Mr. Lewis, let's start with the first one, 44D, would  
20 you tell us what that concerns?

21 A. This was an amendment of the constitution of the Diocese  
22 of South Carolina to limit its accession to the constitution  
23 of that of the national church.

24 Q. And looking at this document, there are several things  
25 that are struck through and a few things that were added.

1 Can you tell me what those are?

2 A. All reference to the canons of the national church have  
3 been removed as well as references to the general convention  
4 of the national church.

5 Q. Is there an addition to Article 1 of the constitution?

6 A. Yes. Under the first resolved the language was added  
7 that in the case of a conflict between the constitution of  
8 the general convention and that of this diocese the  
9 constitution of the diocese would prevail.

10 Q. So we have a clear understanding, Mr. Lewis, prior to  
11 the consideration and adoption of this constitutional change  
12 and the canons did the constitution of the Diocese of South  
13 Carolina provide that it acceded to both the constitution and  
14 the canons of the Episcopal Church?

15 A. Prior to this change, that's correct.

16 Q. And after this change did it still provide accession to  
17 something?

18 A. It still continued to provide accession to the  
19 constitution of the national church.

20 Q. Let's look at R-8. Can you tell me what R-8 concerned?

21 A. R-8 was a removal of accession in the diocesan canons to  
22 those canons of the national church.

23 Q. All right. And it's fairly lengthy. There are a number  
24 of additions in there referencing 2006 and others. Can you  
25 tell us what that concerns?



1 A. The primary reason behind this change was the  
2 recognition and belief on our part that changes made to the  
3 title for the disciplinary canons of the national church were  
4 contrary to its own constitution and the only way to resolve  
5 that conflict for us was to remove our accession to those  
6 canons, so the reference here to 2006 was, in the  
7 disciplinary canons of our diocese, reference back to the  
8 canons of the national church as they existed in 2006, which  
9 continued to be the template under which we chose to operate  
10 for disciplinary purposes for clergy.

11 Q. All right. Would you look at the next resolution, R-10.  
12 Could you tell us what that concerned?

13 A. That addressed the issue of property held in trust, the  
14 question of whether or not the diocese had a trust interest  
15 in the property of its parishes and missions. The language  
16 in Section 5 of Canon 29 suggested that there was such a  
17 trust interest. At the time this resolution was adopted by  
18 convention it had been over a year since the All Saints  
19 Pawleys ruling which had made it clear, to our understanding,  
20 the diocese had no such trust interest, so there was no good  
21 reason to maintain this language in our canons. It was no  
22 longer applicable.

23 Q. All right. And then the last resolution, R-11, could  
24 you tell us what that was about?

25 A. That was a resolution to revise the corporate purpose

1 statement of the diocese.

2 Q. And that revision, could you tell us how that, what that  
3 revision did to the corporate purpose statement?

4 A. It removed reference to the national church and replaced  
5 it with reference to the diocese itself.

6 Q. Were these voted on at convention?

7 A. They were.

8 Q. Did the first one, R-6, pass?

9 A. It passed by voice vote, simple majority.

10 Q. That was the first vote on amending the constitution?

11 A. Correct.

12 Q. How about the next one, R-8?

13 A. R-8 also passed by a vote by orders.

14 Q. And R-9?

15 A. R 9 --

16 Q. R-10, excuse me.

17 A. R-10 was also a canonical change that passed in a vote  
18 by orders.

19 Q. All right. And R-10, would that have been removal of  
20 the Dennis canon?

21 A. That is correct.

22 Q. Could you tell the Court what the vote was on that  
23 percentage-wise?

24 A. 94 percent in favor in the clergy order and 91 percent  
25 in favor in the lay order.

1 Q. And, finally, the amendment of the corporate charter,  
2 did that pass as well?

3 A. That passed on a simple majority voice vote.

4 Q. Did you also attend the convention in 2011?

5 A. I did.

6 Q. Was there a resolution passed there that related to our  
7 relationship with the national church?

8 A. In February of 2011 we had a second reading of the  
9 constitutional changes approved prior in 2010.

10 Q. And was that done on a vote by orders?

11 A. That was.

12 Q. Did it pass?

13 A. It passed.

14 Q. Can you tell the Court what the number of votes were out  
15 of the possible votes for the clergy who voted in favor?

16 A. Clergy in favor was 75 out of a possible 89 registered  
17 for that convention.

18 Q. Parishes?

19 A. Parishes, it was a vote of 44 out of a possible 55  
20 votes.

21 Q. Now, after the diocese disassociated, was there a  
22 convention held in November of 2012?

23 A. That is correct, there was a special convention held.

24 Q. All right. Were resolutions passed there that related  
25 to the diocese's relationship with the Episcopal Church?

1 A. Yes, that is correct.

2 Q. Do you recall how many?

3 A. In November, several. I'm refreshing my memory. Three  
4 of significance.

5 Q. Do you have in front of you Exhibit 45A, B, C and D?

6 A. Correct.

7 Q. Again, Mr. Lewis, broadly speaking, could you describe  
8 what R-1 is without getting into details?

9 A. R-1 was an affirmation by the diocesan convention of the  
10 action taken by the standing committee, acting as board of  
11 directors, to disassociate from the national church.

12 Q. And what was 45B, what is 45B?

13 A. 45B was an explanation of that withdrawal.

14 Q. And 45C?

15 A. 45C was an amendment of the constitution of the diocese  
16 to remove accession and all reference to the national church.

17 Q. 45D?

18 A. 45D was a similar amendment to the canons of the diocese  
19 to remove all references to the national church.

20 Q. I direct your attention for just a moment to 45B. Was  
21 this handed out at the convention?

22 A. That is correct.

23 MR. RUNYAN: I'd offer 45A through D.

24 MR. TISDALE: No objection.

25 MS. KOSTEL: No objection.

1 THE COURT: 45A through D in evidence without objection.

2 (Plaintiff Diocese Exhibits 45A-D admitted into  
3 evidence.)

4 Q. Mr. Lewis, look at R-1 of the November convention, if  
5 you would. Who sponsored that resolution?

6 A. It was sponsored by a large group of the clergy of the  
7 diocese.

8 Q. Okay. And does that resolution cover two pages?

9 A. That's correct.

10 Q. If you would, please, sir, I'd like you to read this  
11 resolution, beginning with the whereas clause right under the  
12 list of names.

13 A. In its entirety?

14 Q. Yes, sir.

15 A. Whereas the Protestant Episcopal Church in the Diocese  
16 of South Carolina, hereafter diocese, has been in existence  
17 since 1785 and has from time to time additionally called  
18 herself and been known variously as the Protestant Episcopal  
19 Church in South Carolina, the Protestant Episcopal Diocese of  
20 South Carolina, the Protestant Episcopal Church in the State  
21 of South Carolina, the Episcopal Diocese of South Carolina  
22 and the Diocese of South Carolina; and whereas the diocese  
23 continues to be additionally called and known today as the  
24 Diocese of South Carolina and the Episcopal Diocese of South  
25 Carolina; and whereas the Protestant Episcopal Church in the

1 Diocese of South Carolina and such additional names as are  
2 immediately set forth above and its seal have been recognized  
3 by the South Carolina Secretary of State as protected marks  
4 of this diocese; whereas this diocese held its first  
5 convention on May 12, 1785 in Charleston and has met annually  
6 and as specially called since then; and whereas this diocese  
7 adopted its first constitution in 1786; whereas this diocese  
8 preexisted the formation of the Episcopal Church, hereafter  
9 TEC, in 1789 and was one of its founders; and whereas this  
10 diocese has from time to time joined with and withdrawn from  
11 other associations as a member, including TEC, the Church of  
12 the Confederate States and the Anglican Communion Network;  
13 and whereas the standing committee of the diocese, in  
14 resolution passed and adopted on October 2nd, 2012, in the  
15 exercise of its rightful authority under the governing  
16 instruments of the diocese, disaffiliated with TEC by  
17 withdrawing the diocese's accession to the constitution of  
18 and its membership in TEC; and whereas the disciplinary board  
19 for bishops of TEC claims that it certified on September 18,  
20 2012 that our bishop, the Right Reverend Mark J. Lawrence,  
21 had abandoned the Episcopal Church; and whereas the presiding  
22 bishop, the Most Reverend Katharine Jefferts Schori, informed  
23 Bishop Lawrence of that alleged action on October 15, 2012;  
24 and whereas these actions were taken in accordance with  
25 certain national canons that are unconstitutional that are

1 being reconsidered by resolution of the general convention  
2 2012 and that are not in any event applicable to this  
3 diocese; and whereas repeated actions taken by the leadership  
4 and general convention of TEC have been in violation of their  
5 own constitution and canons, have been repugnant to the plain  
6 teachings of scripture and are therefore heretical and have  
7 been out of order with historic Christian faith and practice;  
8 therefore be it resolved that we, the convention of this  
9 diocese, at this special convention duly called by the  
10 ecclesiastical authority of the diocese hereby declare that  
11 we concur in the decision of the standing committee that we  
12 are no longer in any relationship with TEC including union or  
13 association with in any capacity, and we declare her rightful  
14 bishop to be the Right Reverend Mark J. Lawrence. By stating  
15 this we declare that, as God has sent Bishop Lawrence to be  
16 our bishop, only he has authority to declare otherwise, and  
17 be it further resolved that the convention of this diocese  
18 repudiates the actions of TEC purportedly taken against our  
19 bishop and declare null and void any claim by any member or  
20 representative of TEC to have any authority whatsoever over  
21 this diocese or any authority over God's congregation at any  
22 of her parishes who willingly by their presence at this  
23 convention and their vote on this resolution so declare.

24 Q. Thank you.

25 A. You're welcome.

1 Q. Was that voted on at convention?

2 A. It was.

3 Q. And did it pass?

4 A. It passed by a voice vote.

5 Q. A majority vote?

6 A. That's correct.

7 Q. And was the next resolution voted on?

8 A. It was, R-2.

9 Q. And was it the first vote to amend the constitution?

10 A. It was the first vote, first reading, and passed by a  
11 simple majority vote.

12 Q. What was the effect of that amendment?

13 A. To remove all accession and reference to the Episcopal  
14 Church, the national church and the constitution of the  
15 diocese.

16 Q. And did R-3 pass as well?

17 A. It also passed.

18 Q. And was that an amendment of the canons?

19 A. That is correct.

20 Q. Did that require a second vote?

21 A. No, it did not.

22 Q. Was it a vote by orders?

23 A. A vote by orders, correct.

24 Q. By what percentage did that pass?

25 A. Nearly unanimous, 96 and 89 percent respectively.



1 Q. Switch gears, Mr. Lewis, I'm going to ask you some  
2 questions now about the registered marks of the diocese. At  
3 some point in time did the diocese register any marks with  
4 the South Carolina Secretary of State?

5 A. That is correct, it did.

6 Q. Approximately when did that happen?

7 A. October of 2010.

8 Q. And do you recall what was registered, generally  
9 speaking?

10 A. Generally speaking, the service marks, the names by  
11 which the diocese has historically been known, which were a  
12 part of that resolution read a moment ago, and the diocesan  
13 seal.

14 Q. Why were these registered?

15 A. It had come to the attention of legal counsel and  
16 leadership of the diocese that in other places the attempt  
17 had been made to take the use of the diocesan registered  
18 trademarks out of the hands of those to whom we believe that  
19 they belonged.

20 Q. Do you have in front of you the registration  
21 certificates from the Secretary of State?

22 A. I do.

23 Q. How many of those are there?

24 A. I appear to have four in front of me here.

25 MR. RUNYAN: I think you may be missing one, so I'm

1 going to swap with you.

2 May I approach the witness, Judge?

3 THE COURT: You may.

4 Q. Mr. Lewis, tell the Court what role you played in the  
5 registration process.

6 A. I was given the task of researching data for us to use  
7 for the trademarks, service marks to be registered. I also  
8 took upon myself the task of researching the diocesan seal  
9 and its description in order to find one that was more  
10 comprehensive and a bit more understandable than the  
11 description that had been used up until that time.

12 Q. Did you send this information to an attorney hired by  
13 the diocese?

14 A. That is correct, I provided that information to David  
15 Cox.

16 Q. And what sorts of information did you send him in  
17 addition to the seal?

18 A. In addition to the seal, sent him exemplars where the  
19 service marks had been used, primarily, portions of diocesan  
20 journals where it had been used in the past.

21 Q. Did you subsequently sign an application for  
22 registration of these marks?

23 A. That is correct, I did.

24 Q. What entity did you sign on behalf of?

25 A. The Protestant Episcopal Church in the Diocese of South

1 Carolina.

2 Q. And did you in turn receive from Mr. Cox the five  
3 documents that you have in front of you?

4 A. That is correct.

5 Q. Could you for the record just identify the numbers  
6 again, the exhibit numbers?

7 A. My copy does not have exhibit numbers on it at present.

8 MR. RUNYAN: I believe for the record it's 46A through  
9 D. Offer those in evidence.

10 MR. TISDALE: No objection.

11 MS. KOSTEL: No objection.

12 THE COURT: Very well.

13 (Plaintiff Diocese Exhibits 46A-D admitted into  
14 evidence.)

15 Q. Mr. Lewis, what is the first one you have? We'll go  
16 with that.

17 A. I actually have two that are almost identical. They are  
18 registrations of the seal itself with a description thereof.

19 Q. Can you tell us what the difference is?

20 A. One of these has a first use of the seal of being 1869.  
21 That was a black and white version, I believe, of the seal.  
22 And following it is a description of the color version of the  
23 seal with a first use of 1911. In terms of this piece of  
24 art, the 1911 date is actually the correct date. My belief  
25 is that the version with the 1869 date, what was intended to

1 be registered there was actually one of the name service  
2 marks of the diocese, not that black and white seal.

3 Q. Did you actually do some research and actually write up  
4 the description of the seal and send it to the Secretary of  
5 State?

6 A. That's correct.

7 Q. And go on to the third document. What is that?

8 A. That's a registration of the name the Episcopal Diocese  
9 of South Carolina.

10 Q. Who is the registered owner?

11 A. The Protestant Episcopal Church in the Diocese of South  
12 Carolina.

13 Q. Who's the registered owner of the two previous documents  
14 that were the seals?

15 A. The Protestant Episcopal Church in the Diocese of South  
16 Carolina.

17 Q. And the next exhibit, could you tell us what the  
18 registered mark is?

19 A. The Diocese of South Carolina.

20 Q. Who's the registered owner?

21 A. The Protestant Episcopal Church in the Diocese of South  
22 Carolina.

23 Q. And could you just tell us what the last registered mark  
24 is?

25 A. The Protestant Episcopal Church in the Diocese of South

1 Carolina.

2 Q. And who's the registered owner of that?

3 A. The Protestant Episcopal Church in the Diocese of South  
4 Carolina.

5 Q. You have in front of you Exhibit 47.

6 A. Yes.

7 Q. Tell us what that is.

8 A. That is a depiction of the colored seal of the diocese  
9 along with a more detailed description of the significance of  
10 its various symbols and a brief history of its origins.

11 Q. What role did you have in preparing this exhibit?

12 A. I wrote this.

13 Q. Was this sent to the Secretary of State?

14 A. I believe so.

15 Q. Was this placed anywhere else in the diocese materials?

16 A. This went almost immediately on the diocesan website.  
17 We've always had a description of the diocesan seal. This  
18 replaced the earlier description that was on the website.

19 MR. RUNYAN: Offer Exhibit 47.

20 MR. TISDALE: No objection.

21 MS. KOSTEL: No objection.

22 THE COURT: Very well, Exhibit 47 in evidence without  
23 objection.

24 (Plaintiff Diocese Exhibit 47 admitted into evidence.)

25 Q. Mr. Lewis, you said you wrote this?

1 A. That's correct.

2 Q. Did you gather this information from any other source?

3 A. I made use of several diocesan resources, particularly  
4 for the history, the texts written by Mr. Dalcho and Mr.  
5 Thomas that are the most comprehensive histories of the  
6 Diocese of South Carolina.

7 Q. Now, Mr. Lewis, approximately when did the diocese leave  
8 the Episcopal Church?

9 A. Sometime in October of 2012.

10 Q. And how was the public made aware of that?

11 A. There was a public statement released I believe on  
12 October 17 announcing that the disassociation had taken  
13 effect.

14 Q. At some time after that did you become aware that  
15 someone was using the registered marks of the diocese?

16 A. I did.

17 Q. Could you tell us how that happened?

18 A. Certainly. Began receiving emails from a group  
19 describing it as the steering committee of the diocese that  
20 announced that there would be a clergy day for the clergy of  
21 the Diocese of South Carolina to be held on November 15,  
22 2012.

23 Q. Did you say you received an email?

24 A. That's correct.

25 Q. You have in front of you a document premarked as Exhibit

1 48, do you.

2 A. Yes.

3 Q. Is that the email you received?

4 A. That is correct.

5 Q. On the first page there's an email portion. What is on  
6 the second -- well, let's stop right there.

7 I'm going to offer this into evidence.

8 THE COURT: Any objection?

9 MR. TISDALE: No objection.

10 MS. KOSTEL: No objection.

11 THE COURT: 48 in evidence without objection.

12 (Plaintiff Diocese Exhibit 48 admitted into evidence.)

13 Q. Take a look at the first page of this Exhibit, Mr.  
14 Lewis.

15 A. Yes.

16 Q. Who is it from?

17 A. It says it is from Episcopal Diocese of South Carolina.

18 Q. Was it in fact from the Episcopal Diocese of South  
19 Carolina?

20 A. It did not come from us.

21 Q. Did you get this by email?

22 A. That is correct.

23 Q. Were you the only clergy in the diocese to get this?

24 A. To my knowledge all the clergy of the diocese received  
25 this.

1 Q. Does this reference a meeting to be held some days  
2 later?

3 A. That is correct.

4 Q. Where was the meeting to be held?

5 A. Originally scheduled location was Holy Communion in  
6 Charleston.

7 Q. If you'd look at the second page of this document, what  
8 is that?

9 A. That is the PDF file that was the attachment to this  
10 email, the formal invitation to that meeting.

11 Q. Did the Diocese of South Carolina, the Protestant  
12 Episcopal Church in the Diocese of South Carolina by whom you  
13 are employed, have anything to do with this invitation?

14 A. Nothing, it did not.

15 Q. Does it use the seal of the diocese?

16 A. It does.

17 Q. Is there also on there the seal of the Episcopal Church?

18 A. That is correct.

19 Q. What was your reaction when you received this?

20 A. Shock and disbelief.

21 Q. Did you do something about it?

22 A. Yes. We immediately sent a communication to the clergy  
23 of the diocese, informing them that this communication did  
24 not come from us and that it was not an official or approved  
25 gathering of the clergy of the Protestant Episcopal Church in



1 the Diocese of South Carolina.

2 Q. Did you send this in any particular mode of  
3 communication?

4 A. We sent it immediately by email so that it would reach  
5 people as quickly as possible and minimize confusion.

6 Q. Do you have a document marked Exhibit 49?

7 A. I do.

8 Q. Is that what you sent?

9 A. That is correct.

10 MR. RUNYAN: Offer it in evidence.

11 MR. TISDALE: No objection.

12 MS. KOSTEL: No objection.

13 THE COURT: Very well.

14 (Plaintiff Diocese Exhibit 49 admitted into evidence.)

15 Q. Mr. Lewis, I'm going to direct your attention to Exhibit  
16 49. Who prepared this document?

17 A. I believe diocesan staff, but I don't clearly remember  
18 who actually prepared it.

19 Q. Did you participate in its mailing out?

20 A. Yes, I did.

21 Q. Direct your attention to the second paragraph, please,  
22 sir, starting at the second paragraph. Would you just read  
23 that second paragraph, please, sir, in the record?

24 A. Yes. So it was extremely disturbing to learn that on  
25 Wednesday afternoon, November 7, 2012, a majority of the

1 clergy of the Diocese of South Carolina received an email  
2 that pretended to be from the Diocese of South Carolina but  
3 in fact was not. The sender of the email was not identified  
4 beyond an email address registered to an organization in  
5 Florida named Domain Discreet Privacy Service. The  
6 corresponding web page is hosted by a San Francisco  
7 organization stating, "this temporary landing page will be  
8 replaced when you publish your site".

9 Q. Okay. Just skip down and just read the last two  
10 paragraphs, if you would.

11 A. Yes. Whoever called such a meeting had no authority to  
12 do so or to use the diocesan seal in any fashion. All of  
13 this is further evidence of the necessity for the cautions  
14 this diocese has taken during the past several years. It  
15 seems TEC does not follow its own canons, while repeatedly  
16 insisting in the past that the Diocese of South Carolina do  
17 so. The next gathering of the Diocese of South Carolina will  
18 be the special convention, Saturday, November 17 at St.  
19 Philip's Church in Charleston.

20 Q. After this was sent out did you get another email from  
21 the same entity that sent the first one?

22 A. That is correct.

23 Q. Is that Exhibit 50?

24 A. That is correct.

25 MR. RUNYAN: I'd offer it in evidence.

1 THE COURT: Any objection?

2 MR. TISDALE: No objection.

3 MS. KOSTEL: No objection.

4 THE COURT: Very well, 50 in evidence without objection.

5 (Plaintiff Diocese Exhibit 50 admitted into evidence.)

6 Q. Mr. Lewis, before we get there, do you have in front of  
7 you a document that is the web page that you were referencing  
8 in the previous document that you went to?

9 You obviously don't. We'll catch up to that later.

10 Let's go on to the exhibit that you have in front of you.

11 Who is this from?

12 A. Episcopal Diocese of South Carolina.

13 Q. Did this come from the Protestant Episcopal Church in  
14 the Diocese of South Carolina?

15 A. It did not.

16 Q. Did it come from the Episcopal Diocese of South  
17 Carolina?

18 A. It would appear so.

19 Q. Did you have anything to do with the mail out of this  
20 email?

21 A. I had none.

22 Q. What is the subject matter of this email?

23 A. It was noticing a change in the location for the  
24 previously announced clergy day from Holy Communion,  
25 Charleston to St. Mark's Episcopal Church in Charleston.

1 Q. Did the email for clergy day, this email that we've been  
2 talking about, did you -- create any confusion among diocese?

3 A. It did, heard from several clergy who, upon receiving  
4 the November 8 notice that we sent out to our clergy that  
5 they very much appreciated receiving that explanation because  
6 they had already been changing schedules and making plans to  
7 attend what they thought was a legitimate clergy day of the  
8 Diocese of South Carolina.

9 Q. Let me hand you a document that I referenced but did not  
10 have a copy of. Could you take a look at that document which  
11 has been premarked Exhibit 51 and tell me what that is?

12 A. It is for the Weebly web host site, and it says  
13 EpiscopalDioceseofSC.com.

14 Q. Did you go to a website such as that and see something  
15 such as this on or about the time that we're talking about?

16 A. Yes, I did.

17 MR. RUNYAN: Offer 51 into evidence.

18 MR. TISDALE: No objection.

19 MS. KOSTEL: No objection.

20 THE COURT: Very well. 51 in evidence without  
21 objection.

22 (Plaintiff Diocese Exhibit 51 admitted into evidence.)

23 Q. Now, Mr. Lewis, was there a meeting date referenced?

24 A. For that clergy gathering?

25 Q. Yes, sir.

1 A. Yes, November 15.

2 Q. Did you attend it?

3 A. I did.

4 Q. About how many people were present?

5 A. My estimate was about 40 people in total for the portion  
6 that I attended. There was actually a Eucharist prior to the  
7 meeting, and I was not present for that.

8 Q. Did there appear to be someone in charge?

9 A. Yes, there was.

10 Q. Who was that?

11 A. That would be Mr. Tisdale.

12 Q. Were there other people participating in the meeting?

13 A. There were other participants, Bishop VonRosenberg was  
14 present, as were other clergy, active parish clergy of the  
15 congregations that ultimately decided to remain with the  
16 national church.

17 Q. Who spoke most of the time?

18 A. Mr. Tisdale.

19 Q. Were there questions?

20 A. There were.

21 Q. Did Mr. Tisdale indicate who he was representing?

22 A. He indicated explicitly that he was functioning as legal  
23 counsel for the presiding bishop.

24 Q. Did he indicate anything about how long he'd been doing  
25 that?

1 A. He said that he had been contacted by the presiding  
2 bishop several months, quote, unquote, prior and asked to  
3 begin organizing for the possible need of replacing the  
4 diocese.

5 Q. Did he indicate anything with respect to the name and  
6 seal of the Diocese of South Carolina?

7 A. He indicated that the belief on their part was that the  
8 name and the seal belonged to them as the true diocese and  
9 that they would be using it.

10 Q. Did he state anything about intended legal action?

11 A. Only that there would be some but that he was not in a  
12 position to comment on that in any detail.

13 Q. After that meeting did you receive by email from the  
14 same source a registration form for a convention?

15 A. I did.

16 Q. Is that Exhibit 52?

17 A. That is correct.

18 MR. RUNYAN: Offer it in evidence.

19 MR. TISDALE: No objection.

20 MS. KOSTEL: No objection.

21 THE COURT: 52 into evidence without objection.

22 (Plaintiff Diocese Exhibit 52 admitted into evidence.)

23 Q. Mr. Lewis, what is Exhibit 52?

24 A. It is a registration form for what is called special  
25 meeting of the convention, January 26, 2013 at Grace

1 Episcopal Church, the Episcopal Diocese of South Carolina.

2 Q. Did you or anybody at the diocese that you're aware of  
3 have anything to do with the preparation and transmittal of  
4 this document?

5 A. No, we did not.

6 Q. Does it have the seal of the Diocese of South Carolina  
7 on it?

8 A. Yes, it does.

9 Q. Does it have the shield of the Episcopal Church?

10 A. That is correct.

11 Q. Do you know approximately when you received this?

12 A. It would be in December of 2012.

13 Q. At the bottom does it indicate the name that checks are  
14 to be made payable to?

15 A. It says checks should be payable to, "Episcopal Diocese  
16 of South Carolina".

17 Q. After learning of the existence of the website using the  
18 name Episcopal Diocese of SC did you look at that website  
19 after it had substance to it, not just an under construction  
20 sign?

21 A. Yes, I did.

22 Q. Do you have in front of you Exhibit 53?

23 A. Yes, I do.

24 Q. Could you tell us what that is?

25 A. That would appear to be the home page from that website

1 at that time.

2 MR. RUNYAN: Offer 53 in evidence.

3 MR. TISDALE: No objection, Your Honor.

4 MS. KOSTEL: No objection.

5 THE COURT: Very well, 53 in evidence without objection.

6 (Plaintiff Diocese Exhibit 53 admitted into evidence.)

7 Q. Mr. Lewis, if you'd take a look at Exhibit 53, at the  
8 top, do you see the seal of the Diocese of South Carolina?

9 A. I do.

10 Q. Did you or anybody to your knowledge with the diocese  
11 have anything to do with the preparation of this web page?

12 A. No, we did not.

13 Q. Is there a reference in the first sentence to the  
14 Diocese of South Carolina?

15 A. It says, welcome, the Episcopal Church in the Diocese of  
16 South Carolina is continuing.

17 Q. As a part of your review of this website did you find a  
18 page where there was a description of a seal?

19 A. Yes, I did.

20 Q. Do you have in front of you Exhibit 54?

21 A. I do.

22 Q. What is that?

23 A. That is the image of the seal of the Protestant  
24 Episcopal Church in the Diocese of South Carolina along with  
25 the text that I prepared when we made the registration of the



1 service marks.

2 MR. RUNYAN: Offer 54 in evidence.

3 MR. TISDALE: No objection.

4 MS. KOSTEL: No objection.

5 THE COURT: Very well, 54 is in evidence without

6 objection.

7 (Plaintiff Diocese Exhibit 54 admitted into evidence.)

8 Q. Mr. Lewis, what appears in the upper right-hand corner  
9 about midway down the page, looks like a seal, what is that?

10 A. Looking at Exhibit 54?

11 Q. Yes, sir.

12 A. The seal of the diocese.

13 Q. In the upper right-hand corner, do you see that as well?

14 A. That is also the seal of the diocese.

15 Q. I want you to take those two documents, the one you  
16 prepared and this one. You have them both in front of you?

17 A. I do.

18 Q. Could you tell me, based on your review of them now or  
19 in the past, whether they -- what relationship one bears to  
20 the other?

21 A. The only regard at which these are not identical is that  
22 in the document on the diocesan website beneath the seal  
23 itself is, in the calligraphy script, the Diocese of South  
24 Carolina. That particular description is absent from what  
25 was placed on the Episcopal Church in South Carolina website.

1 Q. Did you actually at the time compare these two?

2 A. Yes, I did.

3 Q. What did you conclude based on that comparison?

4 A. That it had been lifted in whole from our diocesan  
5 website.

6 Q. This is the writing that you prepared?

7 A. That is correct.

8 Q. The same writing that you submitted to the Secretary of  
9 State?

10 A. Correct.

11 Q. Now, was there a convention held in January of 2013  
12 which you attended?

13 A. Yes, at Grace Church in Charleston.

14 Q. And what was your understanding about what convention --  
15 what entity it was that was holding the convention?

16 A. My impression upon attendance is that the intention was  
17 to be a convention of the Diocese of South Carolina.

18 Q. You went to that convention?

19 A. I did attend.

20 Q. Why did you do that?

21 A. To be an observer.

22 Q. Why did you want to be an observer?

23 A. Given the prior use of our diocesan seal and the attempt  
24 to call a gathering of the clergy of the Diocese of South  
25 Carolina, there was good reason to believe that there would

1 be other attempts at this gathering to act as if it was  
2 indeed a convention of the Diocese of South Carolina, and we  
3 felt like it was important to have a firsthand witness to  
4 whether or not that was indeed the case.

5 Q. When you got there, did you notice a large sign?

6 A. Yes, I did.

7 Q. Did you take a picture of the sign?

8 A. I did.

9 Q. Is Exhibit 55 that you have in front of you a picture of  
10 that sign?

11 A. That is correct.

12 MR. RUNYAN: I'd offer it in evidence.

13 MR. TISDALE: No objection.

14 MS. KOSTEL: No objection.

15 THE COURT: Very well, 55 in evidence without objection.

16 (Plaintiff Diocese Exhibit 55 admitted into evidence.)

17 Q. Mr. Lewis, can you tell me what you observed about the  
18 sign?

19 A. My observation was that, in the upper right-hand corner  
20 of that sign, what had originally been the seal of the  
21 Diocese of South Carolina had been removed and replaced with  
22 a graphic that said, image currently unavailable, and that  
23 what had originally been the Diocesan Convention of the  
24 Episcopal Diocese, Diocese of South Carolina, had been  
25 changed to read Episcopal Church in South Carolina.

1 Q. Did you, following this convention, actually prepare an  
2 affidavit?

3 A. That is correct.

4 Q. Did you sign it?

5 A. I did.

6 Q. From your understanding and belief has it been filed in  
7 this courthouse?

8 A. Yes, it has.

9 Q. Let's talk about the convention that you attended there.  
10 What portion did you attend?

11 A. I arrived near the conclusion of the worship service for  
12 that convention and was present for the entirety of the  
13 business meeting that followed.

14 Q. About how long did it last?

15 A. Several hours. I don't recall precisely how long.

16 Q. You stayed there until it was over?

17 A. That is correct.

18 Q. Was there any indication by anyone in charge as to  
19 whether there was or was not a quorum?

20 A. It was indicated that there was a quorum present.

21 Q. How many conventions of the Diocese of South Carolina  
22 have you attended where part of what you did was to determine  
23 if there was a quorum?

24 A. That has been a significant piece of my responsibility  
25 for the last five years.

1 Q. If this had been a meeting of the Diocese of South  
2 Carolina, would there have been a quorum?

3 A. No, there would not.

4 Q. Did you hear the speech of the presiding bishop?

5 A. I did.

6 Q. Was a chancellor appointed by the presiding bishop?

7 A. That is correct.

8 Q. Who was appointed?

9 A. Mr. Tisdale.

10 Q. What role did Mr. Tisdale play during the convention?

11 A. He initiated the meeting and explained some of the  
12 ground rules of how business would be conducted, including  
13 the explanation that they would not be referring to  
14 themselves as the Diocese of South Carolina as there was at  
15 that time an injunction in place to prevent that, but if they  
16 were to inadvertently slip from time to time it should be  
17 understood that that was not the intent.

18 Q. And did they proceed to vote on resolutions?

19 A. That is correct.

20 Q. Were there any resolutions that were directed to  
21 altering resolutions that had been passed by the Diocese of  
22 South Carolina?

23 A. Yes, several.

24 Q. Did any of the resolutions actually use a registered  
25 name of the Diocese of South Carolina?

1 A. Incorporated in the resolution was canonical language  
2 that was verbatim from our constitution and canons.

3 Q. As a part of the affidavit filed in this Court did you  
4 make a comparison between the Diocese of South Carolina's  
5 constitution and canons and those that were a part of the  
6 resolutions that were passed?

7 A. Yes, I believe so.

8 Q. And what did that comparison reveal?

9 A. It revealed that it was clear that the changes being  
10 proposed were in direct correspondence with what were our  
11 governing documents as the Diocese of South Carolina.

12 Q. And that would have been on what day in January?

13 A. January 23rd, I believe.

14 Q. January 26 sound right?

15 A. January 26.

16 Q. At any time, Mr. Lewis, after the announcement of  
17 disassociation by the diocese in October did the Protestant  
18 Episcopal Church in the Diocese of South Carolina give  
19 permission or did it consent to the use of its names and  
20 seals in any of the manners that we've been describing in  
21 Exhibits 47 through 54?

22 A. No, it did not.

23 Q. Now, after the convention ended did you have occasion to  
24 go back to the website or to try to go back to the Diocese of  
25 South Carolina website using a search device?

1 A. Yes.

2 Q. Can you tell the Court what happened when you did that?

3 A. It redirected me elsewhere but -- and gave evidence that  
4 it was still trying to go to Episcopal Diocese of South  
5 Carolina.

6 Q. So what did you type in and what did you get?

7 A. If you search for the Diocese of South Carolina where it  
8 would still take you was to a website that said -- that was  
9 not our website.

10 Q. Was it the website that you had seen before?

11 A. Yes.

12 MR. RUNYAN: Thank you, sir. Answer any questions the  
13 other side has.

14 THE COURT: All right. Any other questions on behalf of  
15 the plaintiffs?

16 MS. GOLDING: May I take one moment, Your Honor?

17 THE COURT: Yes, of course.

18 MS. GOLDING: Thank you.

19 DIRECT EXAMINATION BY MS. GOLDING:

20 Q. Mr. Lewis, with respect to the November 2012 convention,  
21 I understand that there was a constitutional amendment at  
22 that time, is that correct?

23 A. That's correct.

24 Q. And that amendment was what?

25 A. There were actually two constitutional amendments at

1 that November 2012 convention. The first removed accession  
2 to the constitution of the national church, and the second  
3 changed the process by which the, I believe -- no, I stand  
4 corrected, it was just the former.

5 Q. With respect to that vote in November 2012, did that  
6 pass and if so by how much?

7 A. At the November convention that change to the  
8 constitution was a first vote, that accession language, and  
9 was passed by a simple majority.

10 Q. And that essentially revised Article 1 of the plaintiff  
11 diocese constitution.

12 A. Correct.

13 Q. And then was there a subsequent vote on that amendment  
14 to Article 1 of the plaintiff's diocese?

15 A. Yes, that changed the constitution at a second reading  
16 at the following convention in March of 2013.

17 Q. And in March of 2013 how was the vote on the change in  
18 Article 1?

19 A. That was a vote by orders.

20 Q. And can you please describe the vote that occurred by  
21 the orders?

22 A. It was unanimous in both the clergy and the lay orders  
23 that was present.

24 Q. And as a result can you read the amended Article 1 to  
25 the Court as a result of the two votes in November 2012 and



1 March, 2013?

2 A. I'm sure that's here somewhere in this pile, but I'm not  
3 sure where, if you'll give me a moment.

4 Q. 45C and D.

5 A. Okay. My 45C and D have the text of the resolution but  
6 not the text of the actual constitution and canons.

7 Q. Let me give you what's marked as Plaintiff Diocese trial  
8 Exhibit No. 5.

9 A. All right. I have it open in front of me.

10 Q. Can you publish that to the Court?

11 A. Article 1, diocesan convention meetings, Section 1, a  
12 diocesan convention shall be held annually in such time and  
13 place as shall have been determined upon by the preceding  
14 convention or on failure of the convention so determined at  
15 such time and place as the ecclesiastical authority shall  
16 appoint.

17 Q. And what was the amendment that occurred? Do you recall  
18 what was deleted in Article 1 as a result of the two votes?

19 A. Yes. The entirety of what was previously Article 1 was  
20 deleted by that amendment. It was the language that granted  
21 accession to the constitution of the national church.

22 Q. And that provision was deleted?

23 A. That's correct.

24 MS. GOLDING: No more questions, Your Honor. Thank you.

25 THE COURT: All right. Any other questions for Mr.

1 Lewis, for this witness, by any other plaintiff at this time?

2 That's going to conclude the work we're going to do for  
3 today. I would just instruct you not to discuss your  
4 testimony over the balance of the evening since you're still  
5 on the witness stand. You can certainly talk about anything  
6 else, but please do not discuss your testimony, and we will  
7 reconvene in the morning at 9:30.

8 --- END OF TRANSCRIPT OF RECORD ---

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1 CERTIFICATE OF REPORTER

2 STATE OF SOUTH CAROLINA

3 COUNTY OF DORCHESTER

4

5 I, the undersigned Ruth L. Mott, Official Court Reporter  
6 for the State of South Carolina, do hereby certify that the  
7 foregoing is a true, accurate and complete transcript of  
8 record of all the proceedings had and evidence introduced in  
9 the matter of the above-captioned case, relative to appeal,  
10 in the First Judicial Circuit Court for Dorchester County,  
11 South Carolina, on the 8th of July, 2014.

12 I further certify that I am neither related to nor  
13 counsel for any party to the cause pending or interested in  
14 the events thereof.

15 August 3, 2014

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Ruth L. Mott, RPR, CRR  
Official Court Reporter

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