

VOLUME IX

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STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER

COURT OF COMMON PLEAS
CASE NO. 2013-CP-18-00013

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,)

vs.)

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

DEFENDANTS.)

TRANSCRIPT OF RECORD

JULY 18, 2014
ST. GEORGE, SC

B E F O R E:

HONORABLE DIANE S. GOODSTEIN

Ruth L. Mott, RPR, CRR
Official Court Reporter

1 I N D E X

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3 WITNESS DIRECT CROSS REDIRECT RECROSS

4 CLIFTON DANIEL, III

MR. TISDALE

1705

1731

5 MR. RUNYAN

1719

1737

6 PATRICIA GARNER NEUMANN

MR. TISDALE

1740

7 MR. RUNYAN

1752

MR. CAMPBELL

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CERTIFICATE OF REPORTER 1756

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E X H I B I T S

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NO. DESCRIPTION ID EVD

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D-16 ANSWERS TO REQUESTS FOR 1736 1739
ADMISSIONS

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1 THE COURT: All right. With regards to the documents,
2 do we need to discuss those now or will we do it per witness,
3 how do you all want at that handle that?

4 Good morning.

5 MS. KOSTEL: Good morning. Probably easiest to do a
6 general discussion now --

7 THE COURT: Great.

8 MS. KOSTEL: -- to tell you where I think we are, but I
9 stand to be corrected by any of the plaintiffs. So Your
10 Honor will recall that there are two separate lists. One is
11 a parish specific list and one is sort of the not parish
12 specific list. As to the parish specific list it looks like
13 there are going to be maybe some authenticity objections.

14 THE COURT: Okay.

15 MS. KOSTEL: Although that may be minimal.

16 THE COURT: Okay.

17 MS. KOSTEL: There will certainly be some relevance
18 objections.

19 THE COURT: Okay.

20 MS. KOSTEL: I think that what we think is that the most
21 efficient way to go forward is for us to spend time with each
22 of them, you know, a half hour maybe, and try to knock it
23 out. We may still have to call witnesses to get through some
24 of those.

25 THE COURT: Sure.

1 MS. KOSTEL: So there's that project.

2 THE COURT: Okay.

3 MS. KOSTEL: And, you know, I ask for the Court's
4 guidance.

5 THE COURT: Let me ask this question of you --

6 MS. KOSTEL: Yes.

7 THE COURT: -- because there are a couple of rules that
8 come into my mind, and I guess part of it would be sort of,
9 if you will, the status of the documents; in other words,
10 because if some of the documents have been the subject of
11 requests to admit, then the authenticity would be admitted
12 and we don't have that problem, and then we'll just deal with
13 the relevancy issues, so that would be a category that comes
14 to my mind. The other one is that in this case under the
15 hearsay rule we've had some ancient documents, and so those
16 are sort of self-authenticating, if you will.

17 MS. KOSTEL: Right.

18 THE COURT: And then there are some documents to which
19 there may be no objection, and then that would put us down to
20 a core of documents for which there may be objections, and
21 then as you call the witnesses, you just put it in through
22 the witnesses.

23 MS. KOSTEL: Right.

24 THE COURT: So that's sort of what's going through my
25 mind. Some of them probably will be easier than others. For

1 example, deeds are going to be self-authenticating because
2 you're going to have certified copies. If there are trusts,
3 those are going to be self-authenticating, and so we
4 probably, in the uniqueness of this case we probably have
5 different categories.

6 MS. KOSTEL: I agree.

7 THE COURT: Some that are self-authenticating, some that
8 are not.

9 MS. KOSTEL: Correct.

10 THE COURT: So let me maybe ask it this way: Do we have
11 the documents down to the numbers for which there are
12 concerns?

13 MS. KOSTEL: No, we've not, and I think what we need to
14 do is hear, you know, we've obviously given them a list.

15 THE COURT: Yes.

16 MS. KOSTEL: We need to hear from them, and there are
17 also documents here that are duplicative of what they put in,
18 and we'll try to pull those out.

19 THE COURT: Of course.

20 MS. KOSTEL: To be clear on one thing, the documents on
21 here are not subjects of requests for admissions, so that's
22 not -- the issues are authenticity, and let me just back up
23 and say that I think that we've been under the impression
24 that authenticity would not be an issue in documents that
25 were produced, but there may be, it turns out in discussion

1 with plaintiffs, they may have some individual issues with
2 some individual documents about authenticity even of
3 documents that they produced, so we will try to work through
4 that with them.

5 THE COURT: Okay.

6 MS. KOSTEL: Then there's the issue of foundation,
7 identifying the document. Many of these documents are
8 self-identifying, but some are not, and so we have to work
9 that through with them. And then third there's a relevance
10 question, and we've already discussed with them what our
11 general theories are, but obviously each individual parish
12 has its own historical story and so --

13 THE COURT: Sure.

14 MS. KOSTEL: -- the relevance issues are different --
15 it's the same kind of issue, but the facts are different for
16 each parish.

17 THE COURT: They are fact specific, yes.

18 MS. KOSTEL: So one thing I would ask the Court is if
19 it's possible to set aside some time next week for us to deal
20 with that with them one by one.

21 THE COURT: Yes. Now, having said that, let me hear
22 from plaintiffs because I want to give you some heads up
23 because if authenticity becomes an issue, then I want you to
24 have an opportunity to have some lead time to subpoena
25 whoever you need to get here to authenticate them, do you

1 know what I'm saying?

2 MS. KOSTEL: Yes, Your Honor.

3 THE COURT: So that's probably one of the things that we
4 need to talk about.

5 MS. KOSTEL: Yes, I agree. Would you like to do that
6 first and then move to the other list, which is the list of
7 the general documents.

8 THE COURT: Yes. Let's just sort of see where we are in
9 a general sense, yes.

10 MR. RUNYAN: It's hard to easily answer, I think, the
11 questions that are on the table except to say that when I
12 asked the question this morning, how do you intend to
13 introduce these several hundred documents, the answer was,
14 I'm just going to move to admit them, and I think my response
15 was, that's profoundly inappropriate because there are all
16 kinds of issues here. I think she's hit on part of the
17 issues. I think the authenticity issues will probably be few
18 and far between, would be my general expectation. I think
19 there are foundation issues, there are clearly relevance
20 issues, there are hearsay issues, there are cumulative
21 issues, there's even waste of time issues, there's a whole
22 package of things. So that's sort of a broad response. I
23 can get specific if the Court wants to, but I know of no easy
24 way to just globally deal with all this in the absence of
25 some request for admissions served months ago. We're sort of

1 in the middle of trial having to deal with this. That's the
2 best way to put it.

3 THE COURT: I understand. Here's where I think we
4 are -- just in terms of generality, and we'll see if it
5 loosens up as time goes by -- I think that for your planning
6 purposes, and it's certainly okay with me for this reason,
7 over last weekend you all did what I asked you to do, and
8 that was to meet and confer and see if you could stipulate.
9 By its very nature stipulation is an agreement of counsel,
10 and you all did a great job and you got those done. You did
11 the same thing last evening and this morning, and for that I
12 am so grateful, and so if you can't stipulate not to worry,
13 not to worry, and you will simply just admit them as you need
14 them and put them in as you would normally. But here's what
15 I want you to know, if there are authenticity issues and you
16 need to subpoena the custodian of records of like, I don't
17 know, the South Carolina Historical Society, to authenticate
18 a record --

19 MS. KOSTEL: Right.

20 THE COURT: -- I'm going to allow you to do that, I'm
21 just going to allow you to do that. Let me tell you the
22 reason. The reason is that counsel's had the documents. If
23 there's a problem of never having a document, that will be a
24 different objection, but in terms of the authenticity, I'm
25 not going to keep you from being able to call who you need to

1 to authenticate the document. And the reason is that I don't
2 love gotcha law, and that falls into the category of gotcha
3 law. I don't like it. Now, it's a different issue if a
4 document hadn't been provided in discovery, and you know
5 that. You would know that. We'll handle it as we get there.

6 MS. KOSTEL: We're talking about documents they produced
7 right now.

8 THE COURT: Then it would be documents that they're
9 familiar with, but if you need to authenticate, then you need
10 to do the custodian of records for, oh, I'm going to pick on
11 Mark Phillips. Look at him. He loves it.

12 MR. PHILLIPS: Good morning.

13 THE COURT: Hi. See, he's paying attention, everything.
14 That is not going to be a problem.

15 MS. KOSTEL: And it's possible that we'll be able to
16 agree to some of this, but if we can't we'll do that.

17 THE COURT: It's okay, and you're not to worry about
18 that. I got it. You all have done what I've asked you to
19 do. You met last evening. You've met this morning. You've
20 done what I've asked you to do. That's wonderful. I am
21 grateful, so we'll move forward. I'm not going to limit you
22 in terms of calling witnesses for authentication; not to
23 worry about that. Then we'll deal with whatever other
24 objections there are.

25 MS. KOSTEL: Okay. And it may not be until after we

1 have met with them that we know who we need to call.

2 THE COURT: And that's okay. That is absolutely not a
3 problem.

4 MS. KOSTEL: And Your Honor is planning to go into this
5 coming week.

6 THE COURT: Yes. I'm so excited.

7 MS. KOSTEL: So then that's how we'll proceed with the
8 first list.

9 THE COURT: Yes.

10 MS. KOSTEL: Now, as to the second list, which is really
11 the first list in order, these are sort of what I call the
12 general documents. Although there are parts of these
13 documents that we'll use for the parish cases, for example,
14 pages in the Journal of the Diocese of South Carolina that
15 discuss a particular parish.

16 THE COURT: Sure.

17 MS. KOSTEL: Okay. I could try to move all of these
18 into evidence now. I think that there's not going to be an
19 authenticity issue with most of them or maybe all of them.
20 Some of them our witnesses will discuss but not all of them.
21 As Your Honor knows, we believe that this is largely a
22 documents case, and so for example, let me turn to -- I don't
23 know if Your Honor has the list. I can get you a copy if you
24 need it.

25 THE COURT: I took down what you said yesterday. I took

1 really good notes if I could find them.

2 MS. KOSTEL: May I hand one up, Your Honor.

3 THE COURT: Sure. Okay.

4 MS. KOSTEL: Mr. Beers reminded me that we haven't
5 resolved when we're going to meet with the parish folks to go
6 over the parish documents, and I'd turn to the Court for
7 guidance on that. Should we do that on Monday? Obviously
8 it's up to Your Honor. To go through the individual --

9 THE COURT: I know what you're talking about. I'm
10 reluctant to say on Sunday because people are going to be all
11 over, and that's tough because everybody's not here, and they
12 may need to meet with witnesses or whatever.

13 MR. RUNYAN: Your Honor, might it be possible that we,
14 since we have at least one flight to catch, maybe is that
15 something we could do this afternoon?

16 THE COURT: That might be a great idea. Let me ask this
17 question: Do you have experts that are in here that are
18 ready to testify that it's going to be a major brouhaha if
19 they have to come back?

20 MR. TISDALE: Your Honor, we have one witness from out
21 of state who's going to be not lengthy, and we were planning
22 on calling him first.

23 THE COURT: Okay. Great.

24 MR. TISDALE: That wouldn't interfere with what you want
25 to do after that. May I check with one witness concerning

1 the first of the week?

2 THE COURT: Please. I think that's a great idea. At
3 the point in time when you get to where witnesses are not
4 being inconvenienced, they're going to be here anyway, then
5 we'll stop and that's when you'll do it.

6 MS. KOSTEL: So we'll do that now. We'll start this
7 today at some point. We'll just keep doing it in the cracks
8 if it flows over, so for example if we don't finish today,
9 which we may not --

10 MR. TISDALE: Your Honor -- excuse me for
11 interrupting -- yes, we have that one witness who will not be
12 long, and then our next witness will be lengthy but can be
13 here Monday.

14 THE COURT: Perfect.

15 MR. TISDALE: Can make arrangements to be here Monday.

16 MS. KOSTEL: It sounds like the plaintiff parishes
17 counsel may not be ready to do it today, Your Honor.

18 MR. BEERS: They don't have the documents. They have
19 them, but they don't have them in court.

20 MR. PHILLIPS: I was going to say that, but I'm not
21 going to do it without permission.

22 MR. RUNYAN: I think I could speak to the parishes that
23 I represent and the diocese, I think we're able to do that.
24 I can't speak for my colleagues as to those, so it's a mixed
25 bag.

1 THE COURT: Got it.

2 MS. KOSTEL: So what should we do?

3 THE COURT: Here's what I think we do, we take the first
4 witness, and then we stop, and then we give you an
5 opportunity and the folks from the parishes -- for example,
6 if we're talking about parishes in Charleston, while they may
7 not want to, they can go get the documents and be back by
8 3:30.

9 MS. KOSTEL: They're all on the disc too.

10 THE COURT: So we'll just work together, but if it
11 really gets to be burdensome, like the people at the beach,
12 for example, those people, I'm not going to ask them to go
13 all the way to the beach, I'm not going to ask them to go to
14 the beach and back because you can't get there from here, but
15 we can get a lot of it done.

16 MS. KOSTEL: We can get some of it done today.

17 THE COURT: You can get a lot of it done, I would think;
18 and then whatever needs to be done is cool, we'll get it
19 done.

20 MS. KOSTEL: On Monday or Tuesday.

21 THE COURT: Yes, we'll get it done. But we'll take the
22 bulk of today because --

23 MS. GOLDING: May I interrupt, Your Honor? I apologize.
24 With respect to their second witness, Mr. Edgar, I don't
25 think that relates to parishes, so I think that he could be

1 taken and then --

2 MR. TISDALE: He's going to be quite lengthy, I believe,
3 Henrietta.

4 MS. GOLDING: I'd like to get another witness done
5 before we --

6 MR. TISDALE: I've got another witness that's not
7 lengthy that I can call.

8 MS. GOLDING: I just thought, since he's lengthy and
9 he's here, he's not related to the parishes, we ought to go
10 forward with the witnesses.

11 MR. TISDALE: That's going to take up most of the day.

12 THE COURT: And that means that parishes' counsel
13 wouldn't be in here, and you know that makes lawyers
14 paranoid.

15 MS. GOLDING: I think they'd be reviewing some of the
16 documents as we go along. I was just trying to see if we can
17 facilitate --

18 THE COURT: I know that you can multitask and do like 85
19 things at the same time and all with crispness and
20 perfection, but you're not normal.

21 MS. GOLDING: I believe you, totally.

22 MR. RUNYAN: It's a compliment.

23 THE COURT: I can multitask too. I can't do as many as
24 you can, but I can multitask.

25 So I think that's what we need to do, less than lengthy

1 witnesses, and I'll tell you all that story later.

2 MS. KOSTEL: Now, switching back to the first list, the
3 first section of this list, which are the documents labeled
4 Edgar on the list.

5 THE COURT: Does that have anything to do with Edgar?

6 MS. KOSTEL: Yes, it does. And so I think we can skip
7 those because we'll talk with him about those.

8 THE COURT: Of course.

9 MS. KOSTEL: The next section which starts on page 7
10 starts with Document No. 143.

11 THE COURT: Yes.

12 MS. KOSTEL: And that's the national church constitution
13 and canons in 1823. Do you see that, Your Honor?

14 THE COURT: I do.

15 MS. KOSTEL: And that goes through -- so I'm sure Your
16 Honor has gleaned this, that the general convention meets
17 every three years.

18 THE COURT: Right.

19 MS. KOSTEL: And often adopts amendments to its canons,
20 and so what we have here through Exhibit 203 on page 11 are
21 the general church's constitution and canons from 1823 until
22 2009, and they're organic documents, I don't think there's an
23 authenticity issue, and I would just move those in right now.

24 MR. RUNYAN: There's no authenticity objection, but I
25 don't think I can just agree to move these en masse into

1 evidence without more.

2 THE COURT: Tell me what the more is that we need.

3 MR. RUNYAN: Well, I guess --

4 THE COURT: Like what are the differences.

5 MR. RUNYAN: I guess we could start with -- I don't have
6 a witness to examine. I mean, what are these, ancient
7 documents or what's the --

8 THE COURT: Some would be and some would not be.

9 MR. RUNYAN: I guess that's --

10 THE COURT: This might be helpful, let me ask you this
11 question because quite frankly it would be helpful for me,
12 and we all have a tendency to, particularly in nonjury,
13 judges are like oh, my gosh, you all are going to leave me,
14 and what am I going to need. One of the things I know I'm
15 going to need, as I start looking at this, I'm going to want
16 somebody to have talked to me about like -- here's what I
17 know: I know they meet every three years and that every
18 diocese has like one person that goes from that diocese and
19 they're the representative.

20 MS. KOSTEL: Eight but --

21 THE COURT: I thought it was one.

22 MS. KOSTEL: One bishop but we will have a --

23 MR. TISDALE: Actually more than one bishop.

24 THE COURT: Well, clearly I need somebody to teach me a
25 little bit better.

1 MS. KOSTEL: We expect to put on a witness to just give
2 you that general overview, Your Honor.

3 THE COURT: And so one of the things that I'm going to
4 want to know, and I'll share this with you, is somebody to
5 sort of walk through what's going on, if it has any relevance
6 to these issues, it may or may not, but I can promise you
7 that one of the issues that's going to be extraordinarily
8 important for me is the organization in terms of authority.
9 In other words, I'm going to make up a name, when Diane
10 Goodstein, imagine that, goes from the diocese in 1975 as a
11 delegate to the national convention, I was given some degree
12 of authority. What was it? What was the extent of it? How
13 much was it? How much authority am I clothed with when I go
14 up? I mean, I'm an ABA delegate this August for the Circuit
15 Judges Association, and I'm going to the ABA convention.
16 Other than the fact that I don't have to pay my own way, I
17 don't exactly know what my authority is, but I do one daggone
18 thing, I can't come back and tell Chief Justice Toal, you
19 know that house you've got over on Wheat Street, I gave it
20 away, you know what I mean?

21 MS. KOSTEL: Right.

22 THE COURT: So that's going to be really important for
23 me to know. And so, now, I would presume there's going to be
24 somebody who's going to testify who's going to know about
25 these things.

1 MS. KOSTEL: Well, yes, although our intention now is
2 not to go through every iteration of the constitution and
3 canons in testimony. We would assume we would do it in
4 posttrial briefing just because it's tedious.

5 THE COURT: I want somebody to talk to me about it,
6 though, if it's important.

7 MS. KOSTEL: Okay.

8 THE COURT: And the reason for that is, if I can be
9 absolutely, completely candid, I'm a verbal learner. I read,
10 obviously I read a lot, but I'm a verbal learner. If you
11 tell me something, it stays so much better, so if I can have
12 the opportunity to have the testimony and have
13 cross-examination, I can promise you it will stay with me so
14 much better. And in that I've got to make the decision and
15 this is core stuff, I really would love to have somebody
16 testify. This particularly I'm really going to want to have
17 testimony and have it massaged because it's so important.

18 MS. KOSTEL: But of course, Your Honor, the documents
19 speak for themselves.

20 THE COURT: They do, they absolutely do, but this is
21 what I'd like to have dissected, and I'd like for whatever
22 they want to ask, I want them to ask about it, and whatever
23 those relationships are, that's going to be wealthy for me.

24 MS. KOSTEL: Okay.

25 THE COURT: But in terms of the admissibility of it, you

1 know, some of it's going to be ancient, a lot of it's going
2 to be ancient documents.

3 MS. KOSTEL: Correct.

4 THE COURT: But I know that, when they say we need more,
5 I know that I'm going to want to have testimony because this
6 is so important.

7 MS. KOSTEL: And on each year in every triennial --

8 THE COURT: I want to throw them all in and then --

9 MS. KOSTEL: Pull out the important ones.

10 THE COURT: I want you to tell me what's important and I
11 want you to talk about that.

12 MS. KOSTEL: We intend to do that.

13 THE COURT: I want you to really go into that, and then
14 whatever they see as being important, then they can
15 cross-examine on it.

16 MS. KOSTEL: Of course.

17 THE COURT: That would be delicious.

18 MS. KOSTEL: That's what we expect to do. What I don't
19 expect to do is have someone testify about every single three
20 years. That's just to show that it was continuous.

21 MR. RUNYAN: I think my biggest concern, Your Honor, is
22 that there's a tendency, based on past practice, to fill the
23 record with documents that are never discussed and then on
24 appeal they're discussed in a manner that was never before
25 the trial court, and I think that's my concern.

1 THE COURT: I gotcha. I'm not worried about that at
2 all. That's handled by this question: What if anything else
3 in these documents is relevant to this case. You might want
4 to write that down. Okay.

5 MS. KOSTEL: Okay. The next series of documents which
6 starts at 204.

7 THE COURT: Okay.

8 MS. KOSTEL: Document No. 204, it's on page 11, and it
9 goes through -- this is long.

10 THE COURT: I thought they were already in. No?

11 MS. KOSTEL: The last five are. Plaintiffs put in -- I
12 don't know if it was the very last five, but it was five
13 recent ones.

14 THE COURT: I gotcha. Wow.

15 MS. KOSTEL: Yes. And we read them all, Your Honor.

16 MR. RUNYAN: We produced them all. I think there are
17 20,000 pages.

18 MS. KOSTEL: Right. So that's up through page 27, No.
19 424.

20 THE COURT: Wow.

21 MS. KOSTEL: Now, let me tell you about those. So those
22 are the journals of the Diocese of South Carolina. Now, they
23 include usually at the end the constitution and canons of the
24 diocese in effect at that time.

25 THE COURT: Sure.

1 MS. KOSTEL: So those we consider the organic documents,
2 the constitution and canons. They also include the
3 proceedings of the meetings of the diocese, and the reason
4 they're here -- there are a number of reasons. One is that
5 they show how the diocese is relating to the national church.
6 They also show how the parishes are relating to the diocese
7 and the national church. It's that kind of stuff. Now,
8 there is a lot -- there's a lot. You know, we've collected
9 it, but there's a lot of different pages and lines. Now,
10 having someone testify about every page and line will take
11 time. I can identify pages and lines to the Court and to the
12 plaintiffs if they're concerned about not knowing about which
13 pages and line we're relying on, but testifying will take --
14 I mean, we're talking about a lot of testimony because we're
15 talking about hundreds of years of journals.

16 THE COURT: Let me ask you, but you have the pages and
17 the lines.

18 MS. KOSTEL: Yes -- well, excuse me. I'm collecting
19 them. I have most of them.

20 THE COURT: As soon as you have those, you just give
21 those to the plaintiffs.

22 MS. KOSTEL: Yes.

23 THE COURT: And so I guess this would be what would come
24 to mind: If you wish to move them in, it's kind of hard not
25 to find them relevant, big picture stuff, but I would

1 appreciate the pages and the lines going to the plaintiffs so
2 they'll know what you consider to be appropriate.

3 MS. KOSTEL: Of course.

4 THE COURT: And I would think about a stipulation if you
5 don't handle it specifically, and counsel you all just think
6 about this, just let this percolate.

7 MS. GOLDING: As a suggestion, can they not just make
8 copies of the pages and lines that they want instead of
9 putting 20,000 pages into the record?

10 THE COURT: This is what's coming to my mind and how do
11 we handle this because I think what part of their proof is
12 going to be is the sheer nature of the relationship.

13 MS. KOSTEL: Yes.

14 THE COURT: And the 20,000 pages to large extent go to
15 show the extent of the relationship.

16 MS. KOSTEL: Exactly.

17 THE COURT: And it has relevance, and it is what it is,
18 so I think that it's -- I'm comfortable with it, although I'm
19 thinking of my Clerk of Court who's also my very dear friend
20 who's going to meet me in the parking lot and beat me with
21 something. I hope it's Nerf. But I think they go in. I
22 think that they go in, probably the representation by
23 witnesses to large extent, to show that throughout, Judge, in
24 every one of these you're going to see that the constitution
25 and canons of the national church are in it. I'm making this

1 up.

2 MS. KOSTEL: But you're on the -- I mean, this is what
3 Professor Edgar will testify to.

4 MR. WILLIAMS: Your Honor, those documents have no
5 relevancy unless they're dealing with the national church.
6 You put in 20,000, you're talking about dioceses --

7 THE COURT: They are. They are.

8 MR. WILLIAMS: Thank you, Your Honor.

9 THE COURT: Thank you, Mr. Williams.

10 So and I think that they're in. I think he testifies
11 generally the constitution, blah, blah, blah, whatever, bam,
12 done. But I do appreciate the pages and the lines coming to
13 the plaintiffs because otherwise I feel like I've got to tie
14 down more in terms of the specific relevancy.

15 MS. KOSTEL: Of course.

16 THE COURT: Yes.

17 MR. RUNYAN: There are some issues with exactly what a
18 particular one is, such as this very first one, July 1785.
19 There's no printed journal. There's a historical book and
20 there's some manuscripts. I'm not really sure what they're
21 talking about here, but I think we can probably --

22 MS. KOSTEL: We can work that out, yes. Mr. Runyan's
23 correct. From this period of time there are handwritten
24 manuscripts, and then they get to be transcribed later. What
25 we have actually put in here, what we've scanned onto the

1 disc and are referring to here are what gets transcribed
2 later, but we plan to have a witness explain the difference.

3 THE COURT: Great.

4 MS. KOSTEL: And we can also put in the manuscripts.

5 THE COURT: Great.

6 MS. KOSTEL: The next category is on page 27. This is
7 short, thankfully, it's exhibits 425 through 428.

8 THE COURT: Before we leave I would ask this question,
9 because obviously I can't have my plaintiffs put in a
10 position of getting the pages and lines just as he is
11 beginning because then --

12 MS. KOSTEL: Of course.

13 THE COURT: So just in terms of where you are, obviously
14 you haven't finished, and you're going to be putting on a
15 different hat right here in a few hours, so talk to me just
16 in terms of schedule, when do you anticipate that they will
17 go into evidence and when can you do your -- maybe do the
18 submittals that you have now and then supplement them but
19 talk to me about that.

20 MS. KOSTEL: About when we can give them the page and
21 line?

22 MR. BEERS: What are you looking at me for?

23 MS. KOSTEL: Because you and I have been doing this
24 together.

25 MR. BEERS: Really.

1 MS. KOSTEL: This is the page and line guy.

2 MR. BEERS: We have pages and lines for over 100 years.

3 THE COURT: Lovely start.

4 MS. KOSTEL: We've actually got some for the previous
5 century too. I can give the pages and lines.

6 THE COURT: Yes.

7 MR. BEERS: Then we have categories of -- I mean,
8 there's certain things that happen in each convention that
9 are written up in the journal. We have pages and lines for
10 some, but for others we have, categories that is, reports of
11 a certain committee, and I don't have pages and lines on
12 those.

13 THE COURT: Okay.

14 MR. BEERS: Or reports of the standing committee. In
15 other words, we're not just dumping in the whole year's
16 journal. We can give them specific categories.

17 THE COURT: And pages and lines where you have the pages
18 and lines.

19 MS. KOSTEL: Right. And I think some of this will be
20 taken care of with testimony. For example, one of the things
21 that we will get in through testimony is that, you know, oh,
22 here in this year in this journal the parishes -- the diocese
23 says you have to put in your parochial reports according to
24 the national church's rule X, and then the next year it says,
25 oh, here are the parochial reports that you put in pursuant

1 to the national rule X, and then the next year it says it,
2 and it says it again and again and again, and so what our
3 witness will testify, who's looked at all the journals, is it
4 says here are the first few times, and does it say it
5 throughout, yes, so we aren't putting in page and line on
6 that kind of repetitive thing that happens again and again.

7 THE COURT: So here's what I need you to do, whatever it
8 is that you have, pages and lines, categories, I need that to
9 get to the plaintiffs as soon as possible because at this
10 point they just aren't in a position to have a position and
11 they need to have the stuff to have a position, see what I'm
12 saying.

13 MS. KOSTEL: I think early -- very early next week.

14 THE COURT: I thought that this was going in through Mr.
15 Edgar, who was going to testify on Monday.

16 MR. BEERS: Some of it will be but not all of it.

17 MS. KOSTEL: Right.

18 MR. BEERS: Much of the 20th century will not be through
19 Mr. Edgar.

20 THE COURT: Is there anything that you could give them
21 perhaps by the end of the day, understanding that it's
22 partial.

23 MS. KOSTEL: How about by maybe tomorrow so that I can
24 get home and type it up.

25 THE COURT: Okay.

1 MS. KOSTEL: The next category is Exhibits 425 through
2 428.

3 THE COURT: Okay.

4 MS. KOSTEL: It's on page 27.

5 THE COURT: Hold up. Okay. These are the individual
6 parishes.

7 MS. KOSTEL: No, I'm not there yet. I'm just in that
8 short category before that, 425.

9 THE COURT: Oh, yes.

10 MS. KOSTEL: What they are, so these are the early
11 journals of the national church. It includes the
12 constitution and canons of those early years, it includes the
13 journals, it reflects South Carolina's participation, that's
14 what that is.

15 THE COURT: Okay, great. And you'll have somebody
16 testify about that, right?

17 MS. KOSTEL: Oh, yes. Yes.

18 THE COURT: Great.

19 MS. KOSTEL: Okay. And then we've got the parish stuff
20 we can skip because we really covered that on the other list.

21 THE COURT: Right.

22 MS. KOSTEL: And then, finally, now we get more to sort
23 of a smattering of things which we can't really talk about in
24 categories, and so I don't know what the best way is to deal
25 with this.

1 THE COURT: Well, like I'm at 433. Obviously you would
2 say, Judge, we would ask that the Court take judicial notice
3 of IRS, blah, blah, blah, blah.

4 MS. KOSTEL: Yes, but backing up, this category starts
5 at 429 on the previous page.

6 THE COURT: Okay.

7 MS. KOSTEL: So here what we have on 429 are pages from
8 the journals of the national church's convention.

9 THE COURT: Sure.

10 MS. KOSTEL: Which is an excerpt, not the whole journal,
11 so this is like giving them page and line.

12 THE COURT: Which you're going to do anyway.

13 MS. KOSTEL: Well, I'm going to do for the ones that are
14 complete, but this is essentially page and line.

15 THE COURT: It's already done.

16 MS. KOSTEL: Yes, it's already done. The second item is
17 essentially a historical document by an expert at the time.
18 It's an excerpt. So these are all excerpts -- now we're in
19 the point where we're dealing with mostly excerpts, and so
20 there's no page and line issue. They may have relevance
21 objections but --

22 MS. GOLDING: Your Honor, would not documents like 429
23 and 431 be cumulative because if they bring in the journal
24 it's already there.

25 MS. KOSTEL: Actually we don't have the '64 journal in,

1 Henrietta.

2 MS. GOLDING: Okay.

3 MS. KOSTEL: What we did for the national church
4 journals is we just put the early ones in and then we
5 stopped. And then we go to the just excerpts from the
6 journals because it would have been even huger.

7 MR. RUNYAN: Just to comment, Your Honor, this is
8 completely demonstrative of why foundation needs to be laid
9 with somebody.

10 THE COURT: I know, exactly. Right. Yes.

11 MS. KOSTEL: Okay.

12 THE COURT: And that's why I asked, somebody's going to
13 be here to testify, and she said yes. And the beauty of
14 having the excerpts is that you have the excerpts.

15 MS. KOSTEL: Right. So I think that as to the rest of
16 them, let me confer with Mr. Beers, but I think the rest of
17 them --

18 THE COURT: They're just documents.

19 MS. KOSTEL: They're excerpts.

20 THE COURT: No, I'm beyond that. I'm looking at letters
21 from individuals.

22 MS. KOSTEL: Well, it goes back to excerpts after that.
23 The letters, that all has to do with tax stuff, and then we
24 go back to basically excerpts.

25 THE COURT: Yes. Wow. Okay. So now those obviously

1 St. Helena's not going to be a problem, but how about the
2 Journal of the Diocese of Maryland? Yikes. Are you going to
3 have somebody do that?

4 MS. KOSTEL: Are you talking about relevance?

5 THE COURT: No, no, no, no. I would never do that to
6 you. That would be awful to do that to you at this point.
7 No, I'm thinking in terms of authentication. Is there
8 somebody that can authenticate like the excerpts from the
9 Journal of the Diocese of Maryland and Massachusetts?

10 MS. KOSTEL: Yes, well, yes we think so. Yes.

11 THE COURT: Okay. Then we'll deal with it then. We're
12 not going to do it in a vacuum. Then we're down to like 456,
13 right?

14 MS. KOSTEL: I think we're down to the end, basically,
15 because these all fall into that category with a couple of
16 exceptions that we'll have other witness, you know, different
17 witnesses will testify about.

18 THE COURT: Sure.

19 MS. KOSTEL: Yes, I think that's right. Oh, let's see,
20 when Your Honor gets to page 38.

21 THE COURT: Let me just say 494, just for what it's
22 worth.

23 MS. KOSTEL: Yes.

24 THE COURT: Just look at our evidentiary rule on
25 treatises, just like a little note.

1 MS. KOSTEL: It's not actually a secular law treatise.
2 It's a -- it's like a canon law.

3 THE COURT: Gotcha. Something different.

4 MS. KOSTEL: Right.

5 MR. RUNYAN: I'm not sure I agree with that.

6 MS. KOSTEL: We can talk about that.

7 THE COURT: That was like a hint. Pull that treatise
8 rule.

9 MS. KOSTEL: Thank you. So the last, on page 38 at
10 Exhibit 504.

11 THE COURT: Okay.

12 MS. KOSTEL: Here we get into a series of extracts of
13 reports from different national church bodies that reflect
14 aid, money coming from different church -- and that's what
15 these are. And we plan to have a witness identify them, but
16 just so that you know that that's what they are.

17 THE COURT: Okay.

18 MS. KOSTEL: And then the very last one, page 5 -- I
19 mean No. 512 is the church's Book of Common Prayer.

20 THE COURT: Right.

21 MS. KOSTEL: And you've heard about it.

22 THE COURT: Yes. Now I think we've sort of got a plan.

23 MS. KOSTEL: I think so. Thank you.

24 THE COURT: Absolutely. So just to sort of recap, I
25 think we've been through the more general documents.

1 MS. KOSTEL: Yes.

2 THE COURT: And our plan is we will take two less than
3 lengthy witnesses, and then we will then free up the parishes
4 to work with you with regards to the documents.

5 MS. KOSTEL: Thank you.

6 MR. TISDALE: Perfect.

7 MS. KOSTEL: Thank you, Your Honor.

8 MR. TISDALE: May we proceed, Your Honor?

9 THE COURT: Yes, sir.

10 MR. TISDALE: Your Honor, defendants would call Bishop
11 Clifton Daniel.

12 CLIFTON DANIEL, III,
13 being first duly sworn, testified as follows:

14 THE COURT: Yes, sir, would you just state your full
15 name for the record and spell your last name for us.

16 THE WITNESS: Yes, my full name is Clifton Daniel, III;
17 spell my last name D-A-N-I-E-L.

18 THE COURT: Thank you. Your witness, Mr. Tisdale.

19 MR. TISDALE: Thank you very much, Your Honor.

20 DIRECT EXAMINATION BY MR. TISDALE:

21 Q. You appear to be a bishop, Bishop Daniel; is that
22 correct?

23 A. I believe I am, yes. Yes, I am a bishop of the
24 Episcopal Church.

25 Q. You certainly dress like one is the reason I mentioned

1 it in that way.

2 A. Yes.

3 Q. What if anything are you bishop of right now?

4 A. I'm now a bishop of the Diocese of Pennsylvania.

5 Q. And how long have you been in that position?

6 A. A year and a half.

7 Q. Let me go back, please, and ask you a little personal
8 background. You don't sound like a Pennsylvanian, so where
9 were you born and grew up?

10 A. I was born in eastern North Carolina, grew up in eastern
11 North Carolina, went to school in North Carolina, college,
12 university, and then Virginia Seminary.

13 Q. Where did you go to college in North Carolina?

14 A. University of North Carolina, Chapel Hill.

15 Q. And then to seminary where?

16 A. Virginia Seminary in Alexandria, Virginia.

17 Q. Were you ordained a deacon and priest in due course?

18 A. Yes, in the Diocese of East Carolina.

19 Q. And where is the Diocese of East Carolina, the
20 headquarters I will call it or the seat city?

21 A. In Kinston, North Carolina is where the offices are.

22 Q. Did you serve parishes in North Carolina after seminary?

23 A. I did.

24 Q. Where?

25 A. In Kinston. I was the assistant rector at St. Mary's in

1 Kinston. I was the rector of St. Thomas in Ahsokie.

2 Q. And after that?

3 A. After that I went to Dayton, Ohio, where I was associate
4 rector at St. Paul's Church, Oakwood, St. Paul's Episcopal
5 Church, Oakwood.

6 Q. And have you served any -- don't want to go into a lot
7 of detail, but in your parish ministry have you served at any
8 other place?

9 A. Yes, St. Michael's Church in Bristol, Rhode Island.

10 Q. All right. Now, when did you become a bishop in the
11 Episcopal Church?

12 A. 1996. I was elected bishop coadjutor of the Diocese of
13 East Carolina.

14 Q. Now just explain to the Court, please, what is a
15 coadjutor bishop?

16 A. Bishop coadjutor is a bishop who is elected while there
17 is a bishop, a diocesan bishop, and the bishop coadjutor is
18 elected with an automatic right of succeeding to being
19 diocesan bishop upon the death, deposition or retirement of
20 the sitting bishop.

21 Q. Okay. And so you were elected in East Carolina, Diocese
22 of East Carolina as a bishop coadjutor?

23 A. Yes.

24 Q. To take over from the diocesan bishop when he for
25 whatever reason was no longer in office?

1 A. Correct.

2 Q. Okay. And did that happen?

3 A. Yes, it did.

4 Q. How long -- did you go through the process, or were of
5 course exposed to the process, when you were elected bishop
6 coadjutor, to have your ordination as bishop consented to by
7 other bishops in the church?

8 A. Yes.

9 Q. And what is that requirement?

10 A. Requires a consent process, it's a consent to
11 ordination, to be ordained as the bishop, it requires a
12 majority of the bishops, consent of the bishops of the church
13 and a majority of the standing committees of the church
14 consenting.

15 Q. Now, when you say of the church, is that every diocese
16 in the United States?

17 A. Well, it's every diocese of the Episcopal Church. The
18 dioceses of the Episcopal Church are beyond the mainland
19 United States as well, but yes.

20 Q. Just for example, what would be one beyond the mainland
21 United States?

22 A. The Diocese of the Dominican Republic, the Diocese of
23 Honduras and so on.

24 Q. That's fine. How many dioceses currently totally are
25 there in approximate number?

1 A. 109.

2 Q. Bishop Daniel, did you serve as, ultimately, as Bishop
3 of East Carolina?

4 A. Yes.

5 Q. Until when?

6 A. Until January -- well, until March of 2012.

7 Q. And was it after that that you became the Bishop of
8 Pennsylvania?

9 A. Yes.

10 Q. Under what circumstances?

11 A. I'm sorry, it was 2013, pardon me. It was 2013.

12 Q. 2013?

13 A. Yes, 2013.

14 Q. So just last year?

15 A. Just last year, year and a half ago.

16 Q. And so how and under what circumstances generally did
17 you become the Bishop of Pennsylvania?

18 A. The Bishop of Pennsylvania had resigned. That diocese
19 had had difficulties with its bishop. They called for the
20 election of the bishop provisional, and I was nominated and
21 elected bishop provisional.

22 Q. And you are serving in that position now?

23 A. Yes.

24 Q. And where do you live?

25 A. I live in Philadelphia.

1 Q. Bishop Daniel, let me just ask you a few questions in
2 line with what the judge mentioned a few minutes ago about
3 the structure of the church. First of all let me ask you
4 this: While you were Bishop of East Carolina did you serve
5 in any regional leadership roles regarding the Episcopal
6 Church?

7 A. Yes. I was vice president of the Fourth Province of the
8 Episcopal Church, which is basically the southeastern portion
9 of the United States geographically. I was the vice
10 president of the province which automatically made me
11 president of the bishops of the Fourth Province, and I served
12 in that capacity on the presiding bishop's council of advice
13 and chaired that group.

14 Q. What general responsibilities does the president of the
15 bishops of the province lend to the whole church, what
16 obligations and duties?

17 A. Well, sitting on the presiding bishop's council of
18 advice, for one, which calls for certain consultation and
19 some canonical actions from time to time, making provision
20 for meetings, regular meetings and gatherings of the bishops
21 of the Fourth Province, sometimes in terms of diocesan
22 difficulties, canonical pieces.

23 Q. Now, in the legal business we have a Fourth Circuit
24 Court of Appeals which is a United States Court that kind of
25 generally covers the southeast geographically. Would that

1 sort of be the same idea?

2 A. Roughly, yes, yes. What you think of as the old south
3 except for Virginia and Arkansas, Texas.

4 Q. All right, sir. Bishop Daniel, I'm going to ask you a
5 few questions now just to give us a little bit of background
6 on the structure of the whole church with particular
7 questions about the general convention. We have heard
8 testimony in this case over the last couple weeks that every
9 diocese sends deputies, they are called I think --

10 A. Yes.

11 Q. -- to a meeting of the general convention of the
12 Episcopal Church. Is that something that you are conversant
13 with?

14 A. Yes.

15 Q. And how often does the general convention of the
16 Episcopal Church meet?

17 A. Every three years.

18 Q. And where does it meet?

19 A. It meets in a different city each time.

20 Q. Is there one scheduled for say 2015?

21 A. Yes.

22 Q. Where will it be meeting if you remember?

23 A. Salt Lake City, Utah.

24 Q. Now, as deputies from each diocese, South Carolina being
25 one -- and, incidentally, there's another diocese in the

1 State of South Carolina, isn't there?

2 A. Yes, sir.

3 Q. And that's what?

4 A. The Diocese of Upper South Carolina.

5 Q. Headquartered in Columbia?

6 A. Yes.

7 Q. Now, what sort of, I will call it deputation, how many
8 people and what categories go from each diocese to each
9 general convention?

10 A. The deputation consists of the bishop, or bishops if
11 there are more than one, four clerical deputies, four clergy
12 persons.

13 Q. Four?

14 A. Four. And four lay persons.

15 Q. All right. Now, when they get to the general
16 convention, say at Salt Lake City next year, do they meet
17 together, separately, or in what sort of groupings do they
18 meet and for what purposes?

19 A. The general convention is divided into two houses, the
20 house of bishops and the house of deputies. The house of
21 bishops, all bishops, obviously; the house of deputies are
22 made up of clerical and lay deputies.

23 Q. All right. And you've said the bishops obviously meet
24 separately.

25 A. Yes.

1 Q. And do they consider legislation separately?

2 A. Yes.

3 Q. All right.

4 A. It is analogous to the government of the United States,
5 the senate and the house, and for legislation to pass the two
6 houses have to agree.

7 Q. All right. Now, in the other house, the second one that
8 would be the house of representatives in Washington, the
9 house of deputies -- is it called the house of deputies?

10 A. It is.

11 Q. And does it have a presiding officer like the speaker of
12 the house of representatives?

13 A. Yes, the president of the house of deputies.

14 Q. Who presides as the presiding officer at the house of
15 bishops?

16 A. Presiding bishop.

17 Q. Presiding bishop, and that's currently who?

18 A. Katharine Jefferts Schori.

19 Q. Now, Bishop Daniel, in the house of deputies, the
20 non-bishops I'll say for definition, do they sit together as
21 a deputation from a diocese, or do they all sit as a whole?

22 A. Each diocese, diocesan deputation, sits together, clergy
23 and lay.

24 Q. Okay. And do they vote together?

25 A. Yes, yes, they'll vote -- there are different kinds of

1 voting, one is just to get an aye or nay vote, sometimes they
2 vote by dioceses, by orders within the deputation, clergy and
3 lay. There are different methods of voting.

4 Q. Sometimes in a written ballot, sometimes not?

5 A. Correct.

6 Q. You said sometimes they vote by orders?

7 A. Yes.

8 Q. What does that mean?

9 A. Well, that means that on a particular issue the
10 clerical -- the clergy deputies will vote and the lay
11 deputies will vote separately in each diocese.

12 Q. In each diocese?

13 A. And if both orders vote the same way, aye or nay, then
14 the diocesan vote is cast in that way. If they are divided
15 or tied, then it's not counted, it's counted as a no vote, as
16 a neutral vote.

17 Q. Are you saying that there are some issues that are
18 presented sometime to this legislative body that can require
19 a vote in that fashion and simply not individual votes?

20 A. Correct.

21 Q. Okay. Now, have you participated as a member of the
22 house of bishops since you were ordained a bishop?

23 A. I have.

24 Q. I want to ask you now some questions about our situation
25 here in South Carolina. When Mark Lawrence was first elected

1 bishop, and there's been testimony here that he was elected
2 twice, so I'm going to ask you questions about what you know
3 about it in certain respects. When Bishop Lawrence was
4 elected for the first time, were you as a bishop asked to
5 consent to his ordination in accordance with what you I think
6 explained earlier?

7 A. Yes, I was.

8 Q. And where were you serving then when that occurred? I
9 think it was around 2006, I believe.

10 A. Diocese of East Carolina.

11 Q. And on that occasion did you give consent for his
12 ordination as a bishop?

13 A. I did.

14 Q. Now, was the standing committee of your diocese also
15 required to consider that issue and give consent or not for
16 his ordination?

17 A. They were.

18 Q. Do you recall what they did?

19 A. Yes.

20 Q. And what was that?

21 A. They did not give consent.

22 Q. Did not give consent?

23 A. Did not.

24 Q. All right. Now, after that occurred are you aware, as
25 has been testified here, that there was another election in

1 South Carolina for bishop?

2 A. Yes, sir.

3 Q. And are you aware of what the result of that local
4 election was?

5 A. Mark Lawrence was elected bishop.

6 Q. Okay. Now, in the interim between the first election
7 and second election did you have any communication or
8 information concerning the matter of concerns about Mark
9 Lawrence and whether he should be consented to a second time
10 or not to become Bishop of South Carolina?

11 MR. RUNYAN: I may not have a problem, Your Honor, but
12 seems to me he hasn't laid a foundation to establish personal
13 knowledge.

14 MR. TISDALE: I'm coming to that. I'm sorry. I hadn't
15 just gotten to it yet.

16 THE COURT: Okay.

17 Q. Did you at one point or another, you and your standing
18 committee, receive written communication from Bishop
19 Lawrence?

20 A. Yes.

21 Q. All right. And what, generally -- was it in the form of
22 a letter or email or --

23 A. A letter.

24 Q. -- essay or what?

25 A. A letter and an essay or written material.

1 Q. Written material?

2 A. Yes.

3 Q. And was that between when he first did not get the
4 necessary consents and after his -- and before his election
5 or after his election?

6 A. After his second election, yes.

7 Q. After his section election?

8 A. Yes.

9 Q. And what was the general import --

10 MR. RUNYAN: Your Honor, I believe the best evidence
11 would require the document itself.

12 MS. GOLDING: And further I would also interpose an
13 objection as to relevance. I don't believe this is relevant
14 to any claims in this action.

15 THE COURT: I understand.

16 MR. TISDALE: I believe that it's already been -- you've
17 accepted that letter, or excerpts from it were read into the
18 record from a request to admit, I think.

19 MR. RUNYAN: If it's in the record there's not a
20 problem.

21 MR. TISDALE: Well, it is in the record.

22 MR. RUNYAN: Maybe you could go to that.

23 MR. TISDALE: If we can find it, pull it up. And I'd
24 like just the bishop to refresh his -- on one aspect of what
25 was said in the letter, like to refresh his recollection on

1 it, but I can ask him.

2 Q. Leaving that a minute, as a result of the
3 communication -- it might not be necessary to get into that
4 but we'll see -- Bishop Daniel, as a result of the
5 communication that you had from Bishop Lawrence and that your
6 standing committee received from Bishop Lawrence what
7 decision, if any, did you make concerning what you would do
8 to consent or not to his second election?

9 MS. GOLDING: Your Honor, I would also object to this
10 witness testifying as to what his standing committee or the
11 standing committee --

12 MR. TISDALE: Well, leave that out for now.

13 MS. GOLDING: Just continuing my objection as to
14 relevancy, Your Honor.

15 THE COURT: I understand.

16 Q. Did you give consideration during this period of time
17 whether to consent to his ordination after his second
18 election or not, did you give consideration to that?

19 A. I did.

20 Q. And can I ask you to describe to the Court what you did
21 to consider that issue?

22 A. Well, I read the written materials that I received, I
23 prayed about it, I thought about it, and I believed in the
24 last result what Mr. Lawrence had written in his material,
25 that he would be a faithful and loyal bishop of the Episcopal

1 Church and obedient to the canons of the church, and I gave
2 my consent on that basis.

3 MR. TISDALE: Okay. Bishop Daniel, the Judge might want
4 to know something more about the structure of the church, but
5 I think we covered it pretty well if she says we did, and if
6 any of these lawyers have any questions about your testimony,
7 I would appreciate your answering.

8 THE WITNESS: Yes, sir.

9 MR. TISDALE: Thank you very much.

10 THE COURT: Thank you. Anything from the national
11 church first.

12 MS. KOSTEL: Nothing.

13 THE COURT: All right. Very well, yes, sir.

14 CROSS-EXAMINATION BY MR. RUNYAN:

15 Q. Good morning, Bishop.

16 A. Good morning.

17 Q. Just to follow up on that letter, are you sure it wasn't
18 received during the first consent process?

19 A. My memory is the second, but I may not be correct in
20 that.

21 Q. I want to ask you a few things about your job as bishop
22 if I could. You are a bishop with jurisdiction, is that
23 right?

24 A. Yes, that's correct.

25 Q. As a part of your duties, or I guess that's the wrong

1 word, as a part of your job do you visit congregations that
2 are in your charge?

3 A. Yes.

4 Q. Do you confirm new members?

5 A. Yes.

6 Q. Do you sometimes write pastoral letters to
7 congregations?

8 A. Yes, I do.

9 Q. And do you try to keep a record of your official acts,
10 whatever they may be?

11 A. I do.

12 Q. Do you report the state of the diocese at your annual
13 conventions?

14 A. I do.

15 Q. Okay. And you understand that as a bishop with
16 jurisdiction, if you wanted to go into another jurisdiction
17 where there is a bishop with jurisdiction, you would need his
18 consent, his or her consent, would you not?

19 A. Yes, absolutely.

20 Q. Okay. And you give approval to Episcopal elections, we
21 talked about that just now.

22 A. Yes.

23 Q. And you vote in the house of bishops as required?

24 A. Yes.

25 Q. You're president of your diocesan convention?

1 A. Yes, I am.

2 Q. You ordain?

3 A. Yes.

4 Q. And you approve for ordination candidates of the
5 diocese?

6 A. Yes.

7 Q. And you receive letters dimissory, is that right?

8 A. Yes.

9 Q. Could you tell the Court what that is?

10 A. A letter dimissory?

11 Q. Dimissory, excuse me.

12 A. It is the transfer of the canonical residence of a
13 clergy person, priest or deacon, from one diocese to another
14 diocese. It is more than simply a letter of transfer. It is
15 also an attestation to the character of that priest or
16 deacon.

17 Q. Likewise you give letters dimissory?

18 A. I give and receive letters dimissory, yes.

19 Q. And if clergy who are not canonically resident come into
20 the diocese, you license them for that purpose if you choose
21 to?

22 A. Yes, after a vetting process. We do a background check,
23 etc., etc., and then I decide -- I confer with their bishop,
24 and then I decide whether or not to license them.

25 Q. And from time to time you may unfortunately be involved

1 in clergy discipline within your diocese.

2 A. Yes, yes.

3 Q. Now, when you go to the general convention, you go as a
4 member of the house of bishops; is that correct?

5 A. Yes, I do.

6 Q. Would you agree with me that the other member of general
7 convention would be the diocese?

8 A. Well, I've never thought of a diocese as a member of the
9 general convention; diocese is a member of the Episcopal
10 Church.

11 Q. Let's talk about the voting process.

12 MR. TISDALE: Can he finish that answer, please, Your
13 Honor? I don't know whether he was finished or not.

14 Q. Please finish.

15 A. I've never thought of it as a member. A diocese is a
16 constituent part of the Episcopal Church as long as it obeys
17 the canons and the rubrics of the Book of Common Prayer.

18 Q. Thank you, Bishop. Let's talk about voting.

19 A. All right.

20 Q. Do the delegates vote individually or do they vote as a
21 diocese?

22 A. Well, sometimes individually and sometimes as a diocese.

23 Q. And when they vote individually, they count each head as
24 a vote?

25 A. Yes, one person, one vote, yes.

1 Q. And when they vote as a diocese, would it be by orders
2 sometimes?

3 A. Yes.

4 Q. All the time or just sometimes?

5 A. Not all the time, sometimes.

6 Q. So if it's by orders or not by orders, when they vote as
7 a diocese, they vote as a unit?

8 A. They vote by orders -- sometimes by orders and sometimes
9 as a diocese but as a unit, yes.

10 Q. Okay. And if you're a tiny diocese or if you're a huge
11 diocese and you vote that way you just get one vote.

12 A. That's correct.

13 Q. Okay. And it is those same entities that give consent
14 to Episcopal elections. It is you as a bishop with
15 jurisdiction and it is the standing committee of the diocese
16 who does.

17 A. Yes.

18 Q. And those are the same two groups that vote at
19 convention.

20 A. No. Which convention, diocesan convention?

21 Q. General convention.

22 A. No, the standing committee is not the deputation to
23 general convention.

24 Q. I'm sorry. The standing committee vote for consent is
25 as a body that is representing the diocese when they vote for

1 consent?

2 A. Yes.

3 Q. Okay.

4 A. Oh, yes, yes.

5 Q. And then the diocese in convention votes sometimes?

6 A. To give consent.

7 Q. No, no, no.

8 A. You're confusing me.

9 Q. I'm sorry. Let's leave that. I don't want to do that.

10 When your standing committee voted no on that consent for

11 Bishop Lawrence --

12 A. Mm-hmm.

13 Q. -- you did not have the power to overrule them, did you?

14 A. No, both parties, the bishop and the standing committee
15 vote separately.

16 Q. All right. I don't know, I didn't hear, but were you at
17 the 2009 general convention?

18 A. I was.

19 Q. And were you at the 2012 general convention?

20 A. Yes.

21 Q. And when you are at convention, you are given seat,
22 voice and vote?

23 A. Yes.

24 Q. Is that from the roll call that produces that result?

25 A. Yes, the roll is called of those members of the house

1 who have seat, voice and vote.

2 Q. And because you have seat, voice and vote you can speak
3 to issues in debate?

4 A. Correct, yes.

5 Q. And the roll call is called in order of consecration,
6 the order of your consecration, senior to junior?

7 A. No, in alphabetical order by diocese.

8 Q. Okay. Alphabetical order by diocese. And there's a
9 special place where you sit, bishops?

10 A. Oh, yes, we sit at round tables, yes.

11 Q. But it's the bishops -- the bishops sit there --

12 A. Yes.

13 Q. -- is that right?

14 A. Yes, that's right.

15 Q. Okay. Now, 2009, was Mark Lawrence present as far as
16 you know?

17 A. Yes, yes.

18 Q. Did he have seat, voice and vote?

19 A. Yes.

20 Q. And in 2012 was Mark Lawrence present?

21 A. Yes.

22 Q. Did he have seat, voice and vote?

23 A. Yes.

24 Q. Okay. You mentioned the province four, and you had some
25 discussion about that. I don't think I heard you to say that

1 province four was a court. Province four is not a court, is
2 it?

3 A. There is a provincial court for disciplinary matters,
4 certain disciplinary matters, yes.

5 Q. Court of review for disciplinary matters from the
6 diocese?

7 A. Yes.

8 Q. Okay. But there is no ultimate court of review in the
9 Episcopal Church.

10 A. Yes, there is.

11 Q. There is?

12 A. There is indeed.

13 Q. It says that in the constitution?

14 A. It's in the canons certainly. I was president of the
15 court of review for the trial of a bishop.

16 Q. I'm with you there. I'm with you there. Let me just --
17 have you read the constitution recently?

18 A. Not in the last month, no.

19 Q. Are you familiar with the article dealing with -- in
20 fact, the caption is Of Courts.

21 A. Yes.

22 Q. You are. Do you agree with me that presbyters and
23 deacons are tried in the diocese?

24 A. Yes.

25 Q. And that the general convention may establish courts of

1 review, you agree with that because you had one.

2 A. For the trial of a bishop.

3 Q. For the trial of a bishop.

4 A. Yes.

5 Q. And that the general convention may establish an
6 ultimate court of appeal solely for the review of the
7 determination of any court of review on questions of
8 doctrine, faith or worship, do you know if that exists?

9 A. For the trial of a bishop the ultimate court is the
10 house of bishops itself, as my memory serves.

11 Q. Yes, sir. Well, let's switch to another thing.

12 A. All right.

13 Q. In order for discipline to be effective in the Episcopal
14 Church would you agree with me that the procedures that are
15 called out for in the constitution and canons must be
16 followed?

17 MR. BEERS: Your Honor, objection, beyond the scope, far
18 beyond the scope.

19 MR. RUNYAN: Open cross, Your Honor.

20 MR. BEERS: Sorry. Thank you.

21 THE COURT: Yes. You may proceed.

22 Q. Do you remember the question, Bishop?

23 A. Say it again, please.

24 Q. Would you agree with me that for the discipline of a
25 member of the clergy, for instance a bishop in the Episcopal

1 Church, to be effective you must follow the rules associated
2 with that process?

3 A. The canons, yes.

4 Q. Okay. And would you agree with me that a province, a
5 provincial senate -- what is a provincial senate?

6 A. Provincial senate is made up of the bishops of the
7 diocese and the members of dioceses of a province. Sometimes
8 the provincial senate before general convention sits with the
9 deputations from the various dioceses to review matters
10 coming before the general convention. Other times assorted
11 representatives of the dioceses may come to consider other
12 programmatic issues.

13 Q. Would it be fair to say that that provincial senate is a
14 meeting of a group of persons from a group of dioceses that
15 are geographically located?

16 A. Depends on the meeting.

17 Q. All right. But in province four we're talking about a
18 province that would include the State of South Carolina.

19 A. Yes.

20 Q. Okay. Would you agree with me that province four has no
21 power to regulate or control the internal policy or affairs
22 of any of its constituent dioceses?

23 A. Well, it certainly has canonical authority in terms of
24 how the church is structured and how the life is carried out.
25 Can the provincial senate walk into the Diocese of East

1 Carolina and say, you're not doing it right, we want you to
2 do it this way, no.

3 Q. I'm not trying to trick you, Bishop.

4 A. I'm just trying to answer your question as I understand
5 it.

6 Q. I understand. I was quoting from a canon. If you would
7 like to see it, I'll be happy to give it to you.

8 A. Just read it.

9 Q. Okay. Section 8, Powers of Provincial Senate: The
10 provincial senate shall have power, A, to enact ordinances
11 for its own regulation and government.

12 A. Yes.

13 Q. B, to elect judges of the provincial court of review.

14 A. Yes.

15 Q. C, to perform such duties as may be committed to it by
16 the general convention. D, to deal with all matters within
17 the province provided, however, that no provincial senate
18 shall have power to regulate or control the internal policy
19 or affairs of any constituent diocese.

20 A. Yes.

21 Q. Do you agree with that?

22 A. Sure, that's what I just said.

23 MS. KOSTEL: Excuse me, Mr. Runyan, could you clarify
24 what version of the canons -- what year you're reading from?

25 MR. RUNYAN: 2006.

1 MS. KOSTEL: Okay. Thank you.

2 MR. RUNYAN: May be just about done.

3 THE COURT: Sure.

4 Q. Bishop, when your diocese, either East Carolina or your
5 present diocese, amends its constitution and canons, do you
6 have to send those before amendment to the national church
7 for their approval?

8 A. No, but as long as those amendments or changes are in
9 accord with the constitution and canons of the Episcopal
10 Church. We're not free to be rebels.

11 Q. There's not something that says, this one's going to be
12 different, so we have to send it?

13 A. I think common sense says if I'm going to change a --
14 introduce a constitutional change that takes us away from the
15 structure, the order, the doctrine, discipline and worship of
16 the Episcopal Church then, first of all, I don't see any
17 point in taking it to you, you're rebelling anyway, so as
18 long as the constitutional changes subscribe to and accede to
19 the constitution and canons of the Episcopal Church, no.

20 Q. That's common sense.

21 A. Yes.

22 MR. RUNYAN: Thank you.

23 THE WITNESS: That's common sense.

24 THE COURT: All right. Any other plaintiffs?

25 All right. Redirect.

1 MR. TISDALE: A little bit on redirect, Your Honor.

2 THE COURT: Sure.

3 REDIRECT EXAMINATION BY MR. TISDALE:

4 Q. I've gotten at least what I would like to ask you to
5 look at and identify as to whether this is at least part of
6 the material in the form of a letter from Bishop Lawrence to
7 others, including you.

8 MR. RUNYAN: Your Honor, that's beyond the scope of
9 cross. That is beyond the scope of cross.

10 MR. TISDALE: Well, we were looking for it and found it,
11 and this is a response to a request for admission that was
12 read into court the other day.

13 MS. GOLDING: May we see the letter?

14 MR. TISDALE: It's part of the request for admission
15 response that you all sent us.

16 MS. GOLDING: But you didn't have the letter.

17 MR. TISDALE: I don't have the letter. I've got what
18 you all sent, and I'm going to ask him is this a part of the
19 letter that he received that you all sent us.

20 MS. GOLDING: Your Honor --

21 MR. RUNYAN: It's a request for admission so you can --
22 I'm not trying to tell you -- it's beyond the scope of cross.

23 MS. GOLDING: And a request for admission doesn't come
24 in through a witness, Your Honor.

25 MR. TISDALE: It's the same language that they gave us.

1 THE COURT: The letter was presented a couple of days
2 ago.

3 MR. TISDALE: That's correct.

4 THE COURT: I don't know that it was moved in.

5 MR. TISDALE: It was read.

6 THE COURT: It was read.

7 MR. RUNYAN: He published the request for admission.

8 MR. TISDALE: I published it.

9 THE COURT: Yes.

10 MR. TISDALE: I just want to know if it's the same thing
11 he got.

12 THE COURT: This is what I can offer: You wouldn't put
13 in the request to admit at this moment. You'd put it in when
14 the witness steps down. But you can show him the Manhattan
15 phonebook if he needs to refresh his recollection.

16 Q. Okay. This is a little bit more direct than that but,
17 Mr. Daniel, I want you to take a minute -- I had put brackets
18 just for your -- this is a legal document. It's a response
19 to requests for admissions, and I put brackets here, and it
20 goes over to one line on the second page, and you just take a
21 quick look at that and see if -- my ultimate question will be
22 is that the same language that you received in the form of a
23 letter?

24 A. Yes.

25 Q. It is?

1 A. Yes.

2 MR. TISDALE: Your Honor, may I ask him to please read
3 it since he has identified it as the language of the letter
4 he received?

5 THE COURT: I know what the objection's going to be.

6 MR. RUNYAN: Cumulative.

7 THE COURT: Best evidence rule.

8 MS. GOLDING: Best evidence rule.

9 THE COURT: It has to be sustained.

10 MR. TISDALE: Thank you. And I will identify this as
11 Request for Admission No. 13.

12 THE COURT: Let's finish with the witness and then you
13 can publish it.

14 MR. TISDALE: Okay.

15 THE COURT: We'll do it separately.

16 MR. TISDALE: We've published it. I'm not going to
17 publish it again. I just want to identify it as the same
18 thing that was published the other day.

19 THE COURT: Sure. Got it.

20 MR. TISDALE: I have a few more questions.

21 THE COURT: Okay.

22 Q. Mr. Runyan asked you a number of questions about a
23 structure and authority of the church. What are the basic
24 governing documents for the church?

25 A. The basic governing documents.

1 Q. The fundamental basic governing documents.

2 MS. GOLDING: Are we referring now to the national
3 church?

4 MR. TISDALE: Yes, the church.

5 MS. GOLDING: Well, I mean, I thought the Court asked,
6 because we've got --

7 THE COURT: Lots of churches involved.

8 MS. GOLDING: -- 30-something churches in this, that we
9 agreed that we would refer to TEC as the national church, and
10 that's why I want to make sure.

11 MR. TISDALE: I thought they were parishes, but I'm not
12 going to quibble about that.

13 MS. GOLDING: Some of them have names of churches in
14 there. Your Honor, I just think for clarity I need it. I
15 need to know when he's talking about a church he's talking
16 about the national church.

17 MR. TISDALE: I will make that clear for the purposes of
18 this question and hereinafter to the extent I can.

19 THE COURT: Thank you. And we're right here to help
20 you.

21 MR. TISDALE: I'm certain that they will help me, and I
22 appreciate any you can give me.

23 THE COURT: I understood national church.

24 MR. TISDALE: Thank you.

25 Q. Bishop Daniel, what are the basic fundamental governing

1 documents of the Episcopal Church, Protestant Episcopal
2 Church otherwise known in the United States of America?

3 A. The governing documents are the Book of Common Prayer,
4 the Constitution of the Episcopal Church and the Canons of
5 the Episcopal Church, and certainly implicit in that I'll
6 state now is the Bible.

7 Q. Okay. Thank you. Now, you said the dioceses, I think,
8 as I believe in answering Mr. Runyan's question, are
9 constituent parts of the general convention.

10 A. Yes.

11 Q. And of course also they remain a constituent or parts,
12 do they not, as long as they obey the constitution and canons
13 of the church?

14 A. Yes.

15 MS. GOLDING: Your Honor, I am going to object.

16 Mr. Tisdale is leading the witness.

17 MR. TISDALE: I apologize for leading.

18 THE COURT: Okay. Re-ask your question, then we'll see
19 where we are.

20 Q. Okay. Under what circumstances can a diocese remain a
21 part, a constituent part of the Episcopal Church in the
22 United States?

23 A. As long as it accedes to the constitution and canons of
24 the Episcopal Church or the rubrics of the Book of Common
25 Prayer.

1 MR. TISDALE: Thank you. Excuse me one moment please,
2 Your Honor.

3 THE COURT: Surely.

4 Q. Are there any circumstances you know of in which a
5 diocese can leave the church?

6 A. I believe the diocese could leave the Episcopal Church
7 if the general convention agreed to it but --

8 Q. Under any other circumstances that you know of could
9 that happen?

10 A. No.

11 Q. Thank you. Now, Bishop Daniel -- excuse me, I want to
12 just identify this and then we'll see if there are any other
13 questions that other counsel have. Your Honor, what I wanted
14 to simply refer to to the record are the plaintiff diocese's
15 response to request for admissions.

16 MR. RUNYAN: Your Honor, can we finish with the witness
17 first?

18 THE COURT: Yes. Just hold on to it. I think you
19 published it the other day, though. Isn't that what you
20 published the other day?

21 MR. TISDALE: It's Defendant's Exhibit No. 16.

22 (Defendant's Exhibit 16 marked for identification.)

23 THE COURT: Yes. And I've seen the letter.

24 MR. TISDALE: It's in the record, and my label just now
25 may be wrong, but we've cleared that up and we're finished.

1 THE COURT: Let me tell you what my memory is because
2 you all may want to check my memory because of what you may
3 or may not consider that letter with regards to its
4 importance. My memory is it was published and perhaps marked
5 for identification but not placed into evidence. You might
6 want to check.

7 MR. TISDALE: That is correct.

8 THE COURT: Okay.

9 MR. TISDALE: You're correct.

10 THE COURT: All right. Anything from the national
11 church?

12 MR. BEERS: No, Your Honor.

13 THE COURT: All right. Very well. Recross.

14 RE-CROSS-EXAMINATION BY MR. RUNYAN:

15 Q. Bishop, just one question, but I'm going to hand you two
16 big old heavy documents before I ask it, and would you just
17 look at those two and tell me what they are?

18 A. Well, the top page says constitution and canons.

19 Q. Would you look at the next page and tell us what year?

20 A. Next page says 2006 on one set and 2009 on the next set.

21 Q. Okay. And those are the constitution and canons for
22 those two years of the national church, that's not the
23 diocese, is it?

24 A. Yes, yes, yes, the national church.

25 Q. Would you please turn to the page in those two where it

1 says the diocese cannot withdraw from the Episcopal Church
2 and read it to us?

3 A. You're asking me to find the page, you're going to have
4 to wait a little while.

5 Q. I am.

6 A. What is your question?

7 Q. My question is is there a page or a phrase or a sentence
8 in either of those that says, quote, a diocese may not leave
9 the Episcopal Church without the consent of the general
10 convention?

11 A. I don't believe so.

12 MR. RUNYAN: Thank you, sir.

13 THE WITNESS: But I may be wrong.

14 MR. RUNYAN: I'm sure it will be pointed out if you are.
15 Thank you, Bishop.

16 THE COURT: Anything further from any of the plaintiffs,
17 cross-examination?

18 Thank you, sir, you may come down.

19 THE WITNESS: Thank you.

20 THE COURT: Very well.

21 MR. TISDALE: I just wanted to, about the third time
22 I've tried improperly, I'd just like to identify this. It is
23 marked as an exhibit for identification, and it is responses
24 to requests for admissions, just for identification in the
25 record, from the plaintiff diocese dated August 15th, 2013,

1 just so we can identify it to what had already been
2 submitted.

3 THE COURT: Thank you so much. Yes, sir, thank you so
4 much.

5 MR. TISDALE: And we would like to mark it an exhibit if
6 Your Honor would allow.

7 THE COURT: You can certainly publish --

8 MR. TISDALE: Well, we have published it, but would you
9 accept it as an exhibit, Defendant's Exhibit?

10 THE COURT: Let's mark it for identification purposes.

11 MR. TISDALE: It's already marked.

12 THE COURT: And it's in in any event. Let me just
13 explain to you, it's been published to the Court. It is a
14 request to admit. If I need to refer back to it, gosh, what
15 was that, then I'll have it and be able to refer back to it.

16 MR. TISDALE: And, Your Honor, it is already marked for
17 identification.

18 THE COURT: Yes, and it is part of the record.

19 MR. TISDALE: And it is. Thank you.

20 THE COURT: Thank you.

21 MR. TISDALE: I have nothing further from this witness.

22 THE COURT: Very well. Next witness.

23 MR. TISDALE: I have one that's not lengthy, Your Honor.

24 THE COURT: Less than lengthy.

25 MR. TISDALE: Less than lengthy.

1 THE COURT: Thank you. And then once we hear that
2 witness, then the different parishes are going to go to work
3 on exhibits.

4 MR. TISDALE: That's what we'll do after this witness.

5 THE COURT: Yes, sir. Thank you. Call your witness.

6 MR. TISDALE: Pat Neumann.

7 MS. KOSTEL: Your Honor, may I leave the courtroom for a
8 few minutes?

9 THE COURT: Yes.

10 MS. KOSTEL: Thank you.

11 PATRICIA GARNER NEUMANN,
12 being first duly sworn, testified as follows:

13 THE COURT: I'm going to ask you just to state your full
14 name for our record and spell your last name, please.

15 THE WITNESS: Patricia Garner Neumann, N-E-U-M-A-N-N.

16 THE COURT: Your witness.

17 DIRECT EXAMINATION BY MR. TISDALE:

18 Q. Good morning, Ms. Neumann.

19 A. Good morning.

20 Q. Ms. Neumann, please for the record and the Court tell us
21 where you live.

22 A. Edisto Island, South Carolina.

23 Q. And where were you born and grew up?

24 A. Well, I was actually born in Charleston, but I grew up
25 right here in St. George.

1 Q. St. George. All right. How long have you lived down at
2 Edisto Island?

3 A. A little over nine and a half years.

4 Q. And where were you living before you moved there nine
5 and a half years ago?

6 A. Hopkinton, Massachusetts.

7 Q. Are you married?

8 A. Yes.

9 Q. And you and your husband lives down in Edisto?

10 A. Yes.

11 Q. Do you live there as your permanent residence?

12 A. Yes, our full-time residence.

13 Q. Okay. Have you been involved in any church or religious
14 organization while living at Edisto?

15 A. Yes, Trinity Church on Edisto Island and the Episcopal
16 Church on Edisto Island.

17 Q. Now, let's take them -- you mentioned two separate ones,
18 right?

19 A. Yes.

20 Q. Let's do the first one first. Trinity Church, Edisto
21 Island, is that the parish that was an Episcopal Church at
22 Edisto?

23 A. Yes.

24 Q. And has now left the Episcopal Church?

25 A. Yes.

1 Q. Okay. When did you become associated with that parish?

2 A. 2005.

3 Q. All right. And tell us the circumstances of how you
4 became involved in your activities in the church?

5 A. I did a bit of church shopping when I first moved to
6 Edisto. I was raised a Methodist. I actually went to that
7 Methodist church that's right over there on Parler Avenue as
8 a child. I first went to the Methodist church. I then went
9 to the Presbyterian church, and then I went to Trinity
10 Church, and that's where I found my home. I tend to get
11 involved with an organization when I join it, usually rather
12 rapidly. I became the chairman of the Pon Top Cookbook. I
13 became a chalice -- lay reader first and then a chalice
14 bearer.

15 Q. Do you want to explain to the Court just briefly what a
16 chalice bearer is in the church?

17 A. In a small church like Trinity we were responsible for
18 assisting the priest with communion and also reading portions
19 of the scripture during the service.

20 Q. Okay. And chalice refers to the chalice --

21 A. That has the wine in it.

22 Q. -- that's part of the communion service?

23 Okay. Excuse me. Go ahead.

24 A. I also was involved with something called Martha's
25 Ministry which prepared food and took food to people who were

1 sick or bereaved and we also assisted with funeral
2 receptions, and then I also was on the vestry for a year.

3 Q. All right. Now, did there come a time, Ms. Neumann,
4 that you discovered that there was a possibility the parish
5 might be interested in leaving the Episcopal Church?

6 A. Yes.

7 Q. Tell us about that and the circumstances of it.

8 A. There had been rumors sort of circulating. The first
9 time it really came to the forefront was in an annual meeting
10 in November of 2011.

11 Q. 2011?

12 A. Yes.

13 Q. And who led the discussion about the issue at that
14 meeting, if anyone?

15 A. The Reverend Wey Camp.

16 Q. Was he the rector?

17 A. He is.

18 Q. And is that just for the court reporter's purposes
19 spelled W-E-Y?

20 A. Yes.

21 Q. Camp, C-A-M-P?

22 A. Yes.

23 Q. Tell us about that.

24 A. He led the discussion, we also had the senior warden at
25 the time which was H. Wayne "Bubba" Unger.

1 Q. Okay.

2 A. The meeting consisted of discussing the quitclaim deeds,
3 the one quitclaim deed that was issued to Trinity, and it had
4 already been executed by that point.

5 Q. What do you mean executed, received?

6 A. I don't understand exactly what you do to execute a
7 quitclaim deed, but it had been filed or whatever needed to
8 be done with it.

9 Q. The parish had it and you think filed it.

10 A. Yes.

11 Q. Okay. Now, was anything said at that meeting about a
12 plan to depart the Episcopal Church?

13 A. No. Basically we were told this was being done for our
14 protection.

15 Q. What?

16 A. Getting the quitclaim deeds, you know, that the diocese
17 had relinquished control over our property.

18 Q. What happened after that with regard to the issue of
19 departure from the church, if anything did?

20 A. Well, we then -- the bylaws were in the process of being
21 rewritten to primarily remove -- primarily they were being
22 rewritten to remove the accession clauses to the national
23 church and also to the plaintiff's diocese.

24 Q. When did that happen?

25 A. I don't know when the team that was rewriting -- was

1 writing the bylaws was actually appointed because I was not
2 on the vestry, but they were completed right around the end
3 of 2011, beginning of 2012.

4 Q. Early 2012 at the latest would you say?

5 A. That would be the latest.

6 Q. Now, did the congregation ever vote on those issues that
7 you know of?

8 A. Yes, they did.

9 Q. And was it approved?

10 A. It was approved in February 2012, that set of bylaws.

11 Q. And you say that removed accession to the Episcopal
12 Church?

13 A. Yes, it did.

14 Q. And did there come a time that you stopped worshiping at
15 Trinity Church, Edisto?

16 A. Yes.

17 Q. When was that and the circumstances of it, why?

18 A. Okay. I left Trinity Episcopal Church December 31st,
19 2012. That was the day following a hastily called vestry
20 meeting at which we were asked to vote on leaving the
21 national church.

22 Q. All right. And the vestry voted on that?

23 A. Yes.

24 Q. And were you present?

25 A. I was.

1 Q. And did you vote?

2 A. I did.

3 Q. And how did you vote?

4 A. I voted not to leave the Episcopal Church.

5 Q. But was that vote passed in the affirmative or not?

6 A. It was passed in the affirmative.

7 Q. And have you worshiped at Trinity Edisto since then?

8 A. No, I have not.

9 Q. Okay. Now what did you, if you did anything, I want you
10 to explain to the Court what you -- were there others who
11 wanted to remain loyal to the Episcopal Church?

12 A. Yes.

13 Q. All right. Did you get together to decide what to do
14 for worship as an Episcopalian, did you do that?

15 A. There was a group that got together in November of 2012,
16 toward the end of November, to start to make plans to worship
17 as an Episcopal Church because we knew it was coming.

18 Q. And were those plans carried forward?

19 A. Yes.

20 Q. Explain to the Court what you did to worship as
21 Episcopalians down on Edisto, how did that evolve?

22 A. There are two retired Episcopal priests living on
23 Edisto, so they assisted with the spiritual side or the
24 actual worship services. The first worship services were
25 held in private homes, and the first service was actually

1 held on December the 1st, 2012. The meetings were in private
2 homes, and I'm not sure how many Sundays that was because I
3 was still at Trinity Church at that point, I think there were
4 three or four, and then the services were moved to Po Pigs
5 Bo-B-Q Restaurant, Edisto Island.

6 Q. Now, did the Episcopalians there, the ones who had not
7 left, conduct worship services -- and what did you say the
8 name of the of the place was?

9 A. Po Pigs Bo-B-Q Restaurant.

10 Q. Is that a restaurant?

11 A. It is.

12 Q. All right. And did you all conduct worship services at
13 the barbecue restaurant?

14 A. We did.

15 Q. Every Sunday?

16 A. Every Sunday.

17 Q. Okay. And about when did that start?

18 A. I believe that had to have started at the end of
19 December or beginning of January. It was during my
20 transition from one church to the next.

21 Q. Okay. And how long did you worship at the barbecue
22 restaurant?

23 A. Until the beginning of April 2013.

24 Q. What arrangements were made, if any, for the worship of
25 the Episcopal Church people in the Episcopal Church at that

1 point?

2 A. Repeat that again.

3 Q. Where did you go to worship after you stopped worshipping
4 at the barbecue restaurant?

5 A. Oh, yes, began to rent the historic sanctuary of the New
6 First Missionary Baptist Church.

7 Q. Where is that?

8 A. That is on Highway 174, 1644 Highway 174 on Edisto
9 Island.

10 Q. How far is it from the old Trinity, the place you used
11 to worship, Trinity?

12 A. Maybe an eighth of a mile.

13 Q. Okay. And what arrangements were made to worship
14 there -- first of all is it an old building?

15 A. Built in 1818.

16 Q. Okay. And what arrangements did you all make to worship
17 there?

18 A. We rent from them.

19 Q. And how often do you conduct services there?

20 A. Every week.

21 Q. On Sunday?

22 A. Sunday at 10:00.

23 Q. All right. And do you have a priest for the worshipping
24 community?

25 A. We have two retired priests on Edisto, and they each

1 take a Sunday, and the other Sundays we have supply priests,
2 and we do occasionally have morning prayer.

3 Q. Okay. Now, just for the court record, you said
4 occasionally have morning prayer, when you don't have morning
5 prayer, what do you have?

6 A. We have a supply priest or one of the two retired
7 priests.

8 Q. I know, but you said you have morning prayer, is that
9 without a priest?

10 A. That is without a priest. That would be led by a
11 layperson.

12 Q. A layperson would lead the morning prayer?

13 A. Yes.

14 Q. When you're not having morning prayer and have a regular
15 service, what service is it normally?

16 A. Rite II of the Holy Eucharist, is that what you mean?

17 Q. Rite II of the Holy Eucharist of what?

18 A. The national Episcopal Church.

19 Q. Book of Common Prayer?

20 A. Book of Common Prayer.

21 Q. And is a priest necessary to conduct that service?

22 A. Yes.

23 Q. Okay. Now, have you been active in the leadership of
24 that group at the Missionary Baptist Church Episcopal group?

25 A. Yes, I am the senior warden.

1 Q. Senior warden. And have you organized yourself as a
2 unit of the Episcopal Church in South Carolina?

3 A. Yes, we have. We were accepted into union with the
4 convention on February 21st, 2014. We are a mission church.

5 Q. A mission congregation of the Episcopal Church in South
6 Carolina?

7 A. Yes.

8 Q. And you say you're the senior warden?

9 A. I am.

10 Q. Do you obviously have a vestry or mission committee?

11 A. We have a mission committee.

12 Q. Which is sort of the same as a vestry?

13 A. Yes.

14 Q. And what legal structure do you have for the
15 organization, are you incorporated?

16 A. We are incorporated and we have a set of bylaws.

17 Q. All right. And what's the name of the corporation?

18 A. The Episcopal Church on Edisto Island -- no, the
19 Episcopal Church on Edisto, Incorporated.

20 Q. All right. And for the signage and everything out front
21 what name do you use to identify?

22 A. The Episcopal Church on Edisto.

23 Q. Okay. Episcopal Church on Edisto?

24 A. Yes.

25 Q. Now, just for the record, does Trinity Church down an

1 eighth of a mile down the road, does it identify itself in
2 any way as an Episcopal Church or not?

3 A. Their signage indicates Trinity Episcopal Church.

4 Q. Still does?

5 A. Still does.

6 Q. Okay. Ask you briefly about one other issue that came
7 up the other day. Down at Trinity Church a mile or eighth of
8 a mile from the Episcopal Church on Edisto does it have a
9 cemetery in the yard?

10 A. Yes, it does.

11 Q. And obviously for the use of people who have -- well,
12 who can be buried in the cemetery?

13 A. When my husband and I were members of that church, we
14 did buy a cemetery plot.

15 Q. All right. And how much did you pay for it?

16 A. \$400.

17 Q. Has that arrangement changed as far as you know?

18 A. I paid \$400 for a plot. Whether I would be allowed to
19 use it or not is not known.

20 Q. Have you inquired about it?

21 A. We are discussing it because we do have members of our
22 church who also have plots there or either have loved ones
23 whose ashes are scattered along the wall.

24 Q. Okay. By the way, you said that Bubba Unger had
25 something to do down at Trinity Church with the bylaws and

1 changing the accession and so forth.

2 A. Yes, he did.

3 Q. What congregation is he active in at this point?

4 A. The Episcopal Church on Edisto.

5 Q. So he's with the loyal Episcopalians?

6 A. Yes, he is.

7 MR. TISDALE: Okay. Ms. Neumann, answer any questions
8 any of these other lawyers have.

9 MR. HOLMES: May I be excused for a moment?

10 THE COURT: Bye.

11 All right. Yes, plaintiffs.

12 CROSS-EXAMINATION BY MR. RUNYAN:

13 Q. Ms. Neumann, do you remember if you were -- you went to
14 a meeting late November of 2012 about reorganizing or
15 something such as that?

16 A. A meeting where?

17 Q. At the Methodist Church on Palmetto Road?

18 A. I did go to that meeting, yes.

19 Q. Do you know Walter Edgar?

20 A. I do.

21 Q. Was he at that meeting?

22 A. No, he wasn't.

23 Q. How do you know Dr. Edgar?

24 A. Doesn't everybody know Dr. Edgar? Dr. Edgar had gone to
25 Trinity Church. I had met him I think at one of the

1 services.

2 Q. When he's down there does he worship with you all?

3 A. He does.

4 MR. RUNYAN: Thank you.

5 THE COURT: Yes, sir.

6 MR. CAMPBELL: Thank you, Your Honor, briefly, Pierce
7 Campbell for All Saints Parish.

8 CROSS-EXAMINATION BY MR. CAMPBELL:

9 Q. Ms. Neumann, we met a few weeks ago.

10 A. We did.

11 Q. Just a couple quick questions. I wanted to clarify your
12 testimony in a few things. You said that the bylaws removed
13 all the accession language in February 2012, right?

14 A. Those were the bylaws that were passed in February 2012.

15 Q. Okay. And you remained on the vestry for the next ten
16 months in 2012 of that church, right?

17 A. I did.

18 Q. And the vestry actually voted on this affiliation with
19 the diocese, leaving the national church, whatever the
20 resolution was, was December 30th, 2012, correct?

21 A. They did.

22 Q. Okay. You were at that meeting.

23 A. We did. I was at that meeting, yes.

24 Q. And you knew it was the vestry's responsibility to make
25 that decision, right?

1 A. Yes, I did.

2 Q. Okay. And you were there.

3 A. I was there.

4 Q. And you voted against it.

5 A. I did.

6 Q. Did you speak out against it?

7 A. I certainly did.

8 Q. And were you heard at the meeting?

9 A. I hope so.

10 Q. But it didn't turn out your way, did it?

11 A. No, it didn't.

12 Q. So you left the next morning, right?

13 A. I did.

14 Q. Okay. Now, has anybody at Trinity Episcopal told you
15 you cannot be buried there?

16 A. No.

17 Q. Has anybody told your husband he cannot be buried there?

18 A. No.

19 Q. Do you have any evidence that you can't be buried there?

20 A. Not yet.

21 MR. CAMPBELL: I think that's all the questions I have.

22 Thank you, Ms. Neumann.

23 THE COURT: Redirect?

24 No. You may come down.

25 THE WITNESS: Thank you.

1 MR. TISDALE: Ms. Neumann, thank you very much.

2 THE COURT: All right. That will conclude the testimony
3 that we will take today. Here's what we'll do: I am going
4 to leave the courtroom with my documents, of course, and my
5 laptop. If you need me, I'll be in chambers, but I'm going
6 to leave. You're welcome to the courtroom. You're also
7 welcome to the jury assembly room downstairs. I don't know
8 if you all have visited that room, but Becky is here to show
9 it to you. It's just, it's a large room, there are tables
10 there, and it really might be more efficacious in terms of
11 trying to review documents with a number of folks. And I'd
12 like to just have a list, and you can just email it at the
13 conclusion of the work that you all are able to do, and let
14 me know who was able to have their documents reviewed and who
15 still needs to do that. I have obviously a fax machine, I
16 think you all have email capacity, I certainly have it. If I
17 can assist in obtaining documents or printing documents,
18 please just let me know, and I will assist in any way I can.
19 And I'll be here throughout the balance of the day if anyone
20 needs me or needs the business of the Court, I will be here,
21 and without further ado I will leave you guys to the task
22 looking at the documents.

23 (Trial of the case adjourned for the day.)

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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 18th 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 September 7, 2014

16

17 Ruth L. Mott

18 Official Court Reporter

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