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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.,)

TRANSCRIPT OF RECORD

JULY 23, 2014
ST. GEORGE, SC

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.

B E F O R E:

HONORABLE DIANE S. GOODSTEIN

Ruth L. Mott, RPR, CRR
Official Court Reporter

1 I N D E X

2

3 WITNESS DIRECT CROSS REDIRECT RECROSS

4 CHARLES VONROSENBERG

5 MR. TISDALE 2148

6 MR. BEERS 2162 2199

7 MS. GOLDING 2181

8 MR. RUNYAN 2195

9 GREGORY J. KRONZ

10 MS. GOLDING 2288 2298

11 MR. TISDALE 2293

12 MR. BEERS 2297

13 CERTIFICATE OF REPORTER 2325

14

15

16 E X H I B I T S

17

18 NO. DESCRIPTION ID EVD

19

20 D-23 DEPOSITION TRANSCRIPT - NANCY 2205

21

22 ARMSTRONG

23

24 D-24 DEPOSITION TRANSCRIPT - MARK J. 2205

25

26 LAWRENCE

27

28 D-AS-4 1959 CONSTITUTION AND CANONS OF 2207 2220

29

30 ALL SAINTS CHURCH

31

32 D-AS-5 1/27/1960 ANNUAL MEETING 2207

33

34 MINUTES OF ALL SAINTS EPISCOPAL

35 CHURCH

36

37 D-AS-6 1/27/1960 ARTICLES OF 2207 2220

38

39 ASSOCIATION

40

41 D-AS-7 12/31/1983 ALL SAINTS EPISCOPAL 2207 2220

42

43 CHURCH SCHEDULE OF SECURITIES

44

45 OWNED AS OF 12/31/1983

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47 D-AS-8 1/3/1990 RECTOR'S REPORT 2207 2220

48

49 D-AS-9 12/26/1959 LETTER 2207 2220

50

51 D-AS-10 2/6/1960 LETTER 2207

52

53 D-AS-11 7/22/1959 LETTER 2207 2220

54

55 D-AS-12 7/11/1959 LETTER 2207 2220

56

57 D-AS-13 2/28/1960 LETTER 2207 2220

58

59 D-AS-14 5/8/1960 PROGRAM 2207

60

61 D-AS-16 12/30/1958 LETTER 2207 2220

62

63 D-AS-17 12/22/1959 LETTER 2207

64

65 D-AS-18 3/10/1959 MINUTES 2207 2220

1	NO.	DESCRIPTION	ID	EVD
2	D-AS-19	7/21/1959 MINUTES	2207	2220
	D-AS-23	1959 NEWSLETTER	2207	2220
3	D-AS-24	1985 BYLAWS	2207	2220
	D-AS-27	9/11/1995 MINUTES	2207	2220
4	D-AS-32	9/16/2001 MINUTES	2207	2220
	D-AS-33	6/10/2002 WEDDING PROCEDURES	2207	2220
5	D-AS-36	2/28/2005 LETTER	2207	2220
	D-AS-44	10/9/1979 MINUTES	2207	2220
6	D-AS-45	1/22/2006 MINUTES	2207	2220
	D-AS-46	2/13/2006 MINUTES	2207	2220
7	D-AS-48	4/10/2006 MINUTES	2207	2220
	D-AS-49	5/5/2006 EMAIL	2207	2220
8	D-AS-51	2/5/2007 MINUTES	2207	2220
	D-AS-54	9/10/2007 MINUTES	2207	
9	D-AS-55	11/9/2009 MINUTES	2207	2220
	D-CC-6	7/14 1989 LETTER	2221	2223
10	D-CC-7	7/31/1979 LETTER	2221	2223
	D-CC-47	5/24/2005 TITLE	2221	
11	D-CC-48	3/9/2004 TITLE	2221	
	D-CC-54	1/18/1999 PRESENT DEBT SERVICE	2221	2223
12	D-CC-56	11/20/1999 MINUTES	2221	
	D-CC-57	9/9/2000 LETTER	2221	2223
13	D-CC-58	7/16/2001 MINUTES	2221	2223
	D-CC-59	8/16/2004 LETTER	2221	2223
14	D-CC-60	9/9/2005 LETTER	2221	2223
	D-CC-62	5/5/1996 MINUTES	2221	2223
15	D-CSP-2	1951 BYLAWS	2224	2226
	D-CSP-4	12/9/1971 LETTER	2224	2226
16	D-CSP-6	3/23/1972 MINUTES	2224	2226
	D-CSP-8	2/12/1974 MINUTES	2224	2226
17	D-CSP-9	1977 ACTIONS OF VESTRY	2224	2226
	D-CSP-12	6/13/1978 MINUTES	2224	2226
18	D-CSP-17	2006 HANDBOOK	2224	2226
	D-CSP-22	2008 LETTER	2224	2226
19	D-CSP-54	11/9/1992 LOAN TERMS	2224	2226
	D-CSP-55	4/23/1996 LETTER	2224	2226
20	D-CTK-1	3/4/2012 PROGRAM	2228	2229
	D-CTK-17	9/7/2010 LETTER	2228	2229
21	D-TC-8	10/31/94 MINUTES	2229	2230
	D-TC-14	10/25/2000 MINUTES	2229	2230
22	D-TC-33	12/12/20005 LETTER	2229	2230
	D-TC-34	12/5/2005 LETTER	2229	2230
23	D-TC-35	12/5/2005 LETTER	2229	2230
	D-TC-36	10/30/2008 LETTER	2229	2230
24	D-TC-38	9/6/2000 DEED	2229	2230
	D-TC-40	5/1/2003 TITTLE	2229	2230
25	D-TC-42	2/10/2004 LETTER	2229	2230

1	NO.	DESCRIPTION	ID	EVD
2	D-E-8	2/19/2007 MINUTES	2230	2232
	D-E-11	9/2010 MINUTES	2230	2232
3	D-E-14	1/12/2012 MINUTES	2230	2232
	D-E-21	12/15/2012 RESOLUTION	2230	
4	D-GS-1	10/8/2002 ENDORSEMENT	2232	2233
	D-GS-7	1/20/1999 LETTER	2232	2233
5	D-GS-10	1/15/1996 DEED\	2232	2233
	D-GS-11	12/27/1984 DEED	2232	2233
6	D-GS-13	11/10/1998 MINUTES	2232	2233
	D-GS-14	6/8/1998 MINUTES	2232	2233
7	D-GS-15	1/8/2000 MINUTES	2232	2233
	D-GS-21	3/18/2012 MINUTES	2232	2233
8	D-GS-36	11/1991 BYLAWS	2232	2233
	D-GS-37	4/18/1982 BYLAWS	2232	2233
9	D-GS-39	12/9/2012 MINUTES	2232	
	D-HC-6	1/8/1968 CONSTITUTION	2234	2236
10	D-HC-8	DOCUMENT TITLED, "IS THE PARISH PROPERTY SAFE"	2234	2236
11	D-HC-13	8/11/2011 LETTER	2234	2236
	D-HC-14	8/18/2011 LETTER	2234	2236
12	D-HC-15	7/26/2002 LETTER	2234	2236
	D-HC-16	7/31/2002 LETTER	2234	2236
13	D-HC-18	9/8/2001 LETTER	2234	2236
	D-HC-19	9/20/2011 CONSENT	2234	2236
14	D-HC-20	9/22/2011 RESOLUTION	2234	2236
	D-HC-21	8/5/2011 CERTIFICATE	2234	2236
15	D-HC-29	5/31/1996 LETTER	2234	2236
	D-HC-33	9/17/1982 DEED	2234	2236
16	D-HC-34	3/5/1984 DEED	2234	2236
	D-HC-35	8/29/1995 DEED	2234	2236
17	D-HC-36	12/19/1994 DEED	2234	2236
	D-HCS-9	4/17/2008 MINUTES	2236	2237
18	D-HCS-29	11/8/2000 LETTER	2236	2237
	D-HCS-30	11/2/2000 LETTER	2236	2237
19	D-HCS-31	11/1/2000 LETTER	2236	2237
	D-HT-30	11/16/2006 BYLAWS	2237	2238
20	D-HT-31	3/18/2003 BYLAWS	2237	2238
	D-HT-33	12/2001 BYLAWS	2237	2238
21	D-HT-34	1993 BYLAWS	2237	2238
	D-HT-35	9/17/1988 BYLAWS	2237	2238
22	D-HT-36	12/19/1985 BYLAWS	2237	2238
	D-HT-38	1/22/1975 BYLAWS	2237	2238
23	D-HT-40	1/20/1977 BYLAWS	2237	2238
	D-HT-43	8/9/1994 PROGRAM	2237	2238
24	D-HT-44	9/14/1986 PROGRAM	2237	2238
	D-HT-45	2/10/2010 PROGRAM	2237	2238
25	D-OSA-2	12/13/1954 MINUTES	2238	2241

1	NO.	DESCRIPTION	ID	EVD
2	D-OSA-3	1955 ARTICLES	2238	2241
	D-OSA-6	1/10/1970 CONSTITUTION AND	2238	2241
3		CANONS		
	D-OSA-7	1/21/1996 PROPOSED CHANGES	2238	2241
4	D-OSA-8	2007 CONSTITUTION AND CANONS	2238	2241
	D-OSA-9	1/30/2008 LETTER	2238	2241
5	D-OSA-10	2/1/2008 LETTER	2238	2241
	D-OSA-11	12/5/2010	2238	2241
6	D-OSA-17	1/22/2012 MINUTES	2238	2241
	D-OSA-19	1/17/1939 ORDER	2238	2241
7	D-OSA-20	1/21/1953 DEED	2238	2241
	D-OSA-21	10/3/1961 DEED	2238	2241
8	D-OSA-28	10/30/1950 DEED	2238	2241
	D-OSA-31	6/11/2009 LETTER	2238	2241
9	D-OSA-32	6/29/2009 LETTER	2238	2241
	D-OSA-33	6/2009 EMAIL	2238	2241
10	D-OSA-34	12/17/1998 DEED	2238	2241
	D-OSA-36	4/22/1974 DEED	2238	2241
11	D-OSA-37	10/3/1961 DEED	2238	2241
	D-OSA-38	2/26/2008 MINUTES	2238	2241
12	D-OSA-41	5/26/2010 MINUTES	2238	2241
	D-OSA-43	3/27/1955 PETITION	2238	2241
13	D-OSA-53	5/27/2004 MINUTES	2238	2241
	D-OSA-62	8/25/2013 CONSTITUTION AND	2238	2241
14		CANONS		
	D-OS-1	11/20/1980 LETTER	2241	2246
15	D-OS-2	8/29/1983 LETTER	2241	2246
	D-OS-13	8/4/2003 LETTER	2241	2246
16	D-OS-14	7/29/2003 LETTER	2241	2246
	D-OS-16	6/24/2002 LETTER	2241	2246
17	D-OS-17	7/31/2002	2241	2246
	D-OS-18	1/9/2002 LETTER	2241	2246
18	D-OS-22	11/10/1980 MINUTES	2241	2246
	D-OS-24	1/12/1981 MINUTES	2241	2246
19	D-OS-34	7/18/1993 MINUTES	2241	2246
	D-OS-43	7/16/2000 MINUTES	2241	2246
20	D-OS-45	12/17/2000 MINUTES	2241	2246
	D-OS-47	8/18/2002 MINUTES	2241	2246
21	D-OS-51	7/1984 LETTER	2241	2246
	D-OS-52	11/20/1980 LETTER	2241	2246
22	D-OS-53	11/16/2011 MEMORANDUM	2241	2246
	D-OS-54	12/6/2011 EMAIL	2241	2246
23	D-OS-63	2/1/1981 BYLAWS	2241	2246
	D-OS-64	1986 BYLAWS	2241	2246
24	D-OS-65	11/8/1992 BYLAWS	2241	2246
	D-OS-66	12/15/2003 BYLAWS	2241	2246
25	D-OS-67	NOTICE	2241	2246

1	NO.	DESCRIPTION	ID	EVD
2	D-OS-68	3/18/2009 BYLAWS	2241	2246
	D-OS-72	2/10/1998 DEED	2241	2246
3	D-OS-73	5/14/1982 DEED	2241	2246
	D-PG-4	3/11/1991 CONSTITUTION	2246	2247
4	D-PG-6	5/2/2007 LETTER	2246	2247
	D-PG-7	7/7/2007 LETTER	2246	2247
5	D-PG-14	5/21/1985 MINUTES	2246	2247
	D-PG-15	6/18/1985 MINUTES	2246	2247
6	D-PG-16	7/16/1985 MINUTES	2246	2247
	D-SAMP-1	6/27/2011 DEED	2251	2253
7	D-SAMP-31	6/27/2011 DEED	2251	2253
	D-SAMP-38	12/18/1992 MINUTES	2251	2253
8	D-SAMP-40	3/26/2003 MINUTES	2251	2253
	D-SAMP-57	9/6/1977 MINUTES	2251	2253
9	D-SB-8	6/17/1966 DEED	2253	2255
	D-SB-9	6/17/1966 DEED	2253	2255
10	D-SB-12	1/16/2005 BYLAWS	2253	2255
	D-SB-14	3/24/1996 BYLAWS	2253	2255
11	D-SB-25	11/21/2010 MINUTES	2253	2256
	D-SB-44	ANNUAL PARISH MEETING MINUTES, 1966 AND 1967	2253	
12	D-SD-3	4/4/1982 CONSTITUTION AND BYLAWS	2256	2258
13	D-SD-4	5/24/1992 CONSTITUTION AND BYLAWS	2256	2258
14	D-SD-5	11/24/2012 MEMORANDUM	2256	2258
15	D-SD-6	2/27/2009 - 3/1/2009 VESTRY RETREAT	2256	2258
16	D-SD-7	3/18/2010 MINUTES	2256	2258
	D-SD-10	7/31/1979 LETTER	2256	2258
17	D-SD-11	3/4/2009 LETTER	2256	2258
	D-SD-12	5/31/2009 MINUTES	2256	2258
18	D-SD-13	3/1/2012 LETTER	2256	2258
	D-SD-14	3/1/2012 LETTER	2256	2258
19	D-PCSH-2	10/10/ 1989 BYLAWS	2259	2263
	D-PCSH-6	8/16/1988 MINUTES	2259	2263
20	D-PCSH-35	12/18/2009 ARTICLES OF AMENDMENT	2259	2263
21	D-PCSH-36	3/15/1972 CERTIFICATE OF INCORPORATION	2259	2263
22	D-PCSH-39	11/1966 BYLAWS	2259	2263
	D-PCSH-40	1/18/1972 BYLAWS	2259	2263
23	D-PCSH-42	3/9/1987 BYLAWS	2259	2263
	D-PCSH-44	2/10/1993 BYLAWS	2259	2263
24	D-PCSH-45	2/12/2006 BYLAWS	2259	2263
	D-PCSH-46	1/16/2011 BYLAWS	2259	2263
25	D-PCSH-47	2/5/2012 BYLAWS	2259	2263

1	NO.	DESCRIPTION	ID	EVD
2	D-PCSH-48	PLAN OF COMPLETE LIQUIDATION AND DISSOLUTION	2259	2263
3	D-PCSH-50	5/31/2011 ARTICLES OF DISSOLUTION	2259	2263
4	D-SJJI-7	10/18/2011 MINUTES	2263	2264
5	D-SJJI-10	5/14/1903 CERTIFICATE OF INCORPORATION	2263	2264
	D-SJJI-11	3/18/1996 BYLAWS	2263	2264
6	D-SJJI-12	10/15/2001 BYLAWS	2263	2264
	D-SJJI-13	1/20/2013 BYLAWS	2263	2264
7	D-SJJI-23	1/13/1991 MINUTES	2263	2264
	D-SJJI-27	9/1990 MINUTES	2263	
8	D-SJJI-29	1995 MINUTES	2263	2264
	D-SJJI-30	2/19/1996 RESOLUTION	2263	2264
9	D-SJJI-33	5/15/2000 MINUTES	2263	2264
	D-SJJI-36	1993 CONSTITUTION	2263	2264
10	D-SJJI-37	1995 CONSTITUTION	2263	2264
	D-SJJI-38	2001 CONSTITUTION	2263	2264
11	D-SJJI-39	2010 CONSTITUTION	2263	2264
	D-SJJI-40	2013 CONSTITUTION	2263	2264
12	D-SJC-13	1/10/2012 MINUTES	2264	2264
	D-SJC-14	2/7/2012	2264	2264
13	D-SJC-21	9/5/2001 CONSTITUTION AND BYLAWS	2264	2264
14	D-SJC-25	12/10/1996 ARTICLES OF AMENDMENT	2264	2264
15	D-SJC-26	RESOLUTION	2264	2264
	D-SJC-30	1/3/2010 ARTICLES OF AMENDMENT	2264	2264
16	D-SJC-31	12/26/2009 CONSTITUTION AND BYLAWS	2264	2264
17	D-SJC-32	CONSTITUTION AND BYLAWS	2264	2264
	D-SJC-39	11/15/2011 QUITCLAIM DEED	2264	2264
18	D-SJC-40	11/15/2011 QUITCLAIM DEED EXHIBIT A	2264	2264
19	D-SJC-41	11/15/2011 QUITCLAIM DEED	2264	2264
	D-SJC-42	12/7/2012 QUITCLAIM DEED	2264	2265
20	D-SJC-43	12/7/2012 QUITCLAIM DEED EXHIBIT A	2264	2265
21	D-SJC-45	2/7/1999 LETTER	2264	2265
	D-SJ-20	3/11/2004 MINUTES	2265	2269
22	D-SJ-37	CONSTITUTION AND CANONS	2265	2269
	D-SJ-51	12/31/2009 DEED	2265	2269
23	D-SJ-58	8/21/1855 MINUTES	2265	2269
	D-SJ-59	1/31/1889 DEED	2265	2269
24	D-SJF-1	5/16/2006 MINUTES	2269	2272
	D-SJF-4	1/21/2008 MINUTES	2269	2272
25	D-SJF-6	12/19/2011 MINUTES	2269	2272

1	NO.	DESCRIPTION	ID	EVD
2	D-SJF-10	1919 BYLAWS	2269	2272
	D-SJF-55	11/23/2011 EMAIL EXCHANGE	2269	2272
3	D-SJF-56	11/2012 EMAIL EXCHANGE	2269	2272
	D-SJF-61	3/5/1990 DEED	2269	2272
4	D-SJF-64	2/20/1970 LETTER	2269	2272
	D-SJF-66	3/2/1970 LETTER	2269	2272
5	D-SJF-68	3/17/1970 LETTER	2269	2272
	D-SJF-69	6/17/2008 LETTER	2269	2272
6	D-SJF-70	6/9/1989 LETTER	2269	2272
	D-SJF-72	12/2/2012 MINUTES	2269	2272
7	D-SJF-73	9/30/1996 DEED	2269	2272
	D-SJF-82	9/8/1981 MINUTES	2269	2272
8	D-SJF-83	5/28/1997 MINUTES	2269	2272
	D-SJF-84	6/28/2000 MINUTES	2269	2272
9	D-SL-6	8/24/1970 DEED	2272	2273
	D-SL-12	6/30/2011 ACTION TAKEN BY	2272	2273
10		CONSENT		
	D-SL-13	6/30/2011 ARTICLES OF	2272	2273
11		INCORPORATION		
	D-SL-14	6/30/2011 CERTIFICATE OF	2272	2273
12		INCORPORATION		
	D-SL-15	6/30/2011 BYLAWS	2272	2273
13	D-SL-16	1/2009 BYLAWS	2272	2273
	D-SL-18	11/14/2012 NOTICE OF CONVEYANCE	2272	2273
14	D-SL-19	2/16/2010 TITLE	2272	2273
	D-SL-20	2/16/2010 EXHIBIT A TO TITLE	2272	2273
15	D-SL-21	7/11/2011 TITLE	2272	2273
	D-SL-22	EXHIBIT A TO TITLE	2272	2273
16	D-SL-32	11/17/2009 MINUTES	2272	2273
	D-SL-35	4/27/2010 MINUTES	2272	2273
17	D-SL-37	10/2/2012 COMMITMENT	2272	2273
	D-SL-38	10/23/2012 MINUTES	2272	2273
18	D-SL-42	PARISH HISTORY	2272	2273
	D-SL-48	7/2013 DEED	2272	2273
19	D-SL-55	2002 TITLE	2272	2273
	D-SL-59	1963 DEED	2272	2273
20	D-SLP-5	CONSTITUTION AND BYLAWS	2273	2275
	D-SLP-6	CONSTITUTION	2273	2275
21	D-SLP-7	1926 CONSTITUTION	2273	2275
	D-SLP-8	1950 CONSTITUTION	2273	2275
22	D-SLP-9	1958 CONSTITUTION	2273	2275
	D-SLP-13	1995 BYLAWS	2273	2275
23	D-SLP-15	2/4/1998 LETTER	2273	2275
	D-SLP-16	1/6/1988 LETTERS	2273	2275
24	D-SLP-17	12/30/1997 LETTERS	2273	2275
	D-SLP-22	5/14/1990 LETTER	2273	2275
25	D-SLP-24	5/14/1990 MINUTES	2273	2275

1	NO.	DESCRIPTION	ID	EVD
2	D-SM-1	10/4/2011 MEMORANDUM	2276	2276
	D-SM-6	HISTORY OF PARISH	2276	2276
3	D-SM-12	1/14/1989 ANNUAL REPORT	2276	2276
	D-SM-20	2/18/1989 MINUTES	2276	2276
4	D-SM-21	4/15/1986 MINUTES	2276	
	D-SM-24	2/19/1990 MINUTES	2276	2276
5	D-SM-25	9/1987 PARISH PROFILE	2276	2276
	D-SMFM-2	9/15/1986 CONSTITUTION AND	2276	2278
6		BYLAWS		
	D-SMFM-3	1/17/1982 BYLAWS	2276	2278
7	D-SMFM-4	CONSTITUTION	2276	2278
	D-SMFM-5	11/5/1986 APPLICATION FOR	2276	2278
8		AMENDMENT		
	D-SMFM-23	2005 AUDIT CERTIFICATE	2276	
9	D-SMFM-24	4/9/2007 LETTER	2276	
	D-SMFM-28	2009 AUDIT CERTIFICATE	2276	
10	D-SMFM-29	4/28/2010 LETTER	2276	
	D-SMT-3	8/15/2011 MINUTES	2278	
11	D-SMT-14	10/23/1995 MINUTES	2278	
	D-SMT-21	12/18/2000 MINUTES	2278	2279
12	D-SMT-22	10/29/2001 MINUTES	2278	
	D-SMI-13	11/3/1998 PUBLICATION	2279	
13	D-SMI-23	5/25/1989 BYLAWS	2279	2280
	D-SMI-27	4/6/1989 MEMORANDUM	2279	2280
14	D-SMI-28	BYLAWS	2279	2280
	D-SMI-32	10/6/2003 LETTER	2279	2280
15	D-SMI-35	11/26/2003 CORRESPONDENCE	2279	2280
	D-SPB-9	8/1977 MINUTES	2280	2281
16	D-SPB-10	6/25/1984 MINUTES	2280	2281
	D-SPB-17	1/31/1998 MINUTES	2280	2281
17	D-SPB-18	10/21/2002 MINUTES	2280	2281
	D-SPB-19	1/19/2004 MINUTES	2280	2281
18	D-SPB-24	7/6/2009 PROGRAM	2280	
	D-SPB-25	6/1/1898 SENTENCE OF	2280	
19		CONSECRATION		
	D-SPB-26	12/10/2005 PROGRAM	2280	
20	D-SPB-28	12/16/2002 BYLAWS	2280	2281
	D-SPB-38	12/4/2011	2280	2281
21	D-SPB-45	10/4/2011 QUITCLAIM DEED	2280	2281
	D-SPB-75	1/12/2003 MINUTES	2280	2281
22	D-SPB-76	1/18/2004 MINUTES	2280	2281
	D-SPB-77	RESOLUTION 1; 109TH ANNUAL	2280	2281
23		MEETING		
	D-SPC-1	11/16/2011 LETTER	2281	2282
24	D-SPC-2	1/18/2013 EMAIL	2281	2282
	D-SPC-3	ANTICIPATED QUESTIONNAIRE	2281	2282
25	D-SPC-5	11/13/2012 COMMITMENT	2281	2282

1	NO.	DESCRIPTION	ID	EVD
2	D-SPC-7	10/12/2011 EMAIL	2281	2282
	D-SPC-8	12/15/2011 EMAIL	2281	2282
3	D-SPC-17	3/2/1947 ARTICLES OF ASSOCIATION	2281	2282
4	D-SPC-18	11/1/1979 CERTIFICATE OF INCORPORATION	2281	2282
5	D-SPC-20	11/27/2012 LETTER	2281	2282
	D-SPC-22	11/1/2011 MINUTES	2281	2282
6	D-SPS-18	6/12/1979 LETTER	2282	2283
	D-SPS-34	2/14/1983 MINUTES	2282	2283
7	D-SPS-36	12/1/1986 MINUTES	2282	2283
	D-SPS-37	5/11/1987 MINUTES	2282	2283
8	D-SPS-43	12/18/1995 MINUTES	2282	2283
	D-SPS-44	5/15/1995 MINUTES	2282	2283
9	D-SPS-45	6/17/1996 MINUTES	2282	2283
	D-SPS-59	2/16/1996 PROGRAM	2282	
10	D-SPS-60	5/14/1983 ORDINATION CERTIFICATE	2282	
11	D-SPH-6	5/22/1941 SENTENCE OF CONSECRATION	2284	
12	D-SPH-26	LETTER	2284	2284
	D-SPH-27	LETTER	2284	2284
13	D-SPH-38	11/16/2011 QUITCLAIM DEED	2284	2284
	D-SPH-58	11/16/2011 MEMORANDUM	2284	2284
14	D-SPH-59	9/3/1996 LETTER	2284	2284
	D-SPH-60	9/11/1996 LETTER	2284	2284
15	D-SPH-61	9/3/96 LETTER	2284	2284
	D-SPH-62	9/4/1996 LETTER	2284	2284
16	D-SPH-63	11/6/2001 LETTER	2284	2284
	D-SPH-64	9/18/2001 LETTER	2284	2284
17	D-SPH-65	9/12/2001 LETTER	2284	2284
	D-SPH-67	12/18/2008 LETTER	2284	2284
18	D-SPH-68	11/6/2008 EMAIL	2284	2284
	D-SPH-73	9/14/2000 JUDICIAL ORDER	2284	2284
19	D-TED-1	4/16/2012 MINUTES	2285	2285
	D-TED-9	4/16/2012 MINUTES	2285	2285
20	D-TED-13	1/18/1998 BYLAWS	2285	2285
	D-TMB-1	10/6/2011 LETTER	2285	2287
21	D-TMB-2	10/1/2007 MINUTES	2285	2287
	D-TMB-9	11/25/1998 LETTER	2285	2287
22	D-TMB-26	1993 BYLAWS	2285	2287
	D-TMB-27	1972 BYLAWS	2285	2287
23	D-TMB-29	6/13/1939	2285	2287
	D-TMB-31	6/16/1939 NEWSPAPER ARTICLE	2285	2287
24	D-TMB-32	6/18/1939 BYLAWS	2285	2287
	D-TMB-34	1939 LETTER OF APPLICATION	2285	2287
25	D-TMB-35	10/1/1989 MINUTES	2285	2287

1	NO.	DESCRIPTION	ID	EVD
2	D-TMB-46	6/3/2002 MINUTES	2285	2287
	D-TMB-50	11/20/1991 CONSECRATION	2285	
3	D-TMB-51	1945 SENTENCE OF CONSECRATION	2285	
	D-TMB-61	DEED	2285	
4	D-TMB-64	DEED	2285	
	D-TP-19	2/24/1971 CERTIFICATE OF	2299	2300
5		INCORPORATION		
	D-TP-20	1992 BYLAWS	2299	2300
6	D-TP-21	1/10/2010 BYLAWS	2299	2300
	D-TP-24	11/21/1984 DEED	2299	2300
7	D-TP-25	10/6/2000 DEED	2299	2300
	D-TP-28	1/12/2012 DEED	2299	2300
8	D-TP-29	2/6/1987 LETTER	2299	2300
	D-TP-30	2/15/1985 LETTER	2299	2300
9	D-TP-31	10/23/1985 LETTER	2299	2300
	D-TP-44	5/26/2003 MINUTES	2299	2300
10	D-TP-49	5/23/1948 SENTENCE OF	2299	
		CONSECRATION		
11	D-R-2	6/3/2004 JUDGMENT	2301	2302
	D-R-3	10/2/2005 LETTER	2301	2302
12	D-R-10	11/4/1941 CHARTER	2301	2302
	D-R-11	8/31/1993 CHARTER	2301	2302
13	D-R-12	BYLAWS	2301	2302
	D-R-15	1859 HANDWRITTEN BYLAWS	2301	2302
14	D-R-17	1/15/1984 MINUTES	2301	2302
	D-R-22	9/27/2004 DEED	2301	2302
15	D-R-23	6/28/2002 DEED	2301	2302
	D-R-25	5/28/1993 DEED	2301	2302
16	D-R-27	7/14/1987 DEED	2301	2302
17	C-8	DEPOSITION TRANSCRIPT - CHARLES	2200	
18		VONROSENBERG		
19				
20		- - -		
21				
22				
23				
24				
25				

1 THE COURT: Yes, sir.

2 MR. TISDALE: Suggestion for proceeding, Your Honor.

3 THE COURT: All right.

4 MR. TISDALE: We have a witness to call, which we think
5 will be our last witness on the stand.

6 THE COURT: Okay.

7 MR. TISDALE: And we're prepared to go ahead and present
8 that testimony now --

9 THE COURT: Okay.

10 MR. TISDALE: -- if it would suit Your Honor.

11 THE COURT: It would.

12 MR. TISDALE: Then we have a lot of paperwork to deal
13 with.

14 THE COURT: Great.

15 MR. TISDALE: We want to make a couple deposition
16 submissions that will not require reading after this witness.

17 THE COURT: Very well. Sounds great. Call your
18 witness.

19 MR. TISDALE: Bishop Charles vonRosenberg.

20 CHARLES VONROSENBERG,
21 being first duly sworn, testified as follows:

22 THE COURT: All right. And if you would please state
23 your full name again for us and spell your last name.

24 THE WITNESS: Charles Glenn, with two Ns, V-O-N,
25 capital R-O-S-E-N-B-E-R-G.

1 THE COURT: Your witness, Mr. Tisdale.

2 MR. TISDALE: Thank you, Your Honor.

3 DIRECT EXAMINATION BY MR. TISDALE:

4 Q. Bishop vonRosenberg, what is your present position in
5 the national church, Episcopal Church?

6 A. I'm the provisional bishop of The Episcopal Church in
7 South Carolina.

8 Q. All right. Now, give us a little information about your
9 background. When and where were you born?

10 A. I was born in 1947 in Fayetteville, North Carolina.

11 Q. And did you grow up in North Carolina or elsewhere?

12 A. I grew up in North Carolina, in Fayetteville, and
13 graduated from high school there.

14 Q. And would you, for the benefit of the Court, just give
15 us a brief outline of your education after high school.

16 A. I went to Sewanee, The University of the South, for two
17 years. Then I transferred to the University of North
18 Carolina in Chapel Hill, and I graduated there in 1969.

19 Q. After graduation from Chapel Hill, what was your
20 educational track?

21 A. Well, I taught high school English for a couple of
22 years, and then I went to Virginia Theological Seminary.

23 Q. That's in Alexandria?

24 A. In Alexandria.

25 Q. After seminary what was -- what did you do?

1 A. I was ordained deacon in 1974 and priest in 1975. I
2 served parishes and missions in the Diocese of East Carolina,
3 my home diocese, the Diocese of --

4 Q. Is that North Carolina?

5 A. Yeah, eastern North Carolina.

6 Q. Eastern North Carolina.

7 A. The Diocese of Atlanta and the Diocese of Upper South
8 Carolina.

9 Q. And Upper South Carolina, as we've heard in prior
10 testimony, is headquartered in Columbia?

11 A. Yes, sir.

12 Q. What parish or parishes did you serve in Upper South
13 Carolina?

14 A. I was rector of Church of the Resurrection in Greenwood,
15 and then I became canon to the ordinary when Bishop Beckham
16 was the ordinary or bishop of Upper South Carolina.

17 Q. And at that time, did you live in Columbia?

18 A. Yes.

19 Q. All right, sir. Under what circumstances did you become
20 a bishop of the church?

21 A. I was serving, at the time, as rector of St. James in
22 Wilmington, North Carolina and was elected bishop in -- of
23 the Diocese of East Tennessee in 1998. And after consents
24 from bishops and standing committees, I was ordained and
25 consecrated bishop of east Tennessee in 1999.

1 Q. How long did you serve then as bishop of east Tennessee?

2 A. I served until July 2011.

3 Q. Now, obviously it's east Tennessee, but what was the
4 headquarter city for the Diocese of East Tennessee, where I
5 presume you lived?

6 A. Yes. In Knoxville.

7 Q. Okay. Now, did you say you retired in 19 what?

8 A. In 2011.

9 Q. You retired in 2011?

10 A. I did. In July.

11 Q. Where have you lived since your retirement?

12 A. We moved to Charleston, where our both sons and six
13 grandchildren live. And so we've lived in the Charleston
14 area since moving in 2011.

15 Q. When and under what circumstances, Bishop vonRosenberg,
16 did you become the provisional bishop of the defendant, The
17 Episcopal Church in South Carolina?

18 A. I was nominated for that position and elected in -- I
19 want to say -- January 26th, 2013.

20 Q. And who elected you to that position?

21 A. The convention of The Episcopal Church in South
22 Carolina.

23 Q. Was that an annual convention or a special convention?

24 A. That was a special convention.

25 Q. Called for that purpose?

1 A. Yes, sir.

2 Q. Now, Bishop vonRosenberg, if you were elected, you were
3 already a bishop, of course. Had been in east Tennessee.
4 Did -- were any consents of the standing committees of the
5 church and other bishops required for you to be serving in
6 the capacity of provisional bishop of South Carolina?

7 A. No, sir.

8 Q. Is that because you were already a bishop?

9 A. That's correct.

10 Q. And already ordained?

11 A. That's correct, yes, sir.

12 Q. Now, when you were elected that day, then, on -- you
13 said January 26, 2013, when were you actually installed?
14 When did you take office?

15 A. At the same meeting after the election.

16 Q. Who conferred the office on you or installed you to that
17 position -- in that position?

18 A. The presiding bishop, Katharine Jefferts Schori.

19 Q. Okay. Now, what is The Episcopal Church in South
20 Carolina? If you would describe it. First of all, is it a
21 diocese of the church using the name The Episcopal Church in
22 South Carolina? Is it a diocese recognized by the Episcopal
23 Church?

24 A. It is.

25 Q. And is any other diocese in its geographic area, roughly

1 half of South Carolina, recognized as a diocese of the
2 Episcopal Church in that area?

3 A. No. We are the designated diocese of the Episcopal
4 Church in that area.

5 Q. Is any other diocese in that area designated as a part
6 of the Episcopal Church?

7 A. No, sir.

8 Q. Now, does The Episcopal Church in South Carolina have as
9 a part of it parishes and missions?

10 A. Yes, sir.

11 Q. And have you served and worked in the diocese, The
12 Episcopal Church in South Carolina, since the 26th of
13 January '13 and continuing to today?

14 A. Yes, sir.

15 Q. And we hope in the future.

16 A. Perhaps for a while, yes, sir.

17 Q. All right. Describe for the Court, please, the makeup
18 of The Episcopal Church in South Carolina in terms of
19 parishes, missions and so forth?

20 A. There are currently 10 parishes, 17 missions and 3
21 worshipping communities, which are congregations in formation
22 but not yet organized as a mission in union with the diocese.

23 Q. So how many congregations does that add up to in total?

24 A. Thirty.

25 Q. Thirty. And in the Episcopal Church generally and in

1 The Episcopal Church in South Carolina, is a congregation
2 status as a mission permanent, or would they ultimately be
3 considered to be a parish?

4 A. Mission congregations are not self-supporting, and one
5 would hope, I hope certainly, that those would develop into
6 the point that they become self-supporting and, thereby,
7 become parishes.

8 Q. And, in fact, since you've been bishop, have there been
9 a large number of worshiping communities that you described
10 awhile ago than there are now?

11 A. Yes, indeed. We've had -- we've had five worshiping
12 communities formally who were recognized as missions of the
13 diocese at the most recent convention. And at the prior
14 convention, there was another one which was recognized as a
15 mission of The Episcopal Church in South Carolina.

16 Q. Now, are those mission congregations, do they have a
17 clerical -- how are they staffed for clergy?

18 A. For the most part, there is a priest in charge who is
19 not full-time but, nevertheless, is there and is the
20 recognized clergy responsible for that place.

21 Q. Now, is there a requirement that a priest in charge of a
22 mission be a priest of the Episcopal Church?

23 A. Yes, sir.

24 Q. And the parishes, how are parishes staffed in terms of
25 clergy?

1 A. Parishes must be in a position that they can afford a
2 full-time Episcopal clergy person as their rector.

3 Q. When you say Episcopal clergy person, do you mean a
4 priest of the Episcopal Church?

5 A. Yes, indeed.

6 Q. Okay. And what is the -- what is the head, the person
7 in charge of a parish clergy-wise called, a title?

8 A. A rector.

9 Q. Rector, R-E-C-T-O-R?

10 A. Yes, sir.

11 Q. Bishop vonRosenberg, what are the fundamental governing
12 documents for parishes and missions and congregations and,
13 indeed, for the -- for The Episcopal Church in South
14 Carolina, what are governing documents that govern it?

15 A. The general convention is the highest authority in the
16 Episcopal Church.

17 MR. RUNYAN: Your Honor, I would object to his
18 characterization, because that is an opinion. This is a lay
19 witness. I have no problem with him describing what the
20 governing documents are, but once he goes into trying to
21 characterize which one is above the other, that is a lay
22 opinion, and I object to that. Lack of foundation and lack
23 of qualification.

24 THE COURT: Overruled. You may proceed.

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

1 Q. What did you just say?

2 A. I said the general convention is the highest authority
3 in the Episcopal Church.

4 Q. Now, Bishop vonRosenberg, what are the sources of that
5 authority, if you know?

6 A. There are additional authorities which are part of that
7 primary authority, including the constitution and canons of
8 the national church, the Book of Common Prayer of the
9 Episcopal Church and the Bible.

10 Q. All right, sir. And does The Episcopal Church of South
11 Carolina have its own constitution and canons?

12 A. Yes, sir.

13 Q. And are those documents, constitution and canons of The
14 Episcopal Church in South Carolina, documents that were there
15 when you became bishop in 2013?

16 MS. GOLDING: I'm going to object to that, Your Honor.
17 This witness just testified that he was elected on
18 January 23rd, and he never -- excuse me, January 26, 2013.

19 THE COURT: Right.

20 MR. TISDALE: Right.

21 MS. GOLDING: Prior to that time he has not testified
22 that he had any association with the plaintiff diocese.

23 MR. TISDALE: Your Honor, I will -- I will withdraw my
24 question and ask it another way.

25 THE COURT: Okay.

1 Q. Bishop vonRosenberg, is The Episcopal Church in South
2 Carolina governed by a constitution and canons of the
3 diocese?

4 A. Yes, sir.

5 Q. All right. And since you have been bishop, have those
6 constitution and canons gone through a process of amendment?

7 A. Yes, sir.

8 Q. Okay. And a set of what we will call constitution and
9 canons is now in existence governing the diocese?

10 A. Yes, sir.

11 Q. Okay. I want to ask you a question: You mentioned the
12 Book of Common Prayer a few minutes ago, and I think it's in
13 evidence as of yesterday, I believe. But what generally --
14 how is the Book of Common Prayer used to direct the
15 activities of a parish and other congregations?

16 A. The Book of Common Prayer lays out the various
17 liturgies, the various services in regular use in the
18 Episcopal Church, and there also are rubrics and other notes
19 which have responsibility in governance as well.

20 Q. All right. And of course the Bible speaks for itself.

21 A. Indeed.

22 Q. Now, Bishop vonRosenberg, as bishop of a diocese and, in
23 particular, this diocese, The Episcopal Church in South
24 Carolina, what -- describe for the Court, please, your normal
25 and canonical duties and responsibilities as you go about

1 your work in the diocese.

2 A. A big part of what I do is, is visit each of the
3 churches of the diocese. And on those visits, I examine
4 various records kept in the churches, which is mandated by
5 canons of the church. I also lead worship on those visits,
6 preach, meet with governing bodies of the churches, and
7 occasionally have some pastoral responsibilities as well, as
8 the clergy or lay leaders ask for.

9 Q. Now, are those responsibilities prescribed by the canons
10 of the church?

11 A. Yes, sir.

12 Q. Bishop vonRosenberg, since you have been bishop of The
13 Episcopal Church in South Carolina, have the people of the
14 diocese that you lead had any access to the assets and
15 institutions of the plaintiff, The Protestant Episcopal
16 Church in South Carolina, such as this: Have you been able
17 to use the assets of Camp St. Christopher?

18 A. No, sir.

19 Q. Have you been given access to any of the assets of the
20 Trustees of the Protestant Episcopal Church in South Carolina
21 for the benefit of the people in your diocese?

22 MS. GOLDING: Your Honor, I object that with respect to
23 the benefit, if this witness -- if the counsel is attempting
24 to establish a trust, I object to this question in that
25 respect.

1 THE COURT: I understand. In other words, what do you
2 mean by "benefits"?

3 MS. GOLDING: Yes, Your Honor.

4 MR. TISDALE: Well --

5 THE COURT: I would sustain it in terms of trust
6 benefits, unless, of course, you can lay a foundation. But
7 benefit can also mean the help of, the use of.

8 MR. TISDALE: Correct, and that's what I mean.

9 THE COURT: Very well.

10 Q. Has -- insofar as the use of assets of the Trustees of
11 the Protestant Episcopal Church of South Carolina, has anyone
12 that you know of in your diocese or your diocese received any
13 of the benefits from those assets?

14 A. No, sir.

15 Q. All right. Now I want to ask you a few questions, if
16 you can, to -- I want to ask you whether or not you have
17 encountered any examples, a few examples of whether or not
18 there has been any confusion between the Plaintiff Episcopal
19 Church, Diocese in South Carolina, and The Episcopal Church
20 in South Carolina among the people who you have encountered
21 regarding such matters?

22 MR. RUNYAN: Your Honor, I would interpose an objection
23 here on the relevance of confusion. The defense doesn't
24 raise that as a basis in its -- and the issues of the marks
25 are only in the Court according to prior rulings based on as

1 a defense to our marks, not as an infringement, which
2 confusion would be relevant to.

3 MS. GOLDING: And hearsay, Your Honor, as well.

4 MR. RUNYAN: And hearsay.

5 MR. TISDALE: Excuse me just one second.

6 THE COURT: Sure.

7 MR. TISDALE: Your Honor, the question is whether the
8 marks are theirs or not, and that is an issue in the case,
9 and the confusion goes to that, the descriptive marks, and we
10 think it is relevant testimony. Can I proffer it for the
11 record?

12 THE COURT: Sure.

13 MR. TISDALE: I'll proffer it for the record, and then
14 we can decide whether it should be considered by Your Honor.

15 THE COURT: That would be fine.

16 MR. TISDALE: It won't take me long.

17 THE COURT: Okay.

18 Q. With regard to confusion, Bishop vonRosenberg, have you
19 encountered instances where there has been confusion
20 concerning contributions of money to the plaintiff
21 corporation as opposed to The Episcopal Church in South
22 Carolina?

23 A. Yes, sir. I can think of two. There was a gentleman
24 who intended to register for an event of The Episcopal Church
25 in South Carolina. He sent in his registration fee. Somehow

1 that check made its way to the plaintiff diocese.

2 Q. Was that particular matter resolved in a --

3 A. Yes.

4 Q. -- proper way at some point after it happened?

5 A. Yes, indeed. The plaintiff diocese sent that to The
6 Episcopal Church in South Carolina.

7 Q. All right. And you said you had encountered one other
8 such incident?

9 A. Yes. A parish church of The Episcopal Church in South
10 Carolina intended to fulfill its pledge towards the end of
11 2013.

12 Q. Pledge to the diocese?

13 A. To the diocese, sorry.

14 Q. All right.

15 A. Towards the end of 2013. It was a significant amount of
16 money. This particular parish has an outside payor of their
17 checks, and this individual was confused about which place to
18 send the money to, and it also was sent to the plaintiff
19 diocese.

20 Q. And was that also, that issue ultimately resolved in a
21 proper way so that the money was later properly allocated?

22 A. Yes, sir. That check, as I understand it, was returned
23 to the parish, and a duplicate check, as I understand it, was
24 then sent to The Episcopal Church in South Carolina.

25 Q. Bishop vonRosenberg, I think the word might have been

1 mentioned several times in this case, and there's testimony
2 in this case, but just describe very briefly what the rite of
3 confirmation is in the Episcopal Church.

4 A. I believe the --

5 Q. R-I-T-E.

6 A. I believe the rubric in the prayer book indicates that
7 when a baptized member reaches a -- an appropriate age, that
8 it is -- it is appropriate for that person to make a mature,
9 public affirmation of faith and commitment in Jesus Christ.
10 And so confirmation then is the time that that person appears
11 before the bishop to be confirmed.

12 Q. Does that normally take place in a regular worship
13 service?

14 A. Yes, sir, normally.

15 Q. And is anyone in the church authorized to confirm
16 someone in that way other than a bishop?

17 A. No, sir.

18 Q. It has to be a bishop?

19 A. Yes, sir.

20 Q. All right. Have you encountered any instances where
21 people were confirmed by confusion one place when they
22 thought they were being confirmed in another place?

23 A. Yes, sir. There have been several cases of folks who
24 were confirmed by Bishop Lawrence, following his restriction
25 from that ministry as an Episcopal bishop. And these several

1 people have come to me and asked to be confirmed so that they
2 could be confirmed Episcopalians.

3 Q. And did you, in those instances, perform the rite of
4 confirmation?

5 A. I did.

6 MR. TISDALE: Okay. Answer any questions any other --
7 any counsel have for you or the Court, please, Bishop. Thank
8 you.

9 THE COURT: Thank you. Any -- oh, Mr. Beers has a
10 question.

11 MS. GOLDING: Your Honor, just for the record, the last
12 questions, those were all proffered is my understanding.

13 THE COURT: That's right.

14 MS. GOLDING: Okay. Thank you, Your Honor.

15 MR. TISDALE: And, of course, we'd move for the Court's
16 consideration ultimately.

17 THE COURT: Okay.

18 MR. TISDALE: After we sort out whether it's admissible
19 or not.

20 THE COURT: Very well. All right. Mr. Beers.

21 DIRECT EXAMINATION BY MR. BEERS:

22 Q. Bishop vonRosenberg, were you in the courtroom yesterday
23 when the subject of Bishop John David Schofield came up?

24 A. Yes, sir.

25 Q. And he has died, has he not?

1 A. Yes, sir.

2 Q. And was he a bishop of the Episcopal Church at the time
3 of his death?

4 A. No, sir.

5 Q. And did he leave the Episcopal Church?

6 A. Yes, sir.

7 Q. And what were the circumstances of his leaving?

8 MS. GOLDING: Your Honor, unless it's going to be
9 established that this witness had personal knowledge of the
10 circumstances, certainly he cannot testify.

11 MR. BEERS: Well --

12 MS. GOLDING: There's no foundation.

13 THE COURT: You need to lay adequate foundation.

14 MR. BEERS: We're just two questions ahead of that, Your
15 Honor.

16 Q. Do you have --

17 THE COURT: I don't know what that means, Mr. Beers:
18 "We're two questions ahead of that."

19 MR. BEERS: To me it means if she had waited two more
20 questions, it would have naturally come up what his -- what
21 his connection was. But let me ask it this way and go back.

22 Q. Did you have any personal involvement in the decision --
23 in the decision regarding the bishop's leaving the church?

24 A. I had personal knowledge, as a member of the House of
25 Bishops, when the case involving the deposition of John David

1 Schofield came to the House of Bishops.

2 Q. And was there action by the House of Bishops?

3 A. Yes, sir.

4 Q. And did you vote?

5 A. Yes.

6 MS. GOLDING: He can only testify as to what he -- what
7 was in the House of Bishops and what the vote was. That's
8 all he knows.

9 MR. BEERS: Well, let me proceed and see if I can deal
10 with this.

11 THE COURT: Okay.

12 Q. Was there a matter pending before the House of Bishops
13 regarding Bishop Schofield when you were a member of the
14 House of Bishops?

15 A. Yes, sir.

16 Q. And what was that matter?

17 A. Whether Bishop Schofield had abandoned The Episcopal
18 Church.

19 Q. And did the House of Bishops take some action in that
20 regard?

21 A. The House of Bishops took action affirming that he had,
22 indeed, abandoned The Episcopal Church.

23 Q. And did that abandonment relate in some way to the
24 Diocese of San Joaquin where he was bishop?

25 MS. GOLDING: Your Honor, I think this is now going

1 beyond the foundation he established. He can only
2 establish -- he can only testify as to his presence at the
3 House of Bishops and what was presented at the House of
4 Bishops and nothing beyond that.

5 MR. BEERS: But that was -- excuse me. I thought he was
6 in the process of telling us what was before the House.

7 MS. GOLDING: Well, then he has to establish -- number
8 one, the best evidence is the journal for that convention
9 vote; and number two, he can't go beyond that convention
10 vote. And I'm concerned with these questions that Mr. Beers
11 is trying to go beyond the convention vote. It appears that
12 way.

13 THE COURT: And I care why?

14 MR. BEERS: I'm sorry?

15 THE COURT: I mean, why do I care?

16 MR. BEERS: Well, I don't want to put words in the --

17 THE COURT: I mean, I really don't. I mean, I don't
18 understand, I'm a little bit lost, because I -- two things,
19 two things: If this witness knows that there was a
20 gentleman, Mr. Schofield, who was deposed as a bishop, and he
21 knows, of his own knowledge, that the highest order, if you
22 will, in the Episcopal Church deposed him, you can tell me
23 that, and I accept that. Pearson says I accept that, I don't
24 go beyond that.

25 My question is, why? I don't understand the nexus

1 between this case and Mr. Schofield. See what I'm saying?

2 So hence my question: Why do I care?

3 MR. BEERS: Well, I can respond to that in the form of a
4 proffer. How about that?

5 THE COURT: You don't even have to proffer it, because
6 it very well may be relevant. I just want you to tell me why
7 it's relevant. That's all.

8 MR. BEERS: The reason -- he's testified that
9 Bishop Schofield was found to have abandoned The Episcopal
10 Church.

11 THE COURT: Yes.

12 MR. BEERS: And the question is, on what grounds? Why?
13 What did he do that constituted that abandonment?

14 THE COURT: Okay. Why do I care?

15 MR. BEERS: Because the abandonment -- he abandoned --
16 the testimony would be that he abandoned the church because
17 he attempted and succeeded in leading his diocese out of the
18 Episcopal Church. That is -- it goes to the question
19 about -- precisely the question: May a diocese leave the
20 Episcopal Church.

21 He was deposed for leading his diocese out of the
22 church, and he was -- and that demonstrated that that conduct
23 was not permitted by our polity.

24 THE COURT: I don't want to try that case. I don't want
25 to try that case. I really don't, because, you know, I don't

1 want to try that case. That's not this case; that's that
2 case, because Pearson says I have to accept that he is no
3 longer a bishop. He is deceased, no longer a bishop. I got
4 that. And for whatever reason is the reason. I don't -- but
5 you've got to give me a nexus why that matters in this case.
6 See what I'm saying?

7 MR. BEERS: Well, the allegations that we're making in
8 this case is that Bishop Lawrence violated the polity of the
9 church by leading his diocese out of the Episcopal Church.

10 THE COURT: I got it.

11 MR. BEERS: That's our contention.

12 THE COURT: I figured that was coming.

13 MR. BEERS: Right.

14 THE COURT: And I figured that the highest body of the
15 Episcopal Church, right, national Episcopal Church, I gather,
16 deposed him, right? I mean, I don't know that.

17 MR. BEERS: No.

18 THE COURT: They didn't do that?

19 MR. RUNYAN: No.

20 MR. BEERS: No.

21 THE COURT: Okay.

22 MR. BEERS: No. There was a disciplinary process.

23 THE COURT: Well, they did whatever they did. I've got
24 to accept that. Pearson says I have to accept that, and I'm
25 going to accept that.

1 MR. BEERS: We're offering the testimony about
2 John David Schofield and also a man named Bishop --
3 Robert Duncan from Pittsburgh to show -- to demonstrate what
4 the polity of the Episcopal Church is.

5 THE COURT: Okay.

6 MR. BEERS: Now, if it is conceded that the polity of
7 the Episcopal Church is that dioceses may not leave and that
8 bishops who attempt to take them out of the diocese get
9 deposed, the evidence of what happened in Pittsburgh and San
10 Joaquin is relevant to --

11 THE COURT: No, it's not, for this reason, for this
12 reason, let me tell you why: I don't know what those states'
13 position is with regards to the analysis of church disputes.
14 I don't really care. What I do care about is the State of
15 South Carolina, what my Supreme Court tells me I do when I
16 analyze church disputes. See what I'm saying?

17 If, as I suspect, those are hierarchical states, you're
18 right. Whatever the hierarchical church did then becomes
19 very relevant and dictates very much the resolution of what
20 the civil court can do. I'm not going there. I'm not going
21 to the hierarchical part. I got that that's the position of
22 the defendants, as it should be. It is your strongest --

23 MR. BEERS: I'm sorry, I missed the "that." Sorry.

24 THE COURT: Well, we keep going -- from the defendants'
25 perspective, I can do nothing but notice that we keep going

1 back to the issue of the hierarchical nature of the
2 defendants' position regarding the actions taken by the
3 plaintiffs. I'm not going there. I'm not going down that
4 path. I'm not.

5 Pearson says that whatever happened with regards to the
6 national Episcopal Church, as it relates to whatever clerical
7 member, I've got to accept. I'm going to accept that. I
8 don't know what it is, but I'm going to accept it.

9 But in terms of whether or not the parishes in South
10 Carolina and the diocese in South Carolina were allowed to
11 leave the National Episcopal Church, I'm going to make that
12 determination on the basis of neutral principles of law under
13 South Carolina law.

14 I don't care what happened anywhere else. I care about
15 our -- we've got law that handles it. We've got a nonprofit
16 statute that talks about lots of things. We've got case law
17 on All Saints. We've got Pearson. Our Supreme Court has
18 pretty much set forth the position for me to follow and
19 that's what I'm going to do.

20 So I don't really -- what happened to Bishop Schofield
21 happened to Bishop Schofield in another state, and I don't --
22 see, here's the difference: If the Episcopal Church says
23 under the Episcopal Church's theory that no one can ever
24 leave the church, and that differs from what South Carolina
25 civil law says, South Carolina civil law is what I'm going to

1 follow.

2 MR. BEERS: That's helpful, Your Honor. So, in other
3 words, in your view, it is not relevant that the polity of
4 the Episcopal Church does not permit, under our rules, permit
5 a diocese to leave.

6 THE COURT: I'm not sure that's your polity, and let me
7 tell you why: I watched very carefully last week when
8 Bishop -- help me.

9 MS. KOSTEL: Daniel.

10 THE WITNESS: Daniel.

11 THE COURT: Thank you. Testified and Mr. Runyan popped
12 up some documents. And as I understand it, it was the
13 constitution and the bylaws that were in existence at the
14 time, yes?

15 MR. RUNYAN: Constitution and canons, yes, Your Honor.

16 THE COURT: Not bylaws but canons. There was nothing
17 written that says, "You're here forever." Now -- and I
18 really don't say that to be humorous because it is very --
19 it's a very serious matter.

20 So you want to tell me that's the polity of the church.
21 It's not written. It seems to me that it ought to be
22 written, but it isn't. It obviously happened to some folks.
23 I got that. But I'm not going to be bound by that. I'm just
24 not. I'm going to be bound by South Carolina law because
25 this row has been pretty well plowed. It's called All

1 Saints. And I know that you all differ with regards to the
2 parishes vis-a-vis the diocese, and we'll hash that out.

3 But for your purposes, that's why what happened to
4 Bishop Schofield in another state that I don't know that
5 state's law, I don't know what their position is regarding
6 whether or not they use neutrality or hierarchical decisions.
7 I don't know. I don't want to know because I don't care. I
8 don't think it's relevant. I've got enough to keep up with
9 my law.

10 MR. BEERS: Just a minute. Ms. Kostel wants to say
11 something and one more thing.

12 THE COURT: Sure.

13 MR. BEERS: So as I understand your view, with respect,
14 of course, is that whether the polity of the Episcopal Church
15 precludes dioceses from leaving, in your view, in this case
16 is not relevant.

17 MS. KOSTEL: We just went through that.

18 MR. BEERS: Okay.

19 MR. RUNYAN: Yes, we just went through that.

20 THE COURT: I'm not going to try Bishop Schofield's
21 case. I'm not going to try -- you mentioned some other
22 bishop's case. I'm not going there. That means that I've
23 got to go waltzing into ecclesiastic law. I'm not going
24 there. I'm not going to do it.

25 MR. BEERS: I understand.

1 THE COURT: And let's talk about what Pearson said for a
2 second. What Pearson said in South Carolina was -- and let's
3 see if we can talk about that relationship. And what that
4 relationship was about was it was about the Church of God.
5 And the Church of God said that if you commit adultery, then
6 under certain circumstances, you don't get pension benefits.

7 And what was for the Court to determine was whether or
8 not Mr. Pearson was entitled to pension benefits. What the
9 Court couldn't do was decide whether it was okay or not that
10 the church had made a determination that he was no longer
11 going to be a preacher because he committed adultery. That
12 was where the Court couldn't go.

13 In other words, the Court had to accept the fact that he
14 had committed adultery. Because he had committed adultery,
15 that was against the rules of the church, and therefore he
16 was no longer a minister. And the Court couldn't go decide
17 whether that was copacetic or not. Had to accept it.

18 So I'm not going into whatever the church may or may not
19 have done to Bishop Lawrence. They did what they did. It is
20 what it is. It was what it was. His status is what it is.
21 I'm not going behind that. What I am not going to do is I'm
22 not going to try the issue that -- whatever got tried in
23 Schofield's case and whatever got tried in anybody else's
24 case.

25 What I now know is that there is certainly no written

1 canon or constitutional provision applicable to these times,
2 at least according to Bishop Daniel, that says you can't
3 separate from the church; and quite frankly, I'm not sure
4 that that wouldn't be violative of the first amendment. But
5 I kind of want to try this case, not Schofield's case or
6 anybody else's case.

7 MS. KOSTEL: Your Honor, may I speak just to make some
8 points.

9 THE COURT: Sure. Yes.

10 MS. KOSTEL: Just to point out to the Court that I think
11 nearly all of our cases, and maybe all of them, but I don't
12 want to overrepresent, have been in neutral principle states.
13 So I just want to point that out to the Court.

14 And, secondly, this is relevant. Let me explain why we
15 think that it's clearly relevant to the hierarchy part.

16 THE COURT: Right.

17 MS. KOSTEL: But why we also think it's relevant to the
18 neutral principles, the Court's neutral principles
19 consideration. Because the way I understand it, the Court is
20 looking at the organic documents of the two entities to
21 determine -- help to determine their relationship. And the
22 Court, as you've just mentioned, has noted that the Episcopal
23 Church's constitution and canons don't say one thing one way
24 or the other whether a diocese can leave. It's silent on
25 that subject precisely.

1 Now, testimony has come in that the church's
2 constitution or canons, I can't recall which, does have a
3 provision that certain other types of dioceses, missionary
4 dioceses, can leave. So there's that provision. Does not
5 speak to geographic dioceses in the United States.

6 So the question is the document is silent. The Diocese
7 of South Carolina's document has been silent, and so what do
8 the organic documents say about whether a diocese can leave?
9 If the Court is going to go into the territory of deciding
10 that, which we think is a polity issue, but if the Court is
11 going to do that under neutral principles, and so if the
12 documents don't say one way or the other, then typically one
13 goes to parole evidence.

14 And we submit that the evidence of what the church's
15 highest body thought in 2007, years before this particular
16 situation unfolded. That evidence about what the church's
17 highest bodies thought about whether a diocese could leave is
18 relevant parole evidence to help the Court construe those
19 documents. And that's our position on why it's relevant to
20 the neutral principles analysis. Does that --

21 THE COURT: I got it. Thank you. That was very
22 helpful.

23 Yes, sir, Mr. Runyan.

24 MR. RUNYAN: Before this case is over with, what the
25 Court is going to be presented with at best -- at best -- is

1 an issue of uncertainty as to whether there is, in fact, a
2 hierarchy in the Episcopal Church and, in fact, what the
3 highest body might be in the Episcopal Church.

4 What Ms. Kostel has done with that argument is placed
5 squarely before the Court what precisely the Court cannot do
6 under the first amendment, and that is to search around
7 through parole evidence to look for that kind of information.
8 *Jones v. Wolf* makes that crystal clear: The only time a
9 Court can make a decision about the locus of control is if it
10 is expressed and very clear. And it is definitely not, by
11 that admission, expressed and very clear; so it's off limits
12 to the Court.

13 So our position is that very argument suggests that the
14 very testimony that they propose is irrelevant and cannot be
15 regarded anyway. If, on the other hand, as the Roman
16 Catholic canon law book that I have, flip to the front page
17 and it says, "The supreme pontiff is," and it has -- it's
18 very clear, very easy, very undisputed locus of control. And
19 that's a whole other matter.

20 And that's the difference. That's why this church
21 cannot constitutionally say its hierarchical, because it's
22 disputed and because it's not crystal clear.

23 MS. KOSTEL: I'm sorry. But --

24 MR. RUNYAN: I'm not -- excuse me.

25 MS. KOSTEL: Go ahead.

1 MR. RUNYAN: And so this whole wandering into this area
2 of, well, we need parole evidence, that's an unconstitutional
3 approach. It's not relevant for that very reason, because
4 it's asking the Court to do what it cannot constitutionally
5 do, and that is pick one side or the other in this kind of
6 dispute when both sides have not picked it already, which is
7 the case with the Roman Catholic church and other clear
8 hierarchical institutions. So I don't think it's relevant
9 for that reason as well.

10 MS. KOSTEL: Let me respond to that.

11 THE COURT: Okay.

12 MS. KOSTEL: What Mr. Runyan has argued is that it's
13 not -- he thinks it goes too far if the Court is trying to
14 decide if the church is hierarchical. But we just -- I just
15 said to the Court, we're not talking about its relevance to
16 the hierarchy issue. I'm talking about its relevance -- the
17 relevance of this issue to the neutral principles inquiry
18 that this Court has said that it is undertaking.

19 And if this Court -- I mean, Mr. Runyan wants to have it
20 both ways. He wants to have in the constitution and canons
21 and say what they say and what they don't say, but then he
22 doesn't want the Court to take into account ordinary evidence
23 that a Court would take into account to help construe those
24 documents. I mean, it's one or the other.

25 THE COURT: No. No. No. Let me tell you, rightly or

1 wrongly, this is how I'm going to analyze the case --

2 Are you feeling really strange sitting over there while
3 all this is going on?

4 THE WITNESS: This is a more comfortable chair than
5 those benches.

6 MR. BEERS: Your Honor, I take it your ruling is going
7 to be the same if I asked him the questions about the other
8 bishop.

9 THE COURT: Yes, of course.

10 MR. BEERS: May he be excused? I'm done.

11 THE COURT: You're finished?

12 MR. BEERS: Yes. Well, I guess there would be cross.
13 I'm sorry.

14 THE COURT: Let me tell you why that was important, why
15 it was important to go through the constitution and the
16 bylaws for each of the parishes, because they, the parishes,
17 have to, in an orderly fashion, based upon their rules, do
18 what they do, and that is, amend in accordance with their
19 rules. And that's part of the examination that I do. And I
20 don't go behind whether or not it's a good constitution and
21 bylaws or a bad constitution and bylaws. That's where I
22 don't go. But where I do go is make a determination whether
23 or not they, in fact, followed the rules and amended their
24 constitution in accordance with their rules and accordance
25 with the statutes of the State of South Carolina.

1 And the statute with regards to nonprofit corporations
2 pretty much dictates, unless, of course, it comes before
3 1900, and those that came before 1900 didn't hop on board and
4 say, we want to have a South Carolina corporation, which they
5 basically give up their charters if those -- their
6 corporations were done by the legislature historically. So
7 we have those issues.

8 So that's why the plaintiffs had to put that information
9 in, because they have to establish that the changes that they
10 made were done in accordance with their own governance.

11 Now, and just as I've done a review as it occurs, they
12 very well may have satisfied those requirements. If they
13 have satisfied those requirements, then the question is, have
14 they separated from the church. Yes, they have. I mean,
15 they simply have. They had the right to do it under our law.
16 If they've done it appropriately, then they've done it
17 appropriately.

18 And so then the question then gets to be, as we've
19 talked about, the ownership of property and the constructive
20 trust. And we've sort of plowed that. We know where we are
21 in terms of the property. And that's sort of where this case
22 is.

23 So to what extent am I going to delve into ecclesiastic
24 law? I'm not, just not, because Pearson says whatever
25 determinations -- whatever final determinations have been

1 made have been made, and that's where it is.

2 MR. BEERS: May I make a proffer and end this
3 discussion?

4 THE COURT: Sure.

5 MR. BEERS: What I would ask Bishop vonRosenberg is,
6 what was the charge in the case of Bishop Schofield and in
7 the case of Bishop Duncan in Pittsburgh that brought the
8 matter to the House of Bishops, where the action was taken.
9 And I proffer that the testimony would show that each bishop
10 was accused of violating the polity of the church by leading
11 and assisting the diocese, his diocese, in leaving the
12 church.

13 THE COURT: Okay.

14 MR. BEERS: Thank you.

15 MR. HOLMES: Your Honor, will you indulge one quick
16 thing on the issue of confusion?

17 THE COURT: Sure.

18 MR. HOLMES: There was an objection on hearsay, and
19 there was no discussion of the rules. I just offer to the
20 Court that under 803(3), the state of mind exception, and
21 also 801(c), that it's not offered for proof of the matter
22 asserted. And I cite a case, and there are many, but I'll
23 cite this one, with Your Honor's permission, *Armco, Inc. v.*
24 *Armco Burglary Alarm Company* 693 F. 2d 1155 at 1160 notes in
25 5th Cir. 1982 saying that both of those exceptions to the

1 hearsay rule apply.

2 THE COURT: Okay. Thank you. Wonderful.

3 MR. TISDALE: We would move to include the testimony
4 concerning the confusion that he gave. You accepted it.

5 THE COURT: Yes.

6 MR. TISDALE: As a proffer.

7 THE COURT: I gotcha. Okay.

8 MR. TISDALE: Thank you.

9 MR. HOLMES: Thank you, Your Honor.

10 MR. TISDALE: Are you saying it --

11 MR. HOLMES: No. I think what she said -- excuse me,
12 but I think you said you were going to take it under
13 advisement, and that's where it is.

14 THE COURT: Sure.

15 MR. HOLMES: Thank you.

16 THE COURT: Yeah. Absolutely.

17 MR. TISDALE: That's fine.

18 THE COURT: There was some confusion. Actually, while
19 there was confusion, I guess what I want to say is that if
20 there is a ray of hope in all of this, the fact that these
21 folks cooperated in such a way as to say, "Excuse me, I think
22 I have one of yours, excuse me, I think I have one of yours,"
23 is pretty spectacular. But I certainly take it as evidence
24 that I make that comment.

25 I think -- because typically and normally, as you all as

1 litigants -- the litigators in the room kind of know that
2 doesn't ever happen. And it's pretty impressive, just from a
3 human being standpoint, that these folks did that.

4 MR. HOLMES: Thank you, Your Honor.

5 THE COURT: Yes. I take it as evidence, but I just make
6 that comment just --

7 MR. TISDALE: Thank you.

8 THE COURT: -- just think it's pretty remarkable,
9 because that doesn't typically happen. It's like, "Nanny,
10 nanny, boo, boo, I got your stuff."

11 If there is a ray of shining light for me, there it is.
12 That's pretty impressive. All right.

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

14 THE COURT: Yes. So cross-examination.

15 MS. GOLDING: Thank you, Your Honor.

16 THE COURT: Yes.

17 CROSS-EXAMINATION BY MS. GOLDING:

18 Q. Bishop, my understanding is you retired in July of 2011;
19 is that correct?

20 A. Correct.

21 Q. And from July of 2011 to January 26, 2013, you were
22 unemployed?

23 A. Correct.

24 Q. Okay. And prior to July 11, you were never associated
25 with the plaintiff diocese, were you?

1 A. Was associated as a member of the same Episcopal Church,
2 national church, but not directly and personally, no, ma'am.

3 Q. And prior to January 2013, you'd never had any personal
4 association with the plaintiff trustees, did you?

5 A. No, ma'am.

6 Q. And, in fact, that's true up to today; is that correct?

7 A. That's correct.

8 Q. Okay.

9 THE COURT: "Trustees," you're talking about the
10 corporation, yes?

11 MS. GOLDING: That's right. The plaintiff trustees
12 corporation.

13 THE WITNESS: Yes, ma'am.

14 Q. And with respect to the plaintiff diocese, that's also
15 true up to today. You've never had any official association
16 personally with the plaintiff diocese up to today?

17 A. Bishop Lawrence asked me on occasion to function on his
18 behalf, but that was in isolated and individual cases.

19 Q. Okay. Thank you.

20 So it would be fair to state that you have never
21 attended an annual convention of the plaintiff diocese, have
22 you?

23 A. That's correct.

24 Q. Okay. Now, with respect to Mr. Tisdale, the first
25 meeting you had with Mr. Tisdale was in the fall of 2012?

1 A. Yes, ma'am.

2 Q. And that was at the request of Mr. Tisdale?

3 A. Yes, ma'am.

4 Q. That was a luncheon meeting?

5 A. Yes, ma'am.

6 Q. And that luncheon meeting was before the plaintiff
7 diocese withdrew its association with the national church; is
8 that correct?

9 A. Yes, ma'am.

10 Q. Okay. And at that meeting with Mr. Tisdale, you
11 understood that Mr. Tisdale represented the defendant the
12 national church; is that correct?

13 A. Yes, ma'am.

14 Q. Okay. And at that meeting, Mr. Tisdale sought your
15 assistance and advice; is that correct?

16 A. That may be a little more formal.

17 Q. Okay.

18 A. I would not necessarily characterize it quite that way.

19 Q. Okay. Well, subsequent to that meeting, then, you
20 became involved in the formation of a steering committee; is
21 that correct?

22 A. No, ma'am. Mr. Tisdale formed the steering committee,
23 and he asked me to serve as an adviser to that committee.

24 Q. And, in fact, you served as an adviser to the steering
25 committee?

1 A. Yes, ma'am.

2 Q. Okay. And the steering committee, I believe you
3 attended a meeting on November 6, 2012 of the steering
4 committee?

5 A. I believe that's the correct date, but I'm not sure
6 exactly.

7 Q. Okay. And the name of the steering committee was the
8 TEC steering committee. Do you recall that?

9 A. I do not recall, no, ma'am.

10 Q. The steering committee was composed of a number of
11 individuals that have already testified in this trial; is
12 that correct?

13 A. I believe some have, yes, ma'am.

14 Q. Well, for instance, like, Rebecca Lovelace was a member
15 of that steering committee; is that correct?

16 A. Yes, ma'am.

17 Q. Okay. And even though she has not testified,
18 Ms. Walpole was a member of that steering committee. Do you
19 recall that?

20 A. I believe so.

21 Q. Okay. And the steering committee was the body that
22 basically put together this special convention that was held
23 on January 26, 2013?

24 A. They -- they were responsible for the organization, yes,
25 ma'am.

1 Q. Okay. Now, the steering committee, to your knowledge,
2 it regularly used the name of the plaintiff diocese and its
3 seal; is that not correct?

4 A. I believe that is correct.

5 Q. Okay. And that usage was intentional by that steering
6 committee, was it not?

7 A. I was not part of that decision; so I don't know if it
8 was intentional or not.

9 Q. Let's go to your deposition, then.

10 MS. GOLDING: Your Honor, may I open this deposition.

11 THE COURT: Absolutely. Surely.

12 MS. GOLDING: Thank you, Your Honor.

13 Q. Bishop, may I hand you your deposition, which was taken
14 on May 28, 2014.

15 A. Certainly.

16 Q. Thank you.

17 And I ask you to look at Page 34 of that deposition.

18 A. Yes, ma'am.

19 Q. To get the context of this question and answer, I'd ask
20 you to go back to Page 33. And I'll start with Line 11. I'd
21 like for you to read the answer after I read each question.

22 A. Okay.

23 Q. Line 11, question, "Don't remember. Okay. Would you
24 agree with me, Bishop, that from sometime in the fall, after
25 the Diocese of South Carolina announced its departure,

1 through the rest of the fall and into early 2013, that the
2 people you were associated with, the steering committee, and
3 yourself regularly" --

4 A. I'm sorry. I must be looking at the wrong document.

5 Did you say Page 33?

6 Q. Page 33. No. I wanted to start on Page 33, Line 11.

7 Do you have that, Page 33 of your deposition?

8 A. Well, Page 33, Line 11 is, "particular decision that
9 way."

10 MS. GOLDING: May I approach the witness, Your Honor?

11 THE COURT: You may.

12 MS. GOLDING: Okay. Well, the original deposition, Your
13 Honor, apparently they're --

14 THE WITNESS: I believe it's the same subject that's
15 being considered, but the words are different.

16 Q. Okay. Let's go to --

17 A. Okay. That's it.

18 Q. -- Page 34.

19 A. Yes, ma'am.

20 Q. Line 11. Page 34, Line 11, question, "Don't remember.

21 Okay. Would you agree with me, Bishop, that from sometime in
22 the fall, after the Diocese of South Carolina announced its
23 departure, through the rest of the fall and into early 2013,
24 that the people you were associated with, the steering
25 committee, and you yourself, regularly used the name and seal

1 of the Diocese of South Carolina?"

2 A. "Yes."

3 Q. Okay. Question, "All right. And that was not an
4 accidental use. It was an intentional use; is that correct?"

5 And then there are -- and then there are objections.

6 And then you go to the next page, 35.

7 A. "It had been the seal of the Episcopal Church, and so it
8 continued to be used by the Episcopal Church."

9 Q. Question, "The seal of the diocese was the seal of the
10 Episcopal Church?"

11 A. "The Episcopal Diocese in this part of the Episcopal
12 Church."

13 Q. Question, "Okay. So whatever the reason was, the use of
14 it was intentional."

15 Go to your answer on Line 11.

16 A. Line 11?

17 Q. Line 16, sorry.

18 A. "Yes."

19 Q. Okay. And that "yes" was in answer to the question that
20 the use was intentional; is that correct?

21 A. I believe so.

22 Q. Okay. Then you were personally served with a temporary
23 restraining order; is that correct?

24 A. Yes, ma'am.

25 Q. Okay. And that temporary restraining order specifically

1 stated that you, as well as others, could not use the name of
2 the plaintiff diocese; is that correct?

3 A. Yes, ma'am.

4 Q. Could not use the mark of the plaintiff diocese; is that
5 correct?

6 A. Yes, ma'am.

7 Q. Okay. And that temporary restraining order was issued
8 as a -- with the final one being on January 31, 2013; is that
9 correct? Do you recall?

10 A. I do not recall. The date I remember was the 23rd.

11 Q. Okay. And the temporary restraining order that was
12 personally served upon you was at least by the end of
13 January 2013, correct?

14 A. Yes, ma'am.

15 Q. And Mr. Tisdale had consented to that order, had he not?

16 A. I do not know.

17 Q. Your Honor, I apologize. I had a copy of the order --
18 of the order with me, several copies, and now I cannot locate
19 them.

20 THE COURT: I understand. And one is the original, and
21 one is the 23rd?

22 MS. GOLDING: Yes.

23 THE COURT: And then the subsequent one, the 31st, was
24 the one that was consented to; so there are two.

25 MS. GOLDING: Right.

1 Q. The 31st, the order of the 31st, let me hand you what I
2 have as my copy. And let me get to -- there. I'll represent
3 to you this is an accurate copy. Do you see on that page the
4 signature of Mr. Tisdale?

5 A. I do, yes.

6 Q. Okay. And do you recall that this temporary order
7 permitted a party to seek a modification?

8 A. I do not recall that, no, ma'am.

9 Q. I'll show that to you. Well, I read it just a few
10 minutes ago, and I can't find it, but there was in this
11 order -- excuse me. Here it is. Read this paragraph. Would
12 you please start reading this paragraph.

13 A. "Any party may move this Court upon written notice
14 served at least 14 days before the time specified for the
15 hearing, unless the parties consent to a shorter time for an
16 order modifying or dissolving this temporary injunction."

17 Q. And isn't it a fact that since this injunction was
18 issued to today, neither defendant in this lawsuit has made a
19 motion to amend or modify that temporary restraining order?

20 MR. TISDALE: Your Honor, we moved that it be vacated,
21 and Your Honor denied it.

22 THE COURT: And I think the record speaks for itself,
23 but that certainly is my -- one of the defendants moved.

24 MR. TISDALE: Yes.

25 THE COURT: It was the defendant -- it was the defendant

1 that it was not issued for, and I don't remember if it was
2 the state.

3 MR. TISDALE: That would be us.

4 THE COURT: That was -- okay. The state.

5 MR. TISDALE: And we had a hearing in this courtroom.

6 THE COURT: Yes, I remember. You're correct.

7 MR. BEERS: Your Honor, on behalf of the church, we
8 object on the grounds of relevance.

9 MS. GOLDING: I'll wrap this up.

10 Q. To your knowledge, has there been any attempt by either
11 of the defendants in this case to modify or amend that order,
12 the temporary restraining order?

13 A. I do not know the answer to that.

14 Q. Okay. Then you individually brought a lawsuit in
15 federal court against the plaintiff diocese, did you not?

16 MR. TISDALE: Your Honor --

17 MS. GOLDING: Excuse me.

18 MR. TISDALE: -- we're going to object to this because
19 another lawsuit in another court and another jurisdiction has
20 nothing to do with this case; so we object to her question
21 along those lines.

22 THE COURT: Yes. And I would just ask: The relevance
23 is?

24 MS. GOLDING: The relevance is that the lawsuit he
25 brought -- and it was against Mark Lawrence, not the

1 plaintiff diocese.

2 THE COURT: Okay.

3 MS. GOLDING: Is that he, the bishop individually, used
4 the actual names, the actual name of the plaintiff diocese
5 and held himself out as the bishop of the plaintiff diocese,
6 in contravention to the court order.

7 MR. TISDALE: It would certainly be a privileged
8 document in any case in litigation. I don't understand why
9 Ms. Golding is laughing, Your Honor.

10 THE COURT: Even assuming that it occurred, it is a
11 privilege; it's an absolute privilege.

12 MR. TISDALE: Absolute privilege. Thank you, Your
13 Honor.

14 Q. Now, subsequently to your being elected as the
15 provisional bishop, you then became an employee of the
16 defendant; is that correct?

17 A. Yes, ma'am.

18 Q. Okay. And subsequently, there was an established clergy
19 day that you attempted to have; is that correct?

20 A. I have had -- we have had several clergy days since I
21 began serving in this capacity.

22 Q. And the first clergy day you attempted, I believe, was
23 in February 2013. Do you recall that?

24 A. No, ma'am.

25 Q. I'll refresh your memory here. I'm going to refer to

1 Plaintiff's Exhibits 48, 49 and 50. Excuse me, that was in
2 November. The clergy day was in November of 2012; is that
3 correct?

4 A. I believe there was a clergy day then, yes.

5 Q. Okay. And in those attempts to have a clergy day, you
6 utilized the plaintiff diocese as being the entity that was
7 calling the clergy day; is that correct?

8 A. I -- the -- are you asking me my role in this?

9 Q. No, sir.

10 A. I'm not sure what your --

11 Q. No.

12 A. -- what your question means.

13 Q. I apologize, then.

14 With respect to the clergy day that occurred in or that
15 you attempted to have in November of 2012, you were involved
16 in organizing and announcing the clergy day, were you not?

17 A. I was an adviser to the steering committee. And the
18 steering committee, I believe, invited clergy to a day.

19 Q. Okay. Do you remember being involved in a decision
20 about the use of the name and seal of the plaintiff diocese?

21 A. I do not recall that, no, ma'am.

22 Q. Who would have had the authority to approve sending out,
23 in November 2011, an announcement about a clergy day using
24 the plaintiff diocese name and seal?

25 A. I believe the steering committee.

1 Q. Okay. And the steering committee, then, you believe,
2 had the authority to send out that information?

3 A. Yes, ma'am.

4 Q. Okay. And you will agree that the steering committee
5 was not associated directly with the plaintiff diocese?

6 A. That's correct.

7 Q. Okay. Now, with respect to the plaintiff parishes, you
8 will agree that the plaintiff parishes are not associated
9 with your defendant organization?

10 A. That has become clear, yes, ma'am.

11 Q. Okay. And even though that's the case, your defendant
12 organization used the names of these 30-some plaintiff
13 parishes in your website until June or July 2013?

14 A. I do not know the date, but originally the answer would
15 be "yes" after the organization of The Episcopal Church in
16 South Carolina.

17 Q. And I think I misspoke the year. That was in June or
18 July of 2014 that those names were -- would that be accurate?

19 A. I do not know.

20 Q. Okay. But you're certainly not denying that your
21 unincorporated association, the defendant, used the names of
22 the plaintiff parishes for some -- for many months; is that
23 correct?

24 A. For some time. No, I'm not denying that.

25 Q. Now, with respect to your association's general annual

1 conventions, before an individual or a delegate can attend an
2 annual convention, you require a delegate to have a
3 declaration of conformity; is that correct?

4 A. We did initially, as we were organizing The Episcopal
5 Church in South Carolina.

6 Q. And let me hand you these documents. Is this -- are
7 these documents blank copies of the delegation of conformity
8 that you required of the lay delegates in January of 2013?

9 A. I cannot say for sure. I know there was a declaration
10 of conformity. Whether it was precisely this, I do not know.
11 I had nothing to do with putting this together, except as an
12 advisor to the steering committee.

13 Q. Okay. And the declaration of conformity, to your
14 knowledge, had never been, you have never had that utilized
15 in any annual meeting you attended for any of your dioceses
16 that you attended?

17 A. That would be true, yes.

18 Q. The clergy for your defendant organization also had to
19 sign a declaration of conformity in January 2013; is that
20 correct?

21 A. I believe -- yes, ma'am, that is correct.

22 Q. And it would be fair to state that with any diocese,
23 diocesan annual convention or special convention prior to
24 January 2013 in which you attended, there was never a
25 requirement that a clergy sign a declaration of conformity?

1 A. I think that's correct.

2 Q. With respect to the annual conventions of a diocese that
3 you attended before January 2013, to your knowledge, there
4 was never any requirement that a delegate, whether a
5 layperson or a clergy member, must attend with a power of
6 attorney from the parish?

7 A. Not to my knowledge.

8 Q. To your knowledge, at every diocesan annual or special
9 convention that you attended before January 2013, there was
10 never any document passed out to the lay delegates or the
11 clergy delegates that required them, the delegates, to convey
12 any interest in property, to sign and convey any interest in
13 property, was there?

14 A. No.

15 MS. GOLDING: Thank you, Bishop. I'll take those
16 exhibits back. Thank you.

17 THE COURT: Yes, sir, Mr. Runyan.

18 MR. RUNYAN: Excuse me, Your Honor, while I find an
19 exhibit.

20 CROSS-EXAMINATION BY MR. RUNYAN:

21 Q. Good morning, Bishop.

22 A. Good morning.

23 Q. I've got a couple questions for you. We won't be long.
24 I promise you. Have you ever read any of the series known as
25 the *Episcopal Church and Its Work* by Powel Mills Dawley?

1 A. I don't believe so. I may have. I don't -- I don't
2 remember.

3 Q. Well, let me just hand it to you and see if you
4 recognize it.

5 A. Okay. I'm not familiar with it, no, sir.

6 Q. Okay. That's one question down.

7 Bishop, I'm going to show you a part of Exhibit 203.
8 It's an exhibit that's in evidence, and I believe you've
9 testified a bit about the constitution and canons.

10 A. Yes, sir.

11 Q. Are you somewhat familiar with them or just a little
12 bit?

13 A. Just a little bit.

14 Q. Okay.

15 A. I thought -- I thought for a while I was beyond this in
16 my retirement, sir.

17 Q. Well, you will be soon.

18 A. I'll take you up on that.

19 Q. Have you ever read the so-called Dennis canon?

20 A. Yes, sir.

21 Q. Okay. Well, let's turn to that page, if we could,
22 Page 155. And blow up that section at the top, please. No,
23 no, that's not the page. Page 15 -- excuse me. I'm sorry.
24 I gave you the wrong page number. It's the last number I
25 gave you, 44 or something like that.

1 MS. KOSTEL: Which version of the canon?

2 MR. RUNYAN: '09, Exhibit 203. There we go. You've
3 read that before?

4 THE WITNESS: Yes, sir.

5 Q. All right. Now, let me just ask you a couple of
6 questions about that. And I'll read it, and then I'll ask
7 you a question, part of it.

8 "All real and personal property held by or for the
9 benefit of any parish, mission or congregation is held in
10 trust for this church and the diocese thereof in which such
11 parish, mission or congregation is located."

12 Would you agree with me that on the face of it, that
13 does not apply to the property of a diocese?

14 A. It does not list diocese among those first entities, no,
15 sir.

16 Q. Did you approve the filing of the counterclaim on behalf
17 of the Episcopal Church in South Carolina?

18 A. On advice of counsel, yes, sir.

19 Q. All right. And are you aware that one of the claims in
20 that counterclaim is a claim that this section applies to the
21 property of parishes?

22 A. Yes, sir.

23 Q. You are aware that this claim is asking the Court to
24 interpret this section as applicable to the parishes in this
25 case?

1 A. Yes, sir.

2 Q. All right. And is that your position?

3 A. On advice of counsel.

4 Q. Okay. Did counsel talk to you about the propriety of a
5 bishop of this church?

6 MR. TISDALE: Your Honor, I think that would be
7 privileged.

8 MR. RUNYAN: Excuse me, I'll take that back.

9 Q. Did anyone suggest to you --

10 MR. TISDALE: Other than me.

11 Q. -- that bringing this action and asking this Court to
12 interpret that section to apply to this property is or is not
13 in violation of your own canons?

14 MR. TISDALE: Your Honor, I want to be certain that --

15 THE COURT: Other than counsel. Other than his lawyer.

16 MR. TISDALE: Right. Right.

17 THE COURT: Other than his attorney.

18 Q. Other than your attorney.

19 A. I don't remember that conversation, no, sir.

20 Q. So coming in here today, did you have any understanding,
21 Bishop, that pursuing, asking a court to interpret this
22 canon, asking a secular court to apply this canon to secular
23 property would violate your canons?

24 A. I do not have that knowledge, no, sir.

25 Q. Turn to Page 155, please, Section 2. I'm going to

1 publish part of this, Bishop, then I'm going to ask you a
2 question. "No member of the church, whether lay or ordained,
3 may seek to have the constitution and canons of the church
4 interpreted by a secular court or resort to a secular court
5 to address a dispute arising under the constitution and
6 canons."

7 Bishop vonRosenberg, before today did you know about
8 this paragraph?

9 A. No, sir.

10 MR. RUNYAN: Thank you, sir.

11 THE COURT: Anyone else on behalf of the plaintiffs have
12 cross-examination? Very well. Redirect.

13 REDIRECT EXAMINATION BY MR. BEERS:

14 Q. Bishop vonRosenberg --

15 MR. BEERS: Could you put that last exhibit up, please.

16 MS. KOSTEL: We have the book.

17 Q. Do you know where in the constitution and canons that
18 canon appears?

19 MR. RUNYAN: Lack of foundation. He said he didn't even
20 know it was there before today.

21 MR. BEERS: No. I'm sorry. No further questions.

22 THE COURT: Very well.

23 MR. TISDALE: No further questions.

24 THE COURT: Very well. Yes, sir, you may come down.

25 Thank you.

1 Call your next witness, if you have one.

2 MR. TISDALE: Your Honor, at this time we don't plan to
3 call any further witness to the witness stand.

4 THE COURT: Okay.

5 MR. TISDALE: We want to introduce a couple depositions
6 that will not require reading.

7 MS. KOSTEL: Your Honor, let me just say that the caveat
8 to that is, of course, if we can't resolve it. I think we're
9 going to get through all the authenticity issues, but yes.

10 THE COURT: Sure.

11 MR. TISDALE: And we want to leave the record open to
12 get all the documents straightened out.

13 THE COURT: Yes. Which we will do right after our
14 break. We'll take 15. Thank you all.

15 (The Court's Exhibit 8 marked for identification.)

16 (Recess held.)

17 MR. TISDALE: Your Honor, just two quick items, and
18 we'll be through, except for the document thing that, I
19 guess, we'll be working on for quite awhile. We would like
20 simply to introduce the deposition of a party plaintiff,
21 Nancy Armstrong, who's assistant treasurer of the
22 corporation, the plaintiff corporation, Protestant Episcopal
23 Church in the Diocese of South Carolina, Nancy Armstrong's
24 depo.

25 THE COURT: All right. Any objection?

1 MR. RUNYAN: First I knew about it. Are you going to
2 introduce the whole thing?

3 MR. TISDALE: Yes, just in toto.

4 MR. RUNYAN: I might need a moment to look at it and see
5 if we have any objection.

6 MR. TISDALE: Well, of course. And we would obviously
7 agree that any objections that are made in it could be
8 addressed, if you wish to do that at an appropriate time.
9 Alan, the record's going to be open for a good while until we
10 get these other documents straightened out anyway.

11 MR. RUNYAN: Tom, for what purpose is this?

12 MR. TISDALE: It's just -- as the Judge said yesterday
13 under the rules, it's for any purpose. We are introducing
14 this as part of our case, her testimony.

15 MR. RUNYAN: But this is just of a witness?

16 MR. TISDALE: Of a witness, just of a witness.

17 MR. RUNYAN: This is not a 30(b)(6) deposition?

18 MR. TISDALE: No, it's a witness deposition.

19 MR. RUNYAN: All right.

20 MR. TISDALE: May I open this, Your Honor.

21 THE COURT: Yes.

22 MS. GOLDING: This is just a witness's deposition?

23 MR. TISDALE: Just a witness's deposition.

24 MS. GOLDING: They haven't shown that she's unavailable
25 in any respect.

1 MR. TISDALE: Well, it's a witness of a party -- I mean
2 a deposition of a party.

3 MS. GOLDING: It wasn't a 30(b)(6) deposition, Your
4 Honor.

5 MR. TISDALE: It's not a 30(b)(6) deposition.

6 THE COURT: Well, here's the question, the question is,
7 is she the diocese? Is she a managing --

8 MR. TISDALE: Agent or an officer?

9 THE COURT: -- agent or an officer? Is she someone who
10 is in, in fact, the diocese? And I don't know the answer to
11 that.

12 MR. TISDALE: She said in her deposition that she --
13 well, it's advertised that she's assistant treasurer of the
14 corporation.

15 THE COURT: Uh-huh.

16 MR. TISDALE: And it also says in her deposition that
17 she's chief financial officer, CFO. So I think -- what's the
18 rule? The Judge just quoted from the rule, Rule 32(a)(2).

19 MS. GOLDING: Your Honor, we just -- this is the first
20 time we've heard of that, and we didn't have any knowledge.

21 MR. TISDALE: It came out yesterday afternoon.

22 MR. RUNYAN: No, this is the first time this issue's
23 been disclosed.

24 MR. TISDALE: I thought it had been discussed yesterday
25 afternoon. The Judge read the rule, I believe.

1 MR. HOLMES: Your Honor, might I suggest that they have
2 the opportunity to object or strike, just like under the rule
3 where you can submit the deposition, portions marked, and
4 then they have a day to respond.

5 MR. TISDALE: They certainly have a right to stand on
6 the objections made in the deposition.

7 THE COURT: And I don't know whether or not -- I don't
8 know if you reserved any objections when the deposition was
9 taken or not. I mean, I --

10 MR. TISDALE: If they made any, they're entitled to be
11 heard on them.

12 THE COURT: That's exactly right. And the rule is
13 Rule 32(a)(2).

14 MR. TISDALE: Correct. 32(a)(2), I think.

15 THE COURT: Yes, that is correct.

16 MR. TISDALE: Should we put an exhibit stamp on it?

17 THE COURT: Yes, you should. So you all just take some
18 time. Let me know if you have any objections.

19 MR. TISDALE: Well, we've got one more.

20 THE COURT: Okay.

21 MR. RUNYAN: Your Honor, just a very quick review of
22 this, there will be some relevance objections.

23 THE COURT: Sure. Absolutely. Just let me know.

24 MR. TISDALE: Your Honor, I'll just hand this to the
25 court reporter, Exhibit 23, deposition of Nancy Armstrong. I

1 have one more.

2 THE COURT: Okay.

3 MR. TISDALE: And this is a deposition of
4 Mark J. Lawrence. And he, of course, we don't know exactly
5 maybe what officer, but we know they say he's chief financial
6 officer, but he signed at least a charter amendment as
7 president of the corporation. So I would propose to enter it
8 as Exhibit 24.

9 MR. RUNYAN: Well, I think our position on that, they're
10 going to have to take a position on whether he is an officer
11 or not before we even cross that bridge.

12 THE COURT: They just did.

13 MR. RUNYAN: Okay.

14 THE COURT: They said he was president.

15 MR. TISDALE: He said he was president. He signed a
16 document as president, which is in evidence.

17 THE COURT: Yes.

18 MR. TISDALE: May I open it.

19 MR. RUNYAN: And they're offering it in his capacity as
20 president.

21 THE COURT: Yes.

22 MR. TISDALE: As an officer or managing agent of the
23 corporation.

24 THE COURT: Yes.

25 MR. RUNYAN: There may be some relevance issues, but --

1 MR. TISDALE: May I open it, Your Honor?

2 THE COURT: You may.

3 MR. TISDALE: Your Honor, this would be deposition of
4 Mark J. Lawrence taken June 3rd, 2014 as Exhibit 24.

5 (Defendant's Exhibits 23-24 marked for identification.)

6 THE COURT: Okay.

7 MR. TISDALE: Thank you. And, Your Honor, except for
8 the other documents that we've got to wrestle with during the
9 day, we'd be ready to close the case after that.

10 THE COURT: Okay. All right.

11 MR. TISDALE: Thank you very much.

12 THE COURT: Thank you so much, Mr. Tisdale. All right.

13 Yes, ma'am. I think -- and let me just ask this
14 question, but it seems to me that the best way to proceed is
15 to go with the parishes, because we sort of gave out last
16 night -- let's just pick a parish, and let's just go down the
17 parishes and handle their issues. I think the lawyers would
18 probably appreciate it instead of them having to jump up and
19 down. Isn't that fair, you all would rather just get done
20 and do it and be done?

21 MS. KOSTEL: So no more -- you'd rather not do it by
22 categories?

23 THE COURT: We'll do the categories, but we'll do the
24 categories per parish.

25 MS. KOSTEL: Okay.

1 THE COURT: In other words, pick a parish, and we'll do
2 all their stuff.

3 MS. KOSTEL: Okay.

4 THE COURT: And then they can go to have lunch or
5 whatever.

6 MS. KOSTEL: Okay. Let me get that.

7 So perhaps, Your Honor, the best way for -- if we're
8 going to do it parish by parish, if I could move into
9 evidence all the numbers for that parish. And then if they
10 have an objection, we could deal with them one by one. Would
11 that make sense? And then we'd be clear about what number
12 we're talking about.

13 THE COURT: I need the parish folks to tell me that,
14 because you all are living in that world better than I. If
15 everybody that says that's fine that Ms. Kostel would just
16 move in your exhibits for your parish, and then you let her
17 know which of the exhibits you have a problem, everybody
18 that's cool with that, raise your hand.

19 Everybody that's uncool with that, raise your other
20 hand. Okay.

21 MR. BRYAN: The loyal opposition, Your Honor.

22 THE COURT: I know. Well, do you want to do -- you want
23 to do yours different.

24 MR. BRYAN: I may have misunderstood your question,
25 Judge. I'll do it however you say do it.

1 THE COURT: You're so wonderful. In other words,
2 Ms. Kostel's just going to call the parish, say, "I move in
3 their documents, these are the numbers." If you have
4 concerns, then you say, "Uh-uh, uh-uh, not Exhibit No. 2," or
5 whatever.

6 MR. BRYAN: I agree. That's perfect.

7 THE COURT: Is that cool?

8 MR. BRYAN: That's perfect. I'm sorry. I
9 misunderstood. I apologize.

10 THE COURT: Don't.

11 MS. KOSTEL: And to keep things shorter, I think, as I
12 go through, shall I note if it's an organic document that
13 Your Honor has already said should come in and note that
14 that's --

15 THE COURT: We've already dealt with organic.

16 MS. KOSTEL: But I'm going to call them out so that the
17 court reporter knows what numbers are in. And then if it's
18 the consecration ones, I'll say this is for ID only.

19 THE COURT: Okay.

20 MS. KOSTEL: Is that okay?

21 THE COURT: Yes.

22 MS. KOSTEL: Great. Okay.

23 THE COURT: Works for me.

24 (Defendant's Exhibits D-AS-1 through D-AS-61 premarked
25 for identification.)

1 MS. KOSTEL: All right. So let's start with -- this is
2 roughly alphabetical, roughly. All Saints. So the
3 defendants move into evidence D-AS-4, which is an organic
4 document that I believe was admitted, D-AS-5, D-AS-6, D-AS-7,
5 D-AS-8, D-AS-9, D-AS-10 -- how about if I just give you the
6 numbers and stop saying D-AS?

7 THE COURT: Yes.

8 MS. KOSTEL: Okay. 11, 12, 13, 14 the Court has decided
9 is for identification only, 16, 17, 18, 19, 23, 24, that's an
10 organic document that the Court has decided is in evidence.
11 27, 32, 33, 36, 44, 45, 46, 48, 49, 51, 54 and 55.

12 THE COURT: Mr. Campbell, you are up.

13 MR. CAMPBELL: Thank you, Your Honor. All right. May
14 it please the Court, Pierce Campbell for All Saints Parish.
15 I'm going to work down this list, Your Honor, and try to lump
16 what I can together as best I can. We do not have a problem
17 with --

18 THE COURT: Don't need to know the ones that you don't
19 have a problem, just the ones that you do have a problem.

20 MR. CAMPBELL: All right, Your Honor. The ones we've
21 got a problem with are All Saints 5, 6, 9, 10, 17. All of
22 those go to admission into the Diocese of South Carolina. We
23 would object to those on relevance grounds. I don't believe
24 there's any question about whether All Saints was admitted
25 into union with the diocese. The testimony -- everything

1 that's been in evidence so far is that they are still in the
2 diocese.

3 Any reference in there to national church constitution
4 and canons, if any, would simply be cumulative. All the
5 bylaws went in. Your Honor, we went through this for three
6 days. I mean, that's already in if it's there; if it's not,
7 it's not.

8 And so we take the position that there's no relevance to
9 how we got to be a member of the Diocese of South Carolina as
10 to those particular documents. There are various kinds.
11 Some are letters, some are corporate-type documents, but for
12 the diocese instead of actual corporate documents. They look
13 kind of like a corporate document.

14 So that would be our position on the ones related to the
15 admission to the diocese.

16 THE COURT: Okay. All right.

17 MS. KOSTEL: We think it's relevant. For example, the
18 articles of association that the parish submitted as
19 Exhibit 6 in order to be admitted into union with the diocese
20 stated, I believe in direct accord with the diocesan
21 canons, "We the undersigned" -- states that it adopts the
22 constitution and canons of the Episcopal Church. So -- and
23 this is a document that they make in order to come into union
24 with the diocese.

25 THE COURT: Okay. All right. So 6 is in. What else?

1 MS. KOSTEL: All right. So I think we can -- if 6 is
2 in, I think we can do without 5.

3 THE COURT: Okay.

4 MS. KOSTEL: And now 9. Well, this is a -- this is a
5 response from the diocese saying, "We got that" -- what I
6 just read -- "and you're in." It's probably undisputed that
7 they're in.

8 THE COURT: It is undisputed that they are in.

9 MS. KOSTEL: Yes.

10 THE COURT: You can rely on that.

11 MS. KOSTEL: Yes. But what this document shows, I
12 think, is that they're in because they made that
13 representation.

14 THE COURT: I don't know that. I mean, I don't know
15 that.

16 MS. KOSTEL: It says, "You have met the conditions."

17 THE COURT: They met the conditions.

18 MS. KOSTEL: Right.

19 THE COURT: Yes.

20 MS. KOSTEL: So that's why it's there.

21 THE COURT: Okay. For that purpose it's relevant. It's
22 in.

23 MS. KOSTEL: Okay.

24 THE COURT: Okay? And that's No. 9.

25 MS. KOSTEL: That's No. 9.

1 THE COURT: All right.

2 MS. KOSTEL: No. 10 is -- again, this is a letter from
3 the church to, from the parish, sorry, to the bishop saying
4 in accordance with this canon -- this is actually earlier in
5 time. In accordance with the diocesan canon, here's that
6 promise. Here's that -- so it is another layer of they were
7 making that promise to be in accord with the canon so that
8 they could be admitted in.

9 It predated this promise that I -- the first document.
10 It didn't predate the promise. It predated it being -- the
11 promise was adopted by the parish. They sent it to the
12 bishop. The bishop says, "You're in." This is the second
13 step. We send this to the bishop. "We're sending this to
14 you in accordance with the diocesan canons so that we can be
15 let in."

16 MR. CAMPBELL: Your Honor, if I may speak to that.

17 The problem with these documents and not putting them in
18 through a witness with knowledge of this is that that's not
19 true. This letter was two months after the last letter which
20 Ms. Kostel said shows the bishop let you in. Then two months
21 later she says the parish submitted the documents to get in.
22 How can that be? It doesn't make sense. There's no way to
23 explain it. Neither of us knows. We weren't there. It was
24 60 years ago.

25 So there's just a problem with this mass entry of

1 documents like this with no explanation, because that does
2 not make sense. This letter's dated February 6, 1960, and
3 the last one which Your Honor let in which she said was the
4 proof they got in under the rules was in December 1959.

5 MS. KOSTEL: I think Mr. Campbell's correct. This later
6 letter, and I misspoke, looks like it's in accordance with
7 the canon requiring them to send these documents to the
8 diocese after they get in. Sorry. And it's probably, in
9 that situation, not -- it's probably not relevant.

10 THE COURT: Okay.

11 MS. KOSTEL: Yes.

12 THE COURT: So it's out.

13 MS. KOSTEL: Yes.

14 THE COURT: So 10 is out. Then we're up to 16.

15 MS. KOSTEL: 17.

16 THE COURT: I'm sorry, 17. Tell me what your concern is
17 about 17, Mr. Campbell.

18 MR. CAMPBELL: Sure. Yes, Your Honor. I'm flipping to
19 it here.

20 THE COURT: Yes.

21 MS. KOSTEL: Oh, yes.

22 MR. CAMPBELL: This is another letter with a different
23 date, dealing with the same topics, supposedly from the
24 church, unsigned by anyone. It's in our records. I don't
25 deny that. But as far as I know, Reverend Diraddo is about

1 90-plus years old now. Saw him at a homecoming service a few
2 years back. And I believe George Tyson and John A. Chase,
3 Jr., are both dead.

4 I have no idea if this was sent. I have no idea why
5 they sent this and then another letter later. It's just not
6 reliable, Your Honor, to depend on all this, and I don't know
7 what it has to do with the national church anyway, but --

8 THE COURT: Okay.

9 MS. KOSTEL: Yes. I do think that given that the
10 articles are in and the bishop's response is in, this does
11 predate the bishop's response; so I take issue with
12 Mr. Campbell's representation that we can't tell what's
13 happening. I think it's because I misspoke before about the
14 February letter, but this letter's dated December 22, 1959,
15 and it's essentially saying, you know, we'd like in, and we'd
16 like to lay before you a statement of our condition.

17 And then after that, shortly after that, you get the
18 bishop's letter saying you're in, which is dated. So --

19 MR. CAMPBELL: Your Honor, if I may --

20 MS. KOSTEL: I think it's relevant.

21 MR. CAMPBELL: -- speak to the date issue again. The
22 document she keeps referring to that's in, All Saints 6, I
23 was negligent in noting that it, in fact, although unsigned,
24 was in our records, but it is dated January 27th, 1960. So
25 the document that they are purporting to say is what we

1 submitted to get in came 30 days after the bishop said,
2 "You're in."

3 The whole, that's why I listed the whole set of them.
4 It just -- there's no way without testimony to explain all
5 this. It's just --

6 THE COURT: I thought that there was no -- I thought
7 that there was no objection regarding authenticity.

8 MR. CAMPBELL: It was in our records, Your Honor. I
9 mean, it is, and we have no way to challenge whether or not
10 it was sent. I assume the diocese might have some file on
11 this, though I don't know 60 years later if they would even
12 have that.

13 We don't have anything else except this. We do not
14 challenge that this is in our records, and I don't challenge
15 that there was correspondence back and forth.

16 THE COURT: Okay.

17 MR. CAMPBELL: What I'm saying is it is very hard for me
18 to just say it is relevant when there is no testimony
19 explaining all of this, the dates are inconsistent and
20 there's nobody to say what really happened, what happened
21 first, why did they do the next step, who wrote the next
22 letter. That's my problem --

23 THE COURT: I gotcha.

24 MR. CAMPBELL: -- with the whole series of admission to
25 the -- and I imagine this applies to other parishes who have

1 admission documents too, in similar ways. I would guess, but
2 I don't know that.

3 THE COURT: Okay. Other than the fact that -- is there
4 anything of note of this particular document, other than it
5 is further evidence that the parish was accepted into the
6 diocese.

7 MS. KOSTEL: I think the promise of the statement that
8 it will conform to the rules of the Episcopal Church.

9 THE COURT: Is that in Exhibit 17? Because that's why I
10 allowed in 6.

11 MS. KOSTEL: No.

12 THE COURT: It's not in 17?

13 MS. KOSTEL: Correct. It's in 6, yes.

14 THE COURT: It's in 6. And 9 is evidence that they were
15 admitted into the diocese, right?

16 MS. KOSTEL: Correct.

17 THE COURT: 17 then is duplicative. Out.

18 MS. KOSTEL: Thank you.

19 THE COURT: Okay. Then you're done, right? Isn't that
20 it for you?

21 MR. CAMPBELL: Unfortunately, Your Honor, I wish it was
22 that simple.

23 THE COURT: Okay.

24 MR. CAMPBELL: That's all the admission documents. The
25 other ones that we have some concern about are, we talked

1 about consecration yesterday, and I just want to clarify. I
2 believe the Court's ruling was that's out unless Ms. Kostel
3 gave us some new notice today that something was in; is that
4 right?

5 THE COURT: Yes, that is correct.

6 MR. CAMPBELL: Okay.

7 MS. KOSTEL: Well, they're marked for identification,
8 and I haven't responded to that yet.

9 MR. CAMPBELL: Okay. Well, I'll go ahead and deal with
10 that. We have one of those that's marked for identification,
11 if Your Honor may allow us.

12 THE COURT: Yes. You need to put your argument on the
13 record.

14 MR. CAMPBELL: It's AS-14. It is a document that looks
15 to be a program for a service, and it is entitled,
16 "Dedication Service and Order of Confirmation."
17 Bishop vonRosenberg already testified confirmation deals with
18 an individual person. That has nothing to do with
19 consecration.

20 So dedication service presumably is why they think this
21 means consecration, but it does not use the word
22 "consecration" anywhere herein, and, in fact, uses the word
23 "dedication" a couple of times. It mentions they're glad to
24 have the bishop there to confirm people.

25 There is no evidence of consecration, which I believe

1 that all the clergy in the room would probably say is a
2 specific act of a religious nature that is not the same as a
3 simple dedication. And so even if consecration came in, this
4 document shows no consecration; so I believe it should be
5 kept out for that purpose.

6 THE COURT: It is. It already is out. That's why it's
7 marked for ID purposes only, but you need to put your
8 argument on the record so that it is preserved.

9 MR. CAMPBELL: Thank you, your Honor.

10 THE COURT: You got it. It's out.

11 MR. CAMPBELL: Thank you.

12 THE COURT: What else?

13 MS. KOSTEL: I'm going to -- just give me a minute,
14 because I'm finding it's easier to go -- believe it or not --

15 THE COURT: Sure.

16 MS. KOSTEL: So if you can just give me a minute. Okay.
17 Thank you.

18 THE COURT: Now what else? What other number?

19 MR. CAMPBELL: This may simplify things. I believe Your
20 Honor said something a minute ago, I want to make sure I
21 understood your ruling. Is it your position that if one of
22 these documents in these categories shows a requirement to
23 comply with national church canons that you're going to at
24 least let it in on relevance grounds? Is that --

25 THE COURT: Yes.

1 MR. CAMPBELL: Okay. The last category I have on this
2 one, Your Honor, is consent. This would go to AS-54.

3 MS. KOSTEL: And 36 and --

4 MR. CAMPBELL: I'm sorry, say it again?

5 MS. KOSTEL: 32 and 36. I think it's 32 --

6 MR. CAMPBELL: Right. Okay.

7 MS. KOSTEL: -- 36 and 54. Unless you've spotted
8 others, I don't think that -- oh, and 16, Pierce.

9 MR. CAMPBELL: These, Your Honor, go to basically
10 discussions that anyone at the parish may have ever had with
11 a bishop or a standing committee or some other diocesan
12 entity about selling, buying or mortgaging property. They
13 come in varying ways. Sometimes they come as a request.
14 Sometimes it comes as information. Sometimes it says
15 somebody said that's a good idea. Sometimes it's more formal
16 than that.

17 And so, Your Honor, we believe that simply because
18 somebody in a parish speaks with the diocesan bishop about
19 real property, that's not relevant. And it certainly doesn't
20 somehow incorporate the canons into their corporate
21 structure, as I believe is the position that the national
22 church has taken.

23 MS. KOSTEL: Yeah, I think we may have to take these one
24 by one because there may be some -- I don't know that there's
25 any one -- any document here that's just a person speaking to

1 someone else. There are definitely -- by the way, this is
2 compliance, because this is a national canon; so it really
3 falls under the compliance category, as I mentioned
4 yesterday.

5 But I think what this category was trying to capture is
6 statements by the vestry or persons with managing agents,
7 persons with authority saying, "Well, we can't do that until
8 we get consent from the diocese," or sending a letter to the
9 diocese saying, "Can we have consent," or the diocese saying,
10 "Thanks for that letter, and yes, you have consent." This is
11 what it's trying to capture. If it's anything beyond that, I
12 will talk with Mr. Campbell and pull it out.

13 THE COURT: I gotcha. Okay. Let me see them.

14 And just as a note for everybody, as you guys -- as you
15 folks are waiting, just know this is going to be the same
16 procedure; so get your documents out that you don't agree
17 with and get them handy, please. It will make this go so
18 much faster.

19 MR. CAMPBELL: May I approach, Your Honor.

20 THE COURT: Uh-huh.

21 MS. KOSTEL: Pierce, do they have Exhibit numbers on
22 them?

23 MR. CAMPBELL: I wrote them at the top.

24 (Brief pause.)

25 THE COURT: All right. Let me just say that 16 is in.

1 36 is in. 32 is in. I have no idea why 54 is offered.

2 MS. KOSTEL: Yes. And we withdraw it, Your Honor.

3 THE COURT: Okay. Great. Thank you.

4 MR. CAMPBELL: Thank you, Your Honor. If I may
5 approach. The last thing, and I'm going to sit down for Your
6 Honor --

7 THE COURT: Okay.

8 MR. CAMPBELL: -- there are a number of exhibits that
9 deal with aid. That's the category Ms. Kostel's used.
10 Typically, it is a loan or grant of some kind from the
11 diocese. On occasion there are references to some loan or
12 grant from the national church.

13 THE COURT: Yes.

14 MR. CAMPBELL: And so, Your Honor, we object on
15 relevance grounds, but just obviously --

16 THE COURT: It's coming in. Money's coming in.

17 MR. CAMPBELL: Thank you, Your Honor.

18 (Defendant's Exhibits D-AS-4, D-AS-6, D-AS-7, D-AS-8,
19 D-AS-9, D-AS-11, D-AS-12, D-AS-13, D-AS-16, D-AS-18, D-AS-19,
20 D-AS-23, D-AS-24, D-AS-27, D-AS-32, D-AS-33, D-AS-36,
21 D-AS-44, D-AS-45, D-AS-46, D-AS-48, D-AS-49, D-AS-51, D-AS-55
22 admitted into evidence.)

23 THE COURT: Yes. Okay. Great. Who is next? We'll do
24 one more, and then we'll go to lunch.

25 MS. KOSTEL: Oh, I'm sorry. You're asking me.

1 THE COURT: Pick a number, any number.

2 MS. KOSTEL: Christ Church.

3 THE COURT: Great.

4 MR. SLOAN: Your Honor, Chip Sloan for Christ Church,
5 Mount Pleasant.

6 MS. KOSTEL: I think I need to move them in first --

7 MR. SLOAN: Okay.

8 MS. KOSTEL: -- by number. Does that make sense, Your
9 Honor?

10 THE COURT: Uh-huh.

11 (Defendant's Exhibits D-CC-1 through D-CC-72 premarked
12 for identification.)

13 MS. KOSTEL: Okay. This is D-CC-6, 7, 47, 48, 54, 56,
14 57, 58, 59, 60, and 62.

15 MR. SLOAN: Your Honor, Chip Sloan for Christ Church,
16 Mount Pleasant. I think your rulings will make this go
17 quicker, but I just want to put my objections on the record.

18 THE COURT: Thank you, Mr. Sloan.

19 MR. SLOAN: You're welcome.

20 THE COURT: And please know I'm willing to look at any
21 one you want me to look at.

22 MR. SLOAN: I will, Your Honor.

23 6 and 7 have to do with admission to the diocese as a
24 parish. We would object on the grounds of relevance and that
25 it's cumulative. There is a reference to the national

1 church, which my understanding is if that's there, you're
2 going to let that in, but I just want to make my objection
3 for the record on those grounds.

4 THE COURT: Okay. Thank you.

5 MR. SLOAN: Also with regard to aid, those would be
6 Exhibits 54, 56 and 58. Those are all having to do with aid
7 coming from the diocese, and we would object to that on the
8 grounds of relevance. I understand your ruling, Your Honor,
9 that anything having to do with money is coming in, but I
10 just want our objection on the record.

11 With regard to compliance, they have listed three
12 documents: 57, 59 and 60. Those are letters from a member
13 of the audit committee that say that they did an audit that
14 was in conformance with some TEC guidelines on an audit. I
15 would object to those, that they are not relevant as to
16 whether we own our property, whether we had bylaws, whether
17 we left properly; so those would be the basis for that
18 objection --

19 THE COURT: They fall under the guidelines of the
20 diocese or the national church?

21 MR. SLOAN: Actually, it says, "National church."

22 THE COURT: Okay. Thank you. They're in.

23 MR. SLOAN: All right. And there are two deeds, Your
24 Honor, which I'm not sure this has come up yet, No. 47 and
25 48, where property was sold. And they do not mention the

1 national church; so I would object to those under relevance.

2 MS. KOSTEL: Is that property sold by the parish?

3 MR. SLOAN: Yes.

4 MS. KOSTEL: Okay. That's a mistake. I'll strike
5 those.

6 MR. SLOAN: All right.

7 THE COURT: So those are out.

8 MR. SLOAN: So 47 and 48 are out?

9 THE COURT: Yes.

10 MR. SLOAN: All right. And then I think the last one is
11 labeled as "consent," which is No. 62, which was, I think,
12 consent for a -- it was from a vestry meeting minute saying
13 that they would get consent from the diocese to mortgage
14 property. We'd object to that just on relevance.

15 THE COURT: Thank you. Very well. Thank you.

16 MR. SLOAN: Thank you, Your Honor.

17 THE COURT: Okay. The only two that would then be
18 excluded would be 47 and 48.

19 MR. SLOAN: Yes.

20 (Defendant's Exhibits D-CC-6, D-CC-7, D-CC-54, D-CC-56,
21 D-CC-57, D-CC-58, D-CC-59, D-CC-60, D-CC-62 admitted into
22 evidence.)

23 MS. KOSTEL: Yes. Okay. We've got time for one more
24 maybe.

25 MS. GOLDING: Do you want to do St. Luke's?

1 MS. KOSTEL: Christ St. Paul's. It's D-CSP-2. That's
2 an organic document -- actually should I do that now?

3 MR. MCCARTY: It's already been admitted.

4 MS. KOSTEL: It's already been admitted. Okay.

5 MR. MCCARTY: Yes.

6 (Defendant's Exhibits CSP-1 through CSP-56 premarked for
7 identification.)

8 MS. KOSTEL: But I still need to give you the numbers so
9 you know what's in. So D-CSP-2, 4, 6, 8, 9, 12, 17, 22, 54
10 and 55.

11 THE COURT: Before we start this, I know people have got
12 to be getting hungry. We're going to start back at 2:15.
13 2:15. So this is going to be the last one we're going to do
14 for an hour and 15 minutes. So if you all want to run and go
15 get some lunch, that gives you just a few minutes, if you'd
16 like. We're going to go ahead and start, but if you quietly
17 want to leave, please feel free.

18 Okay. All right. Tell me which ones you're concerned
19 about.

20 MR. MCCARTY: Okay. I'd like to start with the -- let
21 me get over to it, Judge -- the one I mentioned yesterday
22 briefly.

23 THE COURT: Yes.

24 MR. MCCARTY: Which is the parish handbook.

25 THE COURT: Okay.

1 MR. MCCARTY: That is 17.

2 THE COURT: Yes.

3 MR. MCCARTY: That's the one testimony was elicited from
4 my client at his 30(b)(6) deposition and from -- and while he
5 testified here in Court. That was in our documents, but
6 nobody had ever used it, seen it, applied it, don't know how
7 it got to the church or anything. It's a 2006 vestry
8 handbook from the Episcopal Diocese of South Carolina.

9 THE COURT: I'll tell you what. Here's what I think:
10 I'm going to admit it. If you want to call somebody to say,
11 "We don't know a thing about this" --

12 MR. MCCARTY: He testified to that already.

13 THE COURT: Then you're done.

14 MR. MCCARTY: You're going to let that in?

15 THE COURT: Yes, it's in.

16 MR. MCCARTY: Okay. Based on that, the only other --
17 the only other ones I have, Your Honor, were already talked
18 about by Mr. Campbell, which include aid. And they are
19 Document No. 4, Document No. 22, and Document No. 55. Those
20 are basically letters regarding aid that the church got from
21 the diocese, and I object to those. I don't think they're
22 relevant. I don't think they comment to anything, but you've
23 already testified -- you've already said they're coming in;
24 is that correct? I just want to note my objection on the
25 record.

1 THE COURT: I think they're relevant. They're not
2 necessarily relevant for the reasons that they are being
3 offered, but they're relevant, yes, sir.

4 MR. MCCARTY: Okay. The last one was -- that I had a
5 question about was Document No. 56. That has to do with the
6 consecration. I'll just note my objection on the record to
7 that. I think you had already said it's not --

8 THE COURT: Yes --

9 MS. KOSTEL: I withdrew that.

10 MR. MCCARTY: Okay. Never mind. That's it.

11 (Defendant's Exhibits D-CSP-2, D-CSP-4, D-CSP-6,
12 D-CSP-8, D-CSP-9, D-CSP-12, D-CSP-17, D-CSP-22, D-CSP-54,
13 D-CSP-55 admitted into evidence.)

14 THE COURT: Great. Have a good lunch. I'll see
15 everybody at 2:15.

16 (Lunch recess held.)

17 THE COURT: All right. Who is next?

18 MR. BEERS: Preliminary matter, Your Honor.

19 THE COURT: All right.

20 MR. BEERS: We circulated to the plaintiffs the proposed
21 page and line designations for the 30(b)(6) depositions, and
22 we have heard back from about two thirds of the group.

23 THE COURT: Okay.

24 MR. BEERS: There's -- I think there are nine that are
25 ready to be admitted without objection.

1 THE COURT: Okay.

2 MR. BEERS: The rest all have objections. The
3 categories sound similar to the ones that you all have been
4 dealing with. And I would propose that -- ask the Court -- I
5 think a lot of the objections are being made for the record,
6 to preserve the record, which is fine. We can note that in
7 the designation, but I will be here after we break up today
8 and tell you -- and ask how serious some of these people are
9 as to certain categories that we think you've already ruled
10 on.

11 THE COURT: Okay.

12 MR. BEERS: And maybe by tomorrow noon we'll have it in
13 good shape.

14 THE COURT: Okay. Suits me fine. The only thing is
15 that once we finish this part of it, if we have time, and if
16 there is any rebuttal reply, and I don't know that there will
17 be, but if there is, I certainly don't want to delay the
18 testimonial part of that.

19 MS. GOLDING: Your Honor, I've reached an agreement with
20 Ms. Kostel and Mr. Tisdale that at 4:00, I can present
21 Father Kronz, a rebuttal witness. He should be short, and he
22 will be taken out of turn, and they've agreed.

23 THE COURT: Okay. All right.

24 MS. KOSTEL: We probably could all use a break from the
25 documents at that point.

1 THE COURT: Yes. All right.

2 MS. KOSTEL: Okay. Shall I proceed, Your Honor.

3 THE COURT: Please.

4 (Defendant's Exhibits D-CTK-1 through D-CTK-22 premarked
5 for identification.)

6 MS. KOSTEL: Okay. So on behalf of the defendants,
7 I'm -- for Christ the King -- I'm moving into evidence
8 D-CTK-1, 17, and that's it.

9 MR. OXNER: And you're withdrawing 3? Do you have 3?

10 MS. KOSTEL: Yes.

11 MR. OXNER: Okay. May it please the Court, Harry Oxner
12 for Christ the King, Waccamaw. As to No. 1, that is the
13 program of institution of Christopher Scott Royer as rector
14 of Christ the King. So they basically got a program, and it
15 doesn't mention the national church, doesn't mention the
16 national canons or constitution. It only mentions the
17 diocese canons and constitution in their program, and we
18 don't think it's relevant.

19 THE COURT: Okay. And I have been admitting things that
20 talk about the diocese; so I would allow it because just, if
21 for no other reason, for consistency.

22 MR. OXNER: All right. And No. 17 you've already ruled
23 on. This is a letter between the diocese and the church
24 asking permission, and we just note the objection.

25 THE COURT: Great. Thanks so much.

1 MR. OXNER: Thank you.

2 (Defendant's Exhibits D-CTK-1 and D-CTK-17 admitted into
3 evidence.)

4 (Defendant's Exhibits D-TC-1 through D-TC-42 premarked
5 for identification.)

6 MS. KOSTEL: Next turning to Church of the Cross. So
7 this is -- move the admission of D-TC-1 -- I'm sorry,
8 withdrawing 1. 8, 14, 33, 34, 35, 36, 38, 40, 42.

9 THE COURT: Okay.

10 MR. PLATTE: Your Honor, Andrew Platte on behalf of
11 Church of the Cross. Let me go through my list. Noting the
12 Court's prior ruling of some of these documents, TC-8, we
13 would object to relevance, approval of the diocese, knowing
14 you've been letting those in, just for the record.

15 THE COURT: And which numbers are those?

16 MR. PLATTE: TC-8.

17 THE COURT: Oh, 8. Okay.

18 MR. PLATTE: TC-14.

19 THE COURT: Yes.

20 MR. PLATTE: Again, another diocesan reference. TC-33,
21 34, 35, 36, again, only references the diocese, relevance.
22 And then 42, only reference to the diocese and relevance.

23 THE COURT: Got it. And again, for the sake of
24 consistency, I would admit them.

25 MR. PLATTE: Thank you, Your Honor.

1 (Defendant's Exhibits D-TC-8, D-TC-14, D-TC-33, D-TC-34,
2 D-TC-35, D-TC-36, D-TC-38, D-TC-40, D-TC-42 admitted into
3 evidence.)

4 THE COURT: All right. Who is next?

5 MS. KOSTEL: And, Your Honor, so where there's no
6 objection, they're admitted, correct?

7 THE COURT: 38 and 40 is --

8 MS. KOSTEL: In.

9 THE COURT: Smooth sailing.

10 MS. KOSTEL: Okay. Just making sure it's clear.

11 THE COURT: Okay.

12 (Defendant's Exhibits D-E-1 through D-E-23 premarked for
13 identification.)

14 MS. KOSTEL: Next is Epiphany.

15 THE COURT: Okay.

16 MS. KOSTEL: On behalf of defendants move into evidence
17 D-E-8, 11, 14, and 21.

18 THE COURT: Okay.

19 MR. PLATTE: We object on the basis of relevance to 8,
20 11. No. 8, I'm not quite sure where the compliance is in
21 that document. And then for 11, it just references diocesan
22 bylaws and object to relevance.

23 THE COURT: Got it. 11 is okay. Let me see 8.

24 MR. PLATTE: I've got it electronically.

25 MS. KOSTEL: I think I can -- I think I can get it, Your

1 Honor.

2 THE COURT: Okay.

3 MS. KOSTEL: In hard copy, I mean.

4 THE COURT: Sure.

5 MS. KOSTEL: I'm going to try to find the reference
6 while I'm on my way.

7 MR. PLATTE: That would be useful for me too.

8 MS. KOSTEL: Okay. Here we go. So at the very bottom
9 of the first page, "pending retirement of the rector." May I
10 approach?

11 THE COURT: Yes. Thanks.

12 MS. KOSTEL: At the very bottom of the first page, where
13 it says "retirement is mandatory, age 72," that's actually a
14 national church rule.

15 THE COURT: All right. And I gather that the -- where
16 it says that his retirement is mandatory, but it says he can
17 serve at the permission of the bishop; so I gather it is a
18 diocesan rule?

19 MS. KOSTEL: The age 72 rule is a national church rule.

20 THE COURT: Okay.

21 MS. KOSTEL: And then serving -- yes. Then the bishop
22 has the discretion after retirement to let people do things
23 after retirement, but the mandatory retirement age comes from
24 the national church. That's for bishops and clergy.

25 THE COURT: Okay. All right. Very well, over the

1 objection, it's in.

2 MS. KOSTEL: Thank you.

3 MR. PLATTE: Thank you, Your Honor.

4 (Defendant's Exhibits D-E-8, D-E-11, D-E-14, D-E-21
5 admitted into evidence.)

6 THE COURT: Next.

7 MS. KOSTEL: That's finished with Epiphany, Your Honor?

8 THE COURT: It is.

9 (Defendant's Exhibits D-GS-1 through D-GS-39 premarked
10 for identification.)

11 MS. KOSTEL: Good Shepherd? Good Shepherd. Mr. Wall.

12 THE COURT: What numbers?

13 MS. KOSTEL: Yes. This is D-GS-1, 7, 10, 11, 13, 14,
14 15, 21, 36, which I believe is already in because it's an
15 organic document; 37, which is already in because it's an
16 organic document; and 39.

17 THE COURT: All right.

18 MR. WALL: Your Honor, John Wall for Good Shepherd.

19 THE COURT: Yes.

20 MR. WALL: Just a general objection with respect to the
21 general classifications of aid and compliance, her
22 categories. They reference not only the national church but
23 the diocese as well, and pretty much all those documents only
24 reference the diocese; so I don't want to give any inference
25 that we agree to accede to the national church in those

1 documents. The only ones I would call into relevance would
2 be No. 7, 13, 14 and 15.

3 THE COURT: And the basis is just as you mentioned?

4 MR. WALL: Correct.

5 THE COURT: Although it refers both to the diocese as
6 well as the national church, it really is about the diocese?

7 MR. WALL: Correct.

8 THE COURT: Very well. And, again, for consistency
9 reasons I would admit them over the objection.

10 MR. WALL: Thank you, Your Honor.

11 THE COURT: It may have some relevance beyond even what
12 they're offered for.

13 MR. WALL: Thank you.

14 THE COURT: Thank you so much.

15 (Defendant's Exhibits D-GS-1, D-GS-7, D-GS-10, D-GS-11,
16 D-GS-13, D-GS-14, D-GS-15, D-GS-21, D-GS-36, D-GS-37, D-GS-39
17 admitted into evidence.)

18 MS. KOSTEL: Holy Comforter. Can I confer with Bess for
19 one second?

20 THE COURT: Sure.

21 (Attorneys confer.)

22 (Defendant's Exhibits D-HC-1 through D-HC-51 premarked
23 for identification.)

24 MS. KOSTEL: Okay. So for Holy Comforter defendants
25 move the admission of D-HC-6, D-HC-8, D-HC-13, 14, 15, 16,

1 18, 19, 20, 21, 29, 33, 34, 35 and 36. And I'm sorry, I
2 should have said for D-HC-6, that's an organic document that
3 I believe is already in.

4 THE COURT: Got it.

5 MS. DURANT: Bess Durant for Holy Comforter, and just
6 for the record, Your Honor, yesterday I raised the issue over
7 D-HC-6, and I believe you admitted it over my objection. I
8 just want to confirm that for the record.

9 The other documents that I have objections on I think
10 are going to be smaller dismissed are D-HC-13, D-HC-14,
11 D-HC-15, D-HC-16, D-HC-18, D-HC-19, D-HC-20, D-HC-29. Your
12 Honor, these are all -- they go to consent. They're letters
13 to and from the bishop over the alienation of property and
14 also vestry resolution and a consent from the bishop
15 regarding alienation.

16 I understand you've already made a ruling on this, but I
17 also would just like to enter my objection to the relevancy
18 and also -- just basically relevancy, Your Honor.

19 THE COURT: I understand. But the point is that the
20 mention is not to the national church but to the diocese.

21 MS. DURANT: Yes, Your Honor, these are all references
22 with the diocese.

23 THE COURT: Got it. Okay. Over the objection it's in.
24 Got it.

25 MS. KOSTEL: To be clear, it's a national canon. That's

1 why we're offering it.

2 THE COURT: I understand.

3 MS. KOSTEL: Yes.

4 MS. DURANT: And then I've got two other groups of
5 documents, Your Honor, that I have an objection with.

6 THE COURT: Okay.

7 MS. DURANT: The next objection is to D-HC-21. Also,
8 this is a certification that the diocese sent to our church,
9 Holy Comforter, over accounting principles. It does
10 reference the national church. Again, I just argue, Your
11 Honor, that it's irrelevant and doesn't go to the matters at
12 hand. And I think you've already ruled on that.

13 THE COURT: Yes, it goes to weight rather than
14 admissibility, yes. Okay. It's in.

15 MS. DURANT: And then finally, Your Honor, I object to
16 D-HC-33, D-HC-34, D-HC-35 and D-HC-36. Your Honor, these are
17 all deeds that are from 1982, '84, 1994 and 1995. We've
18 already admitted all the deeds that reflect our title. I
19 just think these deeds are irrelevant and cumulative, Your
20 Honor.

21 THE COURT: Do they have any mention of the national
22 church?

23 MS. DURANT: A few of the deeds have Episcopal in
24 parentheses.

25 THE COURT: Okay.

1 MS. DURANT: But no specific references to the national
2 church, Your Honor.

3 THE COURT: Okay. They're in over the objection.
4 Thanks.

5 MS. DURANT: Thank you, Your Honor.

6 (Defendant's Exhibits D-HC-6, D-HC-8, D-HC-13, D-HC-14,
7 D-HC-15, D-HC-16, D-HC-18, D-HC-19, D-HC-20, D-HC-21,
8 D-HC-29, D-HC-33, D-HC-34, D-HC-35, D-HC-36 admitted into
9 evidence.)

10 THE COURT: Okay. All right. Thank you so much. Who's
11 next?

12 (Defendant's Exhibits D-HCS-1 through D-HCS-43 premarked
13 for identification.)

14 MS. KOSTEL: Holy Cross, Stateburg.

15 THE COURT: Okay. And the numbers are?

16 MS. KOSTEL: Yes. D-HCS-9, 29, 30, 31. That's it.

17 THE COURT: Mr. Campbell.

18 MR. CAMPBELL: There were a few reduced; so I think I'm
19 making this even shorter than we had it.

20 THE COURT: Okay.

21 MR. CAMPBELL: Quickly, Your Honor, 29, 30 and 31 go to
22 the issue of consent for something from the diocese or the
23 bishop of the diocese; so we'd object on relevance grounds.
24 And I understand your ruling.

25 THE COURT: That's right.

1 MR. CAMPBELL: And then No. 9 deals with compliance with
2 diocesan rules or canons; so we would object on relevance
3 grounds there as well.

4 THE COURT: Thank you so kindly.

5 MR. CAMPBELL: Thank you.

6 THE COURT: In over the objection.

7 MR. CAMPBELL: Thank you.

8 THE COURT: Just as before.

9 (Defendant's Exhibits D-HCS-9, D-HCS-29, D-HCS-30,
10 D-HCS-31 admitted into evidence.)

11 (Defendant's Exhibits D-HT-1 through D-HT-46 premarked
12 for identification.)

13 MS. KOSTEL: Holy Trinity. Defendants move into
14 evidence D-HT-30, which is an organic document already
15 admitted.

16 THE COURT: Okay.

17 MS. KOSTEL: 31, an organic document that's already
18 admitted; 33, organic, admitted; 34, organic, admitted; 35,
19 organic, admitted; 36, organic, admitted; 38, organic,
20 admitted; 40, organic, admitted; 43, 44 and 45.

21 THE COURT: So talk to me about 43, 44 and 45.

22 MR. SOWINSKI: Your Honor, Dane Sowinski for Holy
23 Trinity. We do object to 43, 44 and 45. Those are basically
24 programs for the institution of a new rector. We just object
25 on relevance grounds to those.

1 THE COURT: All right. Do you want me to look at them?
2 What do they make reference to?

3 MS. KOSTEL: They make reference to needing to obey
4 these canons and the persons being ordained pursuant to the
5 canons of the national church and the diocese.

6 THE COURT: Okay. Very well. It goes to the
7 weight rather --

8 MR. SOWINSKI: Okay.

9 THE COURT: -- I think, than the admissibility.

10 MR. SOWINSKI: Thank you, Your Honor.

11 THE COURT: Over objection. Thanks so much.

12 MR. SOWINSKI: Thank you.

13 (Defendant's Exhibits D-HT-30, D-HT-31, D-HT-33,
14 D-HT-34, D-HT-35, D-HT-36, D-HT-38, D-HT-40, D-HT-43,
15 D-HT-44, D-HT-45 admitted into evidence.)

16 (Defendant's Exhibits D-OSA-1 through D-OSA-62 premarked
17 for identification.)

18 MS. KOSTEL: Old St. Andrew's. We move the admission of
19 D-OSA-2, which is organic. To be clear, this is vestry
20 meeting minutes showing the adoption of an organic -- of the
21 first parish constitution and canons. It's not the actual
22 constitution and canons, which, I believe, is the next
23 document, to be clear. 3, organic; 6, organic; 7, organic;
24 8, organic; 9, 10, 11, organic; 17, 19, 21 -- I'm sorry, 20,
25 21, 28, 31, 32, 33, 34, 36, 37, 38, 41, 43. 44 is a

1 consecration document that's right at this point marked for
2 identification only; 45, also a consecration document marked
3 for identification only; 46, consecration document marked for
4 identification only; 53 and 62, that's an organic document.

5 THE COURT: Okay. Mr. Platte.

6 MR. PLATTE: Where do I begin? OSA-2, they've entered
7 in the constitution and canons that are referenced. I would
8 object just as best evidence. It's the constitution and
9 canons. It's cumulative.

10 THE COURT: It's the vestry minutes. They're adopting
11 it. It goes to the weight.

12 MR. PLATTE: No. OSA-9 and 10, they were -- I believe
13 they were originally designated as compliance, and she just
14 changed and said they're organic.

15 MS. KOSTEL: Oh, I didn't mean to.

16 MR. PLATTE: Well, they're -- both of these are -- one's
17 a letter from the chancellor of the parish to the chancellor
18 of the diocese, and then the other letter is a return letter
19 from the chancellor of the diocese to the chancellor of the
20 parish. My objections would be hearsay, relevance. They're
21 seeking conclusions and opinions, and, I mean, it's just I
22 don't see where the relevance is.

23 THE COURT: Got it.

24 MS. KOSTEL: Can I speak to those too?

25 THE COURT: Yes.

1 MS. KOSTEL: If I said they were organic, I misspoke. I
2 did not mean to represent that 9 was organic. I have them
3 down as compliance documents here.

4 This correspondence, I agree with Mr. Platte, is between
5 chancellor from parish to diocese and chancellor from diocese
6 to parish, seeking to ascertain whether the amendments to the
7 parish constitution comply with the national and the diocesan
8 canons.

9 THE COURT: Got it. Okay. It's in; they're in. Now
10 you're down to 17, 19.

11 MR. PLATTE: I'm even further down. 31 -- I'll just do
12 a whole batch of these. 31, 32, 33, 38, all are documents
13 where there was approval or -- approval of some sort sought
14 from the diocese that we'd just object on relevance --

15 THE COURT: I understand. I understand. And I'm
16 admitting those. Again, they may have additional relevance
17 for the Court.

18 MR. PLATTE: Thank you, Your Honor. No. 41, it's a
19 compliance document, and it was -- they were discussing
20 applying for donations or applying how donations may go.
21 It's not a mandatory or -- it was more of a "this is where it
22 may go," so I would just object to relevance.

23 THE COURT: Meaning may go what?

24 MR. PLATTE: There was a -- I believe this one is a --
25 there may have been a national church canon that said -- that

1 suggests donations at certain -- certain donations can go
2 certain places. May go, not it must. So our objection of
3 relevance is --

4 THE COURT: Got it.

5 MR. PLATTE: -- it's just a suggestion rather than
6 anything else.

7 THE COURT: Got it. Okay. Over the objection it would
8 be admitted.

9 MR. PLATTE: We've covered consecration documents. And
10 then finally, 53, it's seeking diocesan approval, obviously
11 noting the Court's prior rulings.

12 THE COURT: Got it. Thank you, thank you.

13 (Defendant's Exhibits D-OSA-2, D-OSA-3, D-OSA-6,
14 D-OSA-7, D-OSA-8, D-OSA-9, D-OSA-10, D-OSA-11, D-OSA-17,
15 D-OSA-19, D-OSA-20, D-OSA-21, D-OSA-28, D-OSA-31, D-OSA-32,
16 D-OSA-33, D-OSA-34, D-OSA-36, D-OSA-37, D-OSA-38, D-OSA-41,
17 D-OSA-43, D-OSA-53, D-OSA-62 admitted into evidence.)

18 THE COURT: All right. Who is next?

19 MR. BEERS: Excuse me, Your Honor. May I be excused for
20 a few minutes?

21 THE COURT: Sure.

22 (Defendant's Exhibits D-OS-1 through D-OS-73 premarked
23 for identification.)

24 MS. KOSTEL: Church of Our Saviour, moving the admission
25 of D-OS-1, 2, 13, 14, 16, 17, 18, 22, 24, 25, 32, 34, 43, 45,

1 47, 51, 52, 53, 54, 63, which is organic; 64, organic; 65,
2 organic; 66, organic; 67, not organic; 68, organic; 72 and
3 73.

4 MR. PLATTE: Andrew Platte on behalf of Church of Our
5 Saviour. We object to OS-1 and 2. It discusses the
6 admission of the parish and the mission into the diocese
7 only. Object to relevance.

8 THE COURT: Got it. In.

9 MR. PLATTE: I'll go through another list, long list.

10 THE COURT: Great.

11 MR. PLATTE: 13, 14, 16, 17, 18, all reference --
12 they're all letters to and from the diocese, seeking their
13 consent. No reference to the national church.

14 THE COURT: Got it.

15 MR. PLATTE: We just object to relevance.

16 THE COURT: Got it. In over the objection.

17 MR. PLATTE: 22, 24, 25. 22 and 24, we object to
18 relevance.

19 THE COURT: Because?

20 MR. PLATTE: They discuss -- actually, I'll withdraw
21 those.

22 THE COURT: Okay.

23 MR. PLATTE: No. OS-25, I just have a question --

24 THE COURT: Yes.

25 MR. PLATTE: -- where -- we just object to relevance

1 because I wasn't able to --

2 MS. KOSTEL: Something to do with getting licenses for
3 chalice bearers.

4 THE COURT: Okay.

5 MS. KOSTEL: Which is a national rule. So let me see if
6 I can find it.

7 THE COURT: A license?

8 MS. KOSTEL: Yes. The national rules require lay people
9 to be licensed by the bishop before they can be chalices, cup
10 of wine.

11 MR. PLATTE: And we would just object that it's the
12 diocese doing something, not the national church.

13 THE COURT: Right.

14 MR. PLATTE: Object to relevance.

15 THE COURT: Hold up, because if that's what it is, then
16 it comes in.

17 MS. KOSTEL: I agree. We should withdraw this one.

18 THE COURT: 36?

19 MS. KOSTEL: Yes -- no, 25.

20 MR. PLATTE: 25.

21 THE COURT: 25, okay.

22 MR. PLATTE: And while -- 32, I have the same
23 objection --

24 THE COURT: Concern?

25 MR. PLATTE: -- relevance.

1 THE COURT: Okay. That it involves the diocese?

2 MR. PLATTE: Well, I'm not sure what she's --

3 MS. KOSTEL: The other one I'm not withdrawing because
4 it involved the diocese; I'm withdrawing it because it really
5 didn't say much of anything.

6 THE COURT: Got it.

7 MS. KOSTEL: And I apologize if we've wasted our time
8 with it.

9 THE COURT: Okay.

10 MS. KOSTEL: I think we should withdraw that one as
11 well.

12 THE COURT: Okay.

13 MS. KOSTEL: I apologize.

14 THE COURT: That's 32?

15 MS. KOSTEL: Yes.

16 THE COURT: Okay. Keep going.

17 MR. PLATTE: 43 and 45.

18 THE COURT: Yes?

19 MR. PLATTE: They have the same objection to relevance.
20 It's talking about some certain grant, but -- or applying,
21 potentially applying for a grant or something of that nature.
22 Defendants have no foundation to show who controls that grant
23 or who even gives that; so I would just object to that on
24 lack of foundation under relevance.

25 THE COURT: In other words, the source of the grant has

1 not been mentioned in this litigation so far?

2 MR. PLATTE: Correct.

3 THE COURT: Got it.

4 MS. KOSTEL: I think I can pull up the document.

5 THE COURT: Okay. Sure. Go ahead.

6 MS. KOSTEL: There we go. It's in other business. It
7 refers to someone explaining how Church of Our Saviour
8 already qualifies because of our outreach program for
9 recognition as a jubilee center; therefore, Ray Johnson
10 proposed that we apply to the national Episcopal Church for
11 formal recognition as a jubilee center, which is a
12 designation in the Episcopal Church.

13 THE COURT: I understand. So it isn't the grant; it
14 just has to do with the relationship.

15 MR. PLATTE: I believe there were --

16 THE COURT: It would go to the weight rather than the
17 admissibility.

18 MR. PLATTE: Thank you, Your Honor.

19 THE COURT: Yes. So that's 43 and 45. Okay.

20 MR. PLATTE: Yes. 47, I just object to relevance
21 regarding use of the national church symbols on signs, which
22 we no longer --

23 THE COURT: Do?

24 MR. PLATTE: -- do.

25 THE COURT: Okay. But you did; so there you go. It's

1 in.

2 MR. PLATTE: 51, 52, same objection to relevance, noting
3 the Court's prior rulings on those documents.

4 THE COURT: Got it, yes. And that's?

5 MR. PLATTE: 51 and 52.

6 THE COURT: Uh-huh.

7 MR. PLATTE: That's all. Thank you.

8 THE COURT: That's it. Great.

9 (Defendant's Exhibits D-OS-1, D-OS-2, D-OS-13, D-OS-14,
10 D-OS-16, D-OS-17, D-OS-18, D-OS-22, D-OS-24, D-OS-34,
11 D-OS-43, D-OS-45, D-OS-47, D-OS-51, D-OS-52, D-OS-53,
12 D-OS-54, D-OS-63, D-OS-64, D-OS-65, D-OS-66, D-OS-67,
13 D-OS-68, D-OS-72, D-OS-73 admitted into evidence.)

14 MS. KOSTEL: Prince George, Winyah.

15 THE COURT: Okay.

16 (Defendant's Exhibits D-PG-1 through D-PG-28 premarked
17 for identification.)

18 MS. KOSTEL: For Prince George, Winyah, moving into
19 admission, this one's D-PG-4, which is an organic document;
20 6, 7, 14, 15, 16, 20, 21.

21 MR. OXNER: No. 6 and 7 are similar letters back and
22 forth about the sale of property that you've already ruled
23 on.

24 THE COURT: Over the objection.

25 MR. OXNER: 14, 15, 16 are compliance issues with vestry

1 minutes about the same type of stuff that you've done.

2 THE COURT: Yes.

3 MR. OXNER: And 20 and 21 are ordination, which you've
4 already ruled on, that which I object to as well.

5 THE COURT: Thank you so much.

6 MR. OXNER: Thank you.

7 THE COURT: And that's ordination, not consecration?

8 MR. OXNER: Correct.

9 THE COURT: Got it. Thank you. Over the objection
10 they're in.

11 (Defendant's Exhibits D-PG-4, D-PG-6, D-PG-7, D-PG-14,
12 D-PG-15, D-PG-16 admitted into evidence.)

13 MS. KOSTEL: Redeemer.

14 MR. PLATTE: Your Honor, Bob Horger. He was going to be
15 here at some point this afternoon.

16 MS. KOSTEL: So we can wait.

17 MR. PLATTE: So we can address that when he arrives.

18 THE COURT: Sure.

19 MS. KOSTEL: Church of the Resurrection, Mr. Bryan.

20 THE COURT: Here we go. Ready. And the numbers are?

21 MS. KOSTEL: D-RS-28, 29, 30 is a -- I'm sorry, 32 is a
22 consecration document marked for identification only at this
23 point. 33, 34, 36, 53, 54 and 55.

24 MR. BRYAN: You said 54 and 55?

25 MS. KOSTEL: Yes. 53, 54, 55.

1 MR. BRYAN: Can I read those back --

2 MS. KOSTEL: Sure.

3 MR. BRYAN: -- just to make sure I've got them right?

4 MS. KOSTEL: Yes.

5 MR. BRYAN: 28.

6 MS. KOSTEL: Yeah.

7 MR. BRYAN: 29.

8 MS. KOSTEL: Uh-huh.

9 MR. BRYAN: 33.

10 MS. KOSTEL: Yes.

11 MR. BRYAN: 34.

12 MS. KOSTEL: Uh-huh.

13 MR. BRYAN: 36.

14 MS. KOSTEL: Yeah.

15 MR. BRYAN: 53.

16 MS. KOSTEL: Correct.

17 MR. BRYAN: 54 and 55.

18 MS. KOSTEL: Yes.

19 MR. BRYAN: Okay. The 28 and 29, Judge, are documents,
20 just correspondence between myself and the standing committee
21 president about the quitclaim deeds. That's the first --
22 that's 28. It's a one-page letter.

23 The second, 29, is a letter from Mr. Lewis, the canon,
24 to me, regarding permission to refinance the rectory for
25 improvements. I object to them on the grounds of relevance,

1 but also, if you recall, last night I went through and sort
2 of showed you my discovery requests both in requests to
3 admit -- not requests to admit, requests for production of
4 documents.

5 THE COURT: And you wanted to know which ones had
6 anything to do at with title, claim to title.

7 MR. BRYAN: I had several questions, several questions.

8 THE COURT: Yes.

9 MR. BRYAN: Show me the trust, show me anything that
10 relates to my parish, give me the trial exhibits, none of
11 that. Didn't get any of it identified.

12 THE COURT: Got it.

13 MR. BRYAN: So I think on that basis, Your Honor --

14 THE COURT: Yes, yes.

15 MR. BRYAN: -- should not allow any of it. And this
16 applies to all these.

17 THE COURT: I understand.

18 MR. BRYAN: So I -- I object on the grounds --

19 THE COURT: Of a failure to comply with the discovery
20 requests.

21 MR. BRYAN: Exactly. And I made a motion to compel, and
22 we had correspondence back and forth. They supplemented. I
23 wrote a letter back about that. It never came.

24 THE COURT: Got it. And the first time -- just to be
25 clear, the first time that you heard about these documents

1 was when we began to specifically discuss them a couple days
2 ago --

3 MR. BRYAN: Yes, ma'am.

4 THE COURT: -- intertrial.

5 MR. BRYAN: When they gave the list out a couple days
6 back.

7 THE COURT: Got it.

8 MR. BRYAN: I began to look at it.

9 THE COURT: I understand.

10 MR. BRYAN: That would be the basis of my objection.

11 THE COURT: I understand. I got it.

12 MR. BRYAN: I don't think I need to go into the details.

13 THE COURT: I understand.

14 MS. KOSTEL: Yes. So Mr. Bryan is correct; we did not
15 supplement our discovery with this. And as Your Honor knows
16 from our motions, you know, during the months when there was
17 the stay, we have -- as I think Your Honor has gleaned, and
18 as everyone agrees, there are tens of thousands of pages of
19 documents that have been produced by either side in this
20 case.

21 And we have -- we've spent that time figuring out what
22 was relevant to each parish, and that has been an ongoing
23 project. It is, in fact, ongoing to this day, and I have
24 hardcopies of things that I'm still figuring out. I couldn't
25 get into this electronic thing that I'm going to move into

1 evidence as hard copies because we're still going through
2 what was produced.

3 The first time I had any -- first time we really could
4 put together what we would use in our case against
5 Mr. Bryan's client was when we put them on that hard drive.

6 THE COURT: Got it. Thank you. I understand
7 completely, and they would be excluded on that basis.

8 MR. BRYAN: Thank you.

9 THE COURT: Thank you so much.

10 MR. BRYAN: Thank you.

11 MS. KOSTEL: They will be excluded?

12 THE COURT: Yes, ma'am, noting the exception of the
13 defendants to the exclusion.

14 Okay. Who is next?

15 MS. KOSTEL: Just a moment, Your Honor.

16 THE COURT: Okay.

17 MS. KOSTEL: St. Andrew's, Mount Pleasant.

18 (Defendant's Exhibits D-SAMP-1 through D-SAMP-60
19 premarked for identification.)

20 MS. JOHNSON: I'm Oana Johnson for St. Andrew's, Mount
21 Pleasant.

22 THE COURT: All right.

23 MS. KOSTEL: So these are D-SAMP. Move the admission of
24 No. 1, No. 31, No. 38, No. 40 and No. 57.

25 MS. JOHNSON: You withdrew 36?

1 MS. KOSTEL: Yes. Yes, and the other one we talked
2 about.

3 MS. JOHNSON: Okay. All right, Your Honor, I'm going to
4 start with 57, if you don't mind.

5 THE COURT: Okay.

6 MS. JOHNSON: Because it is dated -- it's a document.
7 It's vestry minutes, but they're dated September 6, 1977,
8 which is prior to the adoption of the Dennis canon; so I
9 don't really see the relevance of this document. And then
10 the other two: 36 and 40.

11 MS. KOSTEL: 36 is not one.

12 MS. JOHNSON: I'm sorry, 38 and 40. I understand your
13 ruling, but I'm going to put the same objection: They
14 mention the diocese.

15 THE COURT: All right. Very well. Tell me about 57.
16 What does it have in there?

17 MS. KOSTEL: Okay.

18 THE COURT: I haven't limited any admissibility with
19 regards to the Dennis canon.

20 MS. KOSTEL: Right.

21 THE COURT: I don't understand that connection.

22 MS. KOSTEL: I didn't understand that objection, Your
23 Honor.

24 THE COURT: But I don't know anything about the
25 document.

1 MS. KOSTEL: Right. So let me --

2 THE COURT: Okay. Pull it up.

3 MS. KOSTEL: Thank you.

4 Okay. This is a meeting minutes of the vestry on
5 September 6, 1977. And on the first page there's a
6 subheading that says, "Rector's discretionary fund." And it
7 says, "in accordance with title 3" -- I'm sorry, I'm reading
8 it.

9 It refers to the general church's canons. It says we're
10 doing this with that -- with some loose offering which gets
11 put in the collection plate with regards to the rector's
12 discretionary fund in accordance with, and it cites the
13 national canon.

14 THE COURT: Got it. Very well.

15 MS. JOHNSON: Thank you.

16 THE COURT: Thank you so much.

17 (Defendant's Exhibits D-SAMP-1, D-SAMP-31, D-SAMP-38,
18 D-SAMP-40, D-SAMP-57 admitted into evidence.)

19 THE COURT: All right. Next.

20 (Defendant's Exhibits D-SB-1 through D-SB-64 premarked
21 for identification.)

22 MS. KOSTEL: St. Bartholomew's. So this one is D-SB-8,
23 9, 12, which is organic; 14, organic; 25, 44, and that's all.

24 THE COURT: Okay.

25 MR. CAMPBELL: Couple things real quick, Your Honor.

1 14, we've discussed it, and once I can see what they're
2 actually admitting into evidence, we've agreed that the last
3 two pages from what they had originally called No. 14 would
4 be removed.

5 THE COURT: Okay.

6 MR. CAMPBELL: So I just want to put that on the record
7 so that if somehow that doesn't happen.

8 MS. KOSTEL: We've agreed to that, yes.

9 THE COURT: Okay.

10 MR. CAMPBELL: And then No. 44, same problem, the two
11 pages in that set Bates numbered 803 and 806, we agree to
12 take those out. They had some handwritten notes, but the
13 remainder of the document would stay in. And I believe we've
14 agreed on that part also.

15 THE COURT: Okay.

16 MS. KOSTEL: I can't remember. Are we taking out just
17 the notes or -- the pages that are left has the stuff.

18 MR. CAMPBELL: It was two annual meetings minutes.

19 MS. KOSTEL: Right.

20 MR. CAMPBELL: And then the front was an agenda with
21 some notes.

22 MS. KOSTEL: Oh, yeah. Okay.

23 MR. CAMPBELL: And we were taking the two agendas off.

24 MS. KOSTEL: Got it.

25 THE COURT: Okay.

1 MR. CAMPBELL: No. 25 dealt with compliance. Here's the
2 problem: It's a little different in this one than the rest,
3 Your Honor.

4 THE COURT: Okay.

5 MR. CAMPBELL: It's some vestry minutes, and it
6 references that the rector reviewed proposed changes in
7 bylaws in which language would be consistent. And then it
8 says that the congregation, at future meetings, would
9 consider those bylaws, not that they were passed, not that
10 they became the bylaws.

11 THE COURT: Well, I think it's relevant.

12 MR. CAMPBELL: Okay. And then the last one is No. 43 --
13 so in over objection?

14 THE COURT: Absolutely.

15 MR. CAMPBELL: Okay.

16 THE COURT: Yes.

17 MR. CAMPBELL: Thank you, Your Honor.

18 THE COURT: I mean, I could go into more detail if you
19 need it, but --

20 MR. CAMPBELL: That will be just fine. Thank you.

21 THE COURT: Our state statute's very important.

22 MS. KOSTEL: Pierce, I'm not offering 43.

23 MR. CAMPBELL: Okay. Thank you. That's all.

24 THE COURT: Thank you.

25 (Defendant's Exhibits D-SB-8, D-SB-9, D-SB-12, D-SB-14,

1 D-SB-25, D-SB-44 admitted into evidence.)

2 (Defendant's Exhibits D-SD-1 through D-SD-21 premarked
3 for identification.)

4 MS. KOSTEL: Next is St. David's. Now, St. David's is
5 the one I didn't have on a hard drive, but I do have hard
6 copies, which I'll mark. Actually, we're going to have all
7 hard copies at the end; so I guess that's an irrelevant
8 speech, but here they are.

9 THE COURT: All right.

10 MR. EASTERLING: Harry Easterling, St. David's.

11 MS. KOSTEL: These will be D-SD-3, which is organic; 4,
12 which is organic; 5 is a consecration. It relates to
13 consecration; so it's marked for identification only. 6, 7,
14 10, 11, 12, 13, 14. That's it.

15 THE COURT: Okay.

16 MR. EASTERLING: Your Honor please, with regard to SD-5,
17 that is not the actual consecration document itself. It
18 contains excerpts from it.

19 THE COURT: You do realize it's not in evidence.

20 MR. EASTERLING: Yes, ma'am. But should that change, my
21 primary objection is that it's not the document.

22 THE COURT: I'm not understanding.

23 MR. EASTERLING: It's basically somebody has taken and
24 written an excerpt of the document in a memorandum that is
25 the opinion of one individual.

1 THE COURT: Better let me see it.

2 MS. KOSTEL: Approach, Your Honor.

3 THE COURT: Thank you.

4 MS. KOSTEL: It's on about the third page, I think.

5 THE COURT: All right. This is Exhibit No. 5.

6 MS. KOSTEL: Yes.

7 THE COURT: You're right. This is clearly not the
8 consecration document.

9 MS. KOSTEL: Right.

10 THE COURT: It is a memorandum, a report dated
11 November the 24th, 2012 that purports to be to Bill Oldland
12 by Lane Brown, the senior warden. And you think this is not
13 relevant for what reason?

14 MR. EASTERLING: Well, it's being offered for proof of
15 consecration.

16 THE COURT: I gotcha. She withdraws that. She just
17 thinks it's relevant for a whole bunch of reasons.

18 MS. KOSTEL: Right. I mean, and one thing I should say,
19 Your Honor, is that with some of these documents, for
20 example, that one Mr. Brown actually testified, I believe, as
21 the 30(b)(6) witness, and, I believe, that -- testified that
22 the parish had no connection with the Episcopal Church. So I
23 think we would offer for impeachment too, if it weren't
24 offered for any other reason.

25 THE COURT: I think this document maybe is, like, real

1 relevant, like -- and I would admit it over the objection.

2 You're right. It's not about consecration. It mentions

3 consecration, but it mentions -- it's like the gambit.

4 MR. EASTERLING: Yes, Your Honor.

5 THE COURT: Yes, it's definitely admissible and

6 relevant, yes. And that was No. 5, right?

7 MS. KOSTEL: Yes, Your Honor.

8 THE COURT: Okay. What's next?

9 MR. EASTERLING: Your Honor, please, you've already
10 ruled on the other matters. Thank you.

11 THE COURT: Thank you so much.

12 MR. EASTERLING: Yes, ma'am.

13 THE COURT: Are we clear that 5 is not identification;
14 that's in, right?

15 MS. KOSTEL: Yes, I understood that.

16 THE COURT: Okay.

17 MS. KOSTEL: So yes, I understand that. So when I say
18 for identification only, I'm doing the best I can to keep
19 these categories straight.

20 THE COURT: Right. That one's in.

21 (Defendant's Exhibits D-SD-3, D-SD-4, D-SD-5, D-SD-6,
22 D-SD-7, D-SD-10, D-SD-11, D-SD-12, D-SD-13, D-SD-14 admitted
23 into evidence.)

24 THE COURT: Okay. Who's next?

25 MS. KOSTEL: St. Helena's.

1 (Defendant's Exhibits PCSH-1 through PCSH-70 premarked
2 for identification.)

3 MR. RUNYAN: Your Honor, we might split this one up. I
4 wanted to argue on one of these. Go ahead.

5 MS. KOSTEL: Okay.

6 MR. RUNYAN: Do you want to offer them?

7 MS. KOSTEL: Yes. This one is D-PCSH-2, which is an
8 organic document; 6; 35, which is organic; 36, which is
9 organic. Actually, the rest of these are organic; so I'm
10 just going to read the numbers: 39, 40, 42, 44, 45, 46, 47,
11 48, 50. That's it.

12 THE COURT: Okay.

13 MS. KOSTEL: Thank you.

14 MR. RUNYAN: The first document that she said is organic
15 is actually an organic draft. It's draft No. 5. It's
16 unsigned; therefore, inadequate foundation. It's just not
17 admissible. It should not be admissible. Plus, it is a
18 document of another entity that I do not represent and that
19 is not represented in this courtroom.

20 THE COURT: That's the --

21 MR. RUNYAN: That's the --

22 MS. KOSTEL: Right.

23 MR. RUNYAN: -- Preservation Trust for Historic
24 St. Helena's Episcopal Church. I'm not sure what draft No.
25 5, unsigned, for an unrepresented corporation has to do with

1 this case.

2 THE COURT: Yet it was found within the documents of
3 your client, correct?

4 MR. RUNYAN: That's correct.

5 THE COURT: Okay. You know, I will admit it for what
6 it's worth, understanding that it is merely a document that
7 was found within the documents of your client. Okay.

8 MS. KOSTEL: Thank you.

9 THE COURT: I think it goes to the weight, not to the
10 admissibility.

11 MR. RUNYAN: I'll speak to this, Your Honor.

12 THE COURT: Sure.

13 MR. RUNYAN: There's the P-CSH-6 minutes of a vestry
14 meeting of the Parish Church of St. Helena in 1988. I think
15 the only thing that is possibly asserted to be relevant, and
16 correct me if I'm wrong, is the following statement:
17 "Sandy Yearly informed that any parish in the diocese that
18 sells church property must obtain permission from the
19 bishop." Did I get that right?

20 MS. KOSTEL: I think that's right.

21 MR. RUNYAN: Okay. Well --

22 MS. KOSTEL: Let me just say that having -- given what
23 just transpired a moment ago, I'm not sure I'd want to be
24 wedded to the fact that that's the only thing that's
25 relevant, but that is certainly what I cite it for here, yes.

1 MR. RUNYAN: There are many issues like this and I
2 really don't want to burden the Court with this. The problem
3 is, in a 50,000-page record, when there are snippets from 40
4 vestries of opinions of lay people about what rules apply and
5 don't apply, unless there's an en masse ruling by the Court
6 as to relevance, at some point in time, these issues will be
7 used as if they are an admission or have some probative value
8 on the merits of that issue. And I just -- I make a note as
9 to relevance.

10 THE COURT: But I think they do, and let me tell you
11 what I think they do, I think that -- and I think they have
12 relevance beyond -- I understand why they're being offered by
13 the defendants, but I must tell you, as I look at them, they
14 have relevance beyond that. They have relevance that also
15 shows a relationship, a very close relationship between
16 parish and diocese, to be honest with you.

17 And how many times did I hear the testimony, "We want to
18 stay with this diocese. This diocese is important to us.
19 This diocese is important to us. We want to stay with the
20 diocese."

21 And so this -- I think, from my perspective, while I
22 understand that they're also being offered because of what
23 the defendants maintain is the relationship between the
24 diocese and the national church, I heard time and time again
25 from these parishes that their relationship, for them, the

1 end of the road is the diocese. That's -- if you will,
2 that's their mother church. We want to stay with Bishop
3 Lawrence. That is our -- if you will, that's our connection.
4 That's our hold.

5 So I must tell you that while I understand why they're
6 being offered, I must also tell you I sat and listened to
7 them, and it also has that relevance. This history of,
8 "That's my relationship. That's who I'm bound to. That's
9 who I want to remain with."

10 And when I begin to look, I know that the parish under
11 All Saints has the right to change its affiliation, I know
12 that because of All Saints. When I begin to look at the
13 diocese, that's why there's dual relevance. So I can't -- so
14 that's why I see this relevance.

15 And I understand that from the defendants' perspective
16 they also -- and I will -- they want me to look at this also
17 from the relationship of the national church. But when I
18 hear parish after parish after parish say, "We want to stay
19 with Bishop Lawrence. That is who we see as our," if you
20 will, "our religious leader," what do I do? How do I exclude
21 it? It's relevant.

22 MR. RUNYAN: Understand. Thank you, Your Honor.

23 MS. KOSTEL: Is that it?

24 MR. RUNYAN: Yes.

25 MS. KOSTEL: Okay. Thank you.

1 THE COURT: Uh-huh.

2 (Defendant's Exhibits PCSH-2, PCSH-6, PCSH-35, PCSH-36,
3 PCSH-39, PCSH-40, PCSH-42, PCSH-44, PCSH-45, PCSH-46,
4 PCSH-47, PCSH-48, PCSH-50 admitted into evidence.)

5 (Defendant's Exhibits SJJI-1 through SJJI-40 premarked
6 for identification.)

7 MS. KOSTEL: St. James, James Island. Moving in
8 D-SJJI-7; 10, which is organic; 11, organic; 12, organic; 13,
9 organic; 20 is a consecration related document for
10 identification only; 23, organic, congregational meeting
11 minutes showing the adoption of an organic document; 27; 29;
12 30 and 33. Plus, we will be moving into evidence -- and I've
13 spoken with Mr. Evans about this. There will be a 36, these
14 will be a -- they will all be hard copies. 36, 37, 38, 39
15 and 40, documents that were produced recently that didn't
16 make it into the hard drive, and they are all organic
17 documents, the constitution 1993, '95, 2001, 2010 and 2013.

18 THE COURT: And tell me, organic beginning with
19 number --

20 MS. KOSTEL: 36. I'm sorry, yes.

21 THE COURT: Got it. All right. Mr. Evans.

22 MR. EVANS: Thank you, Your Honor. Mark Evans for
23 St. James. Based on the paring down of the exhibits, in
24 fact, most of them are organic, and our arguments go mostly
25 to weight, not admissibility.

1 THE COURT: Yes.

2 MR. EVANS: St. James doesn't have any further
3 objections to those exhibits.

4 THE COURT: Thank you. Got it. All right.

5 (Defendant's Exhibits SJJI-7, SJJI-10, SJJI-11, SJJI-12,
6 SJJI-13, SJJI-23, SJJI-27, SJJI-29, SJJI-30, SJJI-33,
7 SJJI-36, SJJI-37, SJJI-38, SJJI-39, SJJI-40 admitted into
8 evidence.)

9 MS. KOSTEL: May I have one moment to make some notes.

10 THE COURT: Sure.

11 MS. KOSTEL: St. John's Charleston or John's Island.

12 THE COURT: Got it.

13 (Defendant's Exhibits SJC-1 through SJC-59 premarked for
14 identification.)

15 MS. KOSTEL: Okay. Moving into evidence D-SJC-13; 14;
16 21, which is organic; 25, which is organic; 26, organic; 30,
17 organic; 31, organic; 32, organic; 39; 40; 41; 42; 43; 45;
18 and that's it.

19 MR. PLATTE: Your Honor, Andrew Platte on behalf of
20 St. John's, Charleston County. 45, relevance, noting how the
21 Court has prior -- previously ruled regarding that.

22 THE COURT: Okay. Got it. Thank you. Over the
23 objection.

24 (Defendant's Exhibits SJC-13, SJC-14, SJC-21, SJC-25,
25 SJC-26, SJC-30, SJC-31, SJC-32, SJC-39, SJC-40, SJC-41,

1 SJC-42, SJC-43, SJC-45 admitted into evidence.)

2 MS. KOSTEL: I think we're about two thirds of the way.

3 THE COURT: Got it. We might make it by 4:00.

4 (Defendant's Exhibits SJ-1 through SJ-63 premarked for
5 identification.)

6 MS. KOSTEL: St. Jude's D-SJ-30 -- I'm sorry, 20; 37,
7 organic; 51; 58; 59.

8 THE COURT: Okay.

9 MR. PLATTE: Your Honor, Andrew Platte on behalf of
10 St. Jude's. One question for Mary.

11 MS. KOSTEL: Yes.

12 MR. PLATTE: I can give this to you now, and then I can
13 go through a couple more. SJ-20, I just have a question mark
14 where in terms of compliance.

15 MS. KOSTEL: Okay. Let me see.

16 MR. PLATTE: And then finally, No. 58, it's some vestry
17 minutes.

18 THE COURT: Yes.

19 MR. PLATTE: And our objection would be relevance that
20 the deed document would speak for itself in terms of any
21 reference to creating any sort of trust. We would say that
22 the best evidence would be the deed itself rather than
23 minutes discussing what they might do.

24 MS. KOSTEL: Your Honor, could I start with the first
25 one first?

1 THE COURT: Sure.

2 MS. KOSTEL: Okay.

3 MR. PLATTE: Your Honor, I think I see where the --

4 MS. KOSTEL: Oh, do you see it? "The national church
5 requires."

6 MR. PLATTE: For parochial reports.

7 MS. KOSTEL: Yes.

8 MR. PLATTE: Obviously, we make objection to relevance,
9 noting the Court's prior rulings regarding those.

10 MS. KOSTEL: Okay.

11 MR. PLATTE: Now we're back to 58.

12 MS. KOSTEL: Yes, 58.

13 THE COURT: Okay.

14 MS. KOSTEL: These are -- this appears to be vestry
15 minutes dated from 1855. And there's a resolved clause that,
16 without reading it, to summarize says that the property and
17 funds of the parish -- this is where the parish is being
18 divided into two. And it says that the property, in both
19 parts, that get divided in two shall be held in trust for the
20 Episcopal Church by the vestry of St. Bartholomew's parish.

21 MR. PLATTE: Your Honor, in response to that --

22 MS. KOSTEL: Oh, I'm sorry, and the other half shall be
23 held in trust for the Episcopal Church by the vestry of
24 St. Jude's church. It was divided into two churches, and
25 this is a resolution from 1855.

1 MR. PLATTE: Just to speak to that, it appears that
2 these are vestry minutes for St. Bartholomew's; so it's not
3 the party St. Jude's. And then also, the deeds were issued,
4 and it did not include this language. So we would just say
5 the best evidence would be to look at the deeds, whether they
6 intended -- and follow through with any sort of trust
7 interests when they actually issued those deeds.

8 MS. KOSTEL: I agree with Mr. Platte that this -- I
9 think St. Jude's produced this, but it was --
10 St. Bartholomew's was its predecessor, and then it divided
11 into two is my understanding of the history. So that's
12 accurate.

13 MR. CAMPBELL: Your Honor, Pierce Campbell. I represent
14 St. Bartholomew's in Hartsville, which is a different
15 corporation, different parish, no relation to the old
16 St. Bartholomew's in Colleton County, I believe it is. So I
17 just want to make that clear on the record. Different
18 St. Bartholomew's, nothing to do with us.

19 MS. KOSTEL: That's been one of the pleasures of this is
20 figuring out the different same names used in different
21 places.

22 THE COURT: Yes, that's what happens when you hang out
23 with one of the original colonies. You've got to deal with
24 some really old stuff.

25 MR. PLATTE: And one final point, Your Honor: There's

1 no foundation that the deed actually includes that language.

2 THE COURT: It actually what?

3 MR. PLATTE: There's no foundation that the deed
4 actually includes the language that is referenced in these
5 vestry minutes.

6 MS. KOSTEL: Well, I mean, I think it's --

7 THE COURT: It may have some relevance. You know,
8 again, it goes to the weight. It might be that they thought
9 about it and said, "We are not doing that, hm-mm." So --

10 MR. PLATTE: And then finally, I would just -- I would
11 ask that it looks like this is an incomplete copy, and there
12 may be some --

13 THE COURT: Well, that's a different issue. You've got
14 to have the whole thing.

15 MR. PLATTE: Third and fourth. You know, if third and
16 fourth resolves, we don't have --

17 THE COURT: Where's the first, second and third?

18 MR. PLATTE: We would ask that this is -- if this is
19 admitted over our objection, we would ask that --

20 THE COURT: No, no, no. You've got to have the whole
21 thing.

22 MS. KOSTEL: Well, this is all that was produced to us,
23 Your Honor.

24 THE COURT: That's the way it was produced?

25 MS. KOSTEL: Yes.

1 THE COURT: Don't you just hate when that happens?

2 MS. KOSTEL: It has a date printed at the top, but I
3 don't know -- yes, that's all that was produced.

4 THE COURT: Okay. And there's the whole document
5 (indicating).

6 MR. PLATTE: Thank you, Your Honor.

7 (Defendant's Exhibits SJ-20, SJ-37, SJ-51, SJ-58, SJ-59
8 admitted into evidence.)

9 (Defendant's Exhibits SJF-1 through SJF-97 premarked for
10 identification.)

11 MS. KOSTEL: Okay. St. John's, Florence. This one is
12 D-SJF-1, 4, 6, 10, 55, 56, 59 -- which is a consecration, ID
13 only -- 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 72, 73, 82,
14 83, 84. That's it. I'm sorry I'm moving more slowly on this
15 one.

16 THE COURT: All right.

17 MS. KOSTEL: It's two different lists.

18 THE COURT: Not a problem at all.

19 MR. ORR: Your Honor please, Larry Orr on behalf of St.
20 John's, Florence.

21 Ms. Kostel, is 61 for ID only?

22 MS. KOSTEL: No.

23 MR. ORR: No. As far as Exhibits 61 and 73, those are
24 deeds pertaining to property which was given to St. John's at
25 some time in the past and was sold before this matter ever

1 was conceived. And the property is no longer owned by
2 St. John's and hasn't been for years, and I'm not sure what
3 the relevance of that would be.

4 THE COURT: I gotcha. Is there any language in it that
5 has importance?

6 MS. KOSTEL: Well, it's conveyance to St. John's
7 Episcopal Church. And so --

8 THE COURT: Oh, that's the importance of it.

9 MS. KOSTEL: That's the importance.

10 MR. ORR: That was the name of the church.

11 THE COURT: Right. Right. I got it. Weight. It goes
12 to the weight. Remember, Episcopal --

13 MR. ORR: Your Honor, I hope you're not going to
14 physically weigh the evidence, because they're putting in a
15 bunch of stuff.

16 THE COURT: Think about my guns (indicating).
17 Michele Obama will have nothing on me.

18 MR. ORR: Exhibits 59 and 62 are programs of ordination
19 of the rector, first as deacon, second as rector. Again,
20 that's an ordination of the priest, not the parish itself.

21 MS. KOSTEL: Yes, 59 was an ID only.

22 MR. ORR: Both of them were ID only.

23 MS. KOSTEL: 59 was ID only, and 62 should also be ID
24 only.

25 MR. ORR: Okay.

1 MS. KOSTEL: Yes, sorry about that.

2 MR. ORR: Exhibit No. 55 was some emails between a
3 parishioner and our senior warden, who is also representing
4 several parties here. And I just thought it was not
5 appropriate to have his emails and opinions as an exhibit,
6 but Mr. Campbell can speak to that. But anyway, there's
7 nothing harmful, other than, you know, a party's lawyer
8 should not be a witness in a case, and this would make him a
9 witness.

10 THE COURT: Got it. I got it. If it's attorney-client,
11 was it -- it's not attorney-client?

12 MR. ORR: No, ma'am. It was just information about
13 recording the quitclaim deed. That's all.

14 THE COURT: I gotcha.

15 MR. ORR: Lastly, if you would look at Exhibits 63
16 through 68, those were six letters between the church and the
17 diocese about permission to sell some property. They were
18 kind of duplicative. I didn't know whether she was going to
19 narrow that down to one or two of those. I'm not sure if at
20 this point it makes a difference whether there's two or six.
21 They all relate to each other.

22 THE COURT: Doesn't to you, but it might to me.

23 MR. ORR: Well, then I certainly object to the --

24 THE COURT: Thank you. Just pick a couple.

25 MS. KOSTEL: Right now, Your Honor?

1 THE COURT: No.

2 MS. KOSTEL: Okay.

3 THE COURT: No. Just before we end, just pick a couple.

4 But if there really are four, you know --

5 MS. KOSTEL: Okay.

6 THE COURT: -- four will do what two will do.

7 MS. KOSTEL: Well, I think -- I agree that that is true
8 because they're all in the same timeframe.

9 THE COURT: Sure. Sure.

10 MS. KOSTEL: Right.

11 THE COURT: Exactly. Exactly.

12 MR. ORR: I think they were trying to find out who was
13 the person they were supposed to communicate with and they
14 finally got it.

15 THE COURT: Sure. Got it. Got it. Which is the reason
16 for the number. I understand. Okay.

17 (Defendant's Exhibits SJF-1, SJF-4, SJF-6, SJF-10,
18 SJF-55, SJF-56, SJF-61, SJF-64, SJF-66, SJF-68, SJF-69,
19 SJF-70, SJF-72, SJF-73, SJF-82, SJF-83, SJF-84 admitted into
20 evidence.)

21 MS. KOSTEL: Okay. St. Luke's.

22 MS. GOLDING: Yes.

23 (Defendant's Exhibits SL-1 through SL-59 premarked for
24 identification.)

25 THE COURT: All right. Yes.

1 MS. KOSTEL: This one is D-SL-6; 16 which is organic;
2 18; 19; 20; 21; 22; 32, which is organic, which is vestry
3 minutes reflecting a bylaw revision.

4 THE COURT: Okay.

5 MS. KOSTEL: 35, 37, 38, 42, 48, 55, and 59.

6 MS. GOLDING: No objection, Your Honor.

7 THE COURT: Very well.

8 (Defendant's Exhibits SL-6, SL-12, SL-13, SL-14, SL-15,
9 SL-16, SL-18, SL-19, SL-20, SL-21, SL-22, SL-32, SL-35,
10 SL-37, SL-38, SL-42, SL-48, SL-55, SL-59 admitted into
11 evidence.)

12 MS. KOSTEL: The Cathedral, which is St. Luke and
13 St. Paul.

14 (Defendant's Exhibits SLP-1 through SLP-48 premarked for
15 identification.)

16 MR. MARVEL: Your Honor, David Marvel for St. Luke and
17 St. Paul, Radcliffeboro.

18 THE COURT: Yes. You all had some conversation you
19 needed to have, as I remember.

20 MS. KOSTEL: I think I've talked with everybody.

21 THE COURT: Yes.

22 MR. MARVEL: We've talked extensively, Your Honor.

23 THE COURT: Oh, good.

24 MS. KOSTEL: Okay. This one is D-SLP-5, that's organic;
25 6, organic; 7, organic; 8, organic; 9, organic; 11, organic;

1 12, organic; 13, organic; 15; 16, and Mr. Marvel and I have
2 agreed to reduce that to the first page of the document; 17;
3 22; 24; that's it.

4 THE COURT: Okay.

5 MR. MARVEL: Your Honor, 5 through 8 are what we
6 discussed yesterday, I don't have any better information for
7 you than what we had yesterday, and nobody knows one way or
8 the other. The only thing I can tell you is I've looked at
9 the originals, and they're very old documents. I don't want
10 to withdraw my objection for the record, but I do understand
11 your ruling.

12 THE COURT: Okay.

13 MR. MARVEL: 11 and 12, I believe, are already in
14 evidence as Plaintiff's Exhibits, correct?

15 MS. KOSTEL: Oh. When we talked, we did not strike that
16 one.

17 MR. MARVEL: Okay.

18 MS. KOSTEL: I have to rely on you for that.

19 MR. MARVEL: Your Honor, what she's designated as 11 and
20 12, which is the 2011 bylaws and 2012 bylaws, we have in
21 evidence.

22 MS. KOSTEL: Okay. I'll withdraw those two.

23 THE COURT: Okay.

24 MR. MARVEL: As to 24, I have a hearsay within hearsay
25 and a best evidence objection to that, only because 24 is a

1 set of minutes that refers to the letter that is Exhibit 22,
2 and it seems cumulative.

3 Basically, the letter that's 22 is a letter from the
4 bishop to the cathedral saying, "We need you to do your
5 annual audit. This is what canons are that do it." The
6 minutes simply say, "We got this letter from the bishop.
7 Here it is." It refers to the canons, and that's it. We
8 would say that the minutes themselves don't need to be in in
9 addition to the letter itself.

10 THE COURT: Okay. Here's what I would do, 22 would then
11 be in, and it would be redacted from 24.

12 MR. MARVEL: Okay.

13 THE COURT: In other words, here's the letter, and then
14 you have the minutes that say, "We got the letter," and that
15 would tie it up. And just redact the fact that here's the
16 letter in 24, just redact it so that you've got the fact
17 that -- here's the letter, and then the vestry that says, "We
18 got it."

19 MR. MARVEL: Meaning that that would be the only portion
20 of the minutes?

21 THE COURT: Uh-huh, uh-huh. Exactly.

22 MR. MARVEL: That's all we have. Thank you.

23 THE COURT: Very well.

24 (Defendant's Exhibits SLP-5, SLP-6, SLP-7, SLP-8, SLP-9,
25 SLP-13, SLP-15, SLP-16, SLP-17, SLP-22, SLP-24 admitted into

1 evidence.)

2 (Defendant's Exhibits SM-1 through SM-31 premarked for
3 identification.)

4 MS. KOSTEL: Okay. St. Matthew's, Darlington. This one
5 is D-SM-1, 6, 10, that's a consecration.

6 THE COURT: Okay.

7 MS. KOSTEL: So for ID only.

8 THE COURT: Yes.

9 MS. KOSTEL: It's not a consecration; it's a program
10 showing the consecration happened.

11 THE COURT: I understand.

12 MS. KOSTEL: 12, 20, 21, 24, 25. That's it.

13 MR. ORR: The only objections with respect to the one
14 for identification is it was a program of --

15 THE COURT: It's not in.

16 MR. ORR: Okay. Then I'll be quiet.

17 THE COURT: You don't have to be quiet, but I'm glad you
18 clarified. It's only in for identification purposes.

19 MR. ORR: It was the ordination.

20 THE COURT: For exactly that reason. Yes, okay.

21 (Defendant's Exhibits SM-1, SM-6, SM-12, SM-20, SM-21,
22 SM-24, SM-25 admitted into evidence.)

23 (Defendant's Exhibits SMFM-1 through SMFM-43 premarked
24 for identification.)

25 MS. KOSTEL: St. Matthew's, Fort Motte. Okay. This one

1 is D-SMFM-2, 3 -- oh, 2 is organic; 3 is organic; 4 is
2 organic; 5 is organic, and we have agreed with Mr. Mack to
3 add an additional page to that.

4 THE COURT: Okay.

5 MS. KOSTEL: 23, 24, 28 and 29.

6 MR. MACK: Your Honor, Frank Mack for St. Matthew's,
7 Fort Motte. As to 23, 24, 28 and 29, we object on the basis
8 of hearsay. This is a letter from the auditor who was
9 examining the church's books. There is a reference to the
10 canons of the national church, but it's hearsay, his
11 opinions. It would be not admissible under hearsay, and
12 because it contains opinions, it does not fall within the
13 exceptions.

14 THE COURT: Got it. Yes, ma'am.

15 MS. KOSTEL: The auditor actually is the internal
16 auditor for the diocese; so its relevance may be more to the
17 diocese than to St. Matthew's, Fort Motte, but it's -- I
18 think it's admissible.

19 MR. MACK: We would object as to the admissibility as to
20 St. Matthew's, Fort Motte under the rules it may be
21 admissible to another party as relevant to another party but
22 not admissible as to --

23 THE COURT: We'll hold them in consideration for the
24 diocese because of the hearsay objection. Just hang tight.

25 MR. MACK: Okay.

1 THE COURT: Because we're going to deal with you. It
2 would be terrible to deal with you piecemeal fashion,
3 Mr. Runyan. Okay. I got it.

4 (Defendant's Exhibits SMFM-2, SMFM-3, SMFM-4, SMFM-5
5 admitted into evidence.)

6 MR. MACK: And, Your Honor, may I be excused for the
7 rest of the day? We're having guests for dinner, and my wife
8 suggested that I ask the indulgence of the Court if I could
9 leave.

10 THE COURT: Let me tell you what, I would never cross a
11 woman from Fort Motte ever, because your house is liable to
12 be burned down otherwise.

13 MR. MACK: That's why I need to rush home, Your Honor.

14 THE COURT: Indeed.

15 MR. MACK: Thank you, Your Honor.

16 THE COURT: All right. Who is next?

17 MS. KOSTEL: St. Matthias.

18 (Defendant's Exhibits SMT-1 through SMT-30 premarked for
19 identification.)

20 MR. CAMPBELL: Pierce Campbell, trying inadequately to
21 fill in for Steve McKenzie, with his permission.

22 THE COURT: Wonderful. All right. Numbers are.

23 MS. KOSTEL: Numbers are D-SMT-3. Those are vestry
24 meeting minutes that refer to a consecration; so marking for
25 ID only.

1 THE COURT: Mm-hmm.

2 MS. KOSTEL: 14, 21, 22. That's it.

3 THE COURT: Okay.

4 MR. CAMPBELL: You pulled the rest?

5 MS. KOSTEL: Yes.

6 MR. CAMPBELL: Your Honor, just would note for the
7 record 14, 21 and 22 deal with compliance issues. Your
8 Honor's already ruled. Objection noted for the record.

9 THE COURT: Thank you.

10 MR. CAMPBELL: Thank you.

11 (Defendant's Exhibits SMT-14, SMT-21, SMT-22 admitted
12 into evidence.)

13 (Defendant's Exhibits SMI-1 through SMI-42 premarked for
14 identification.)

15 MS. KOSTEL: St. Michael's. This one is D-SMI-13. That
16 may be technically a consecration.

17 MR. PLATTE: Well, it's ordination.

18 MS. KOSTEL: Yeah. I think that should be marked for ID
19 only.

20 THE COURT: Okay.

21 MS. KOSTEL: Yeah. 23 is organic; 27; 28 is organic;
22 32; 35; and that's it.

23 MR. PLATTE: Your Honor, Andrew Platte on behalf of
24 St. Michael's. 27, 32 and 35, the first one's compliance --
25 27's compliance. 32 and 35 is consent. Object to relevance,

1 noting the Court's prior ruling.

2 THE COURT: Thank you. Over the objection admitted.

3 (Defendant's Exhibits SMI-23, SMI-27, SMI-28, SMI-32,
4 SMI-35 admitted into evidence.)

5 MS. KOSTEL: St. Paul's, Bennettsville.

6 (Defendant's Exhibits SPB-1 through SPB-77 premarked for
7 identification.)

8 THE COURT: All right. And the numbers are?

9 MS. KOSTEL: The numbers are D-SPB-9; 10; 17; 18; 19;
10 24; 25 is a sentence of consecration marked for ID only; 26;
11 28 is an organic document; 38; 45. And then I would note
12 that Mr. Easterling and I have agreed that we will --

13 MR. EASTERLING: 28.

14 MS. KOSTEL: Wait, can I have a moment?

15 (Attorneys confer.)

16 MS. KOSTEL: So I think by agreement, we will also
17 have -- it's three, three additional exhibits, which will be
18 numbered 75, 76 and 77.

19 THE COURT: Okay. Got it. All right, Mr. Easterling.

20 MR. EASTERLING: The Court's indulgence?

21 THE COURT: Yes, of course.

22 (Attorneys confer.)

23 MR. EASTERLING: Your Honor, please, with regard to 24
24 and 26, these are programs of ordination. These are plans
25 made by a specific individual and not necessarily the church.

1 I was thinking that with Mr. Orr, we'd mark those for
2 identification only.

3 THE COURT: Yes.

4 MS. KOSTEL: I think that's right.

5 THE COURT: Yes.

6 MR. EASTERLING: Okay.

7 MS. KOSTEL: Are we talking about 24 and 26?

8 MR. EASTERLING: 24 and 26.

9 MS. KOSTEL: Yes, I agree with that.

10 THE COURT: Okay.

11 MR. EASTERLING: That's all. Thank you very much.

12 THE COURT: Thank you, Mr. Easterling.

13 MR. EASTERLING: Yes, ma'am.

14 (Defendant's Exhibits SPB-9, SPB-10, SPB-17, SPB-18,
15 SPB-19, SPB-28, SPB-38, SPB-45, SPB-75, SPB-76, SPB-77
16 admitted into evidence.)

17 THE COURT: Who is next?

18 MS. KOSTEL: St. Paul's, Conway.

19 (Defendant's Exhibits SPC-1 through SPC-23 premarked for
20 identification.)

21 THE COURT: And the numbers are?

22 MS. MACDONALD: Your Honor, I spoke with Mr. Shelton
23 earlier today, and he said that other than the standard
24 objections, he was fine with everything else.

25 MS. KOSTEL: Okay. So those are D-SPC-1, 2, 3, 5, 7, 8,

1 17, 18, 20 and 22.

2 THE COURT: Okay.

3 (Defendant's Exhibits SPC-1, SPC-2, SPC-3, SPC-5, SPC-7,
4 SPC-8, SPC-17, SPC-18, SPC-20, SPC-22 admitted into
5 evidence.)

6 MS. KOSTEL: St. Paul's, Summerville.

7 (Defendant's Exhibits SPS-1 through SPS-69 premarked for
8 identification.)

9 MS. KOSTEL: This one is D-SPS-18, 34, 36, 37, 43, 44,
10 45, 59, and that's an ID only.

11 THE COURT: All right.

12 MS. KOSTEL: 60, an ID only.

13 THE COURT: Okay.

14 MS. KOSTEL: And that's it.

15 THE COURT: All right.

16 MS. LUMPKIN: Your Honor, Hope Lumpkin for St. Paul's,
17 Summerville. In regards to D-SPS-18, we're objecting on the
18 grounds of hearsay. It mentions another -- it's a letter
19 from the bishop at the time to the minister of our parish at
20 the time. It mentions another letter, but that other letter
21 is -- was not in our records. We don't know what it said,
22 and the whole purpose of this one letter is to say, "Pursuant
23 to the terms of your letter, we agree." So we don't know
24 what's being agreed to in this case; so we would object on
25 those grounds.

1 THE COURT: I understand. Let me hear from Ms. Kostel.

2 MS. LUMPKIN: Okay.

3 MS. KOSTEL: Well, it's one sentence, which I could
4 bring up and --

5 THE COURT: Just read it to me.

6 MS. KOSTEL: It's addressed to the Reverend Floyd
7 William Finch, Jr., St. Paul's Episcopal church in
8 Summerville. "Dear Floyd, the vestry of St. Paul's,
9 Summerville has my permission to sell the rectory on the
10 terms outlined in your letter of June 8, 1979."

11 So it's -- yes. It's just offered for the permission.

12 THE COURT: Very well. I'll admit it just for the sole
13 purpose of showing that permission was given and for no other
14 reasons, certainly not to dictate whatever terms may or may
15 not have been included.

16 MS. LUMPKIN: Your Honor, as to the other exhibits
17 listed, we object on the same grounds for compliance, aid and
18 consent and recognize that you've already ruled on that but
19 would like to preserve the objection.

20 THE COURT: Absolutely. Done. Thank you, ma'am. That
21 takes care of that.

22 (Defendant's Exhibits SPS-18, SPS-34, SPS-36, SPS-37,
23 SPS-43, SPS-44, SPS-45 admitted into evidence.)

24 MS. KOSTEL: St. Philip's.

25 (Defendant's Exhibits SPH-1 through SPH-97 premarked for

1 identification.)

2 THE COURT: And the numbers are?

3 MR. PHILLIPS: Yes, ma'am. Just one second. I think we
4 have literally one thing to discuss.

5 MS. KOSTEL: Tell me when you're ready.

6 (Attorneys confer.)

7 MR. PHILLIPS: Ready.

8 MS. KOSTEL: Okay. This one is D-SPH-6, and that is ID
9 only -- oh, I'm sorry. No, no, it's ID only, yes. 26, 27,
10 38, 58, 59, 60, 61, 62, 63, 64, 65, 67, 68, 73, which is an
11 organic document. And that's it.

12 MR. PHILLIPS: Your Honor, the one document that I'd
13 love to discuss as briefly as I can is D-SPH-6. I'll hand
14 you a copy.

15 THE COURT: 6 isn't in.

16 MR. PHILLIPS: It's not in?

17 THE COURT: Right. ID only.

18 MR. PHILLIPS: That's fine. Then we're done. That's
19 good.

20 THE COURT: All right. Thank you.

21 (Defendant's Exhibits SPH-26, SPH-27, SPH-38, SPH-58,
22 SPH-59, SPH-60, SPH-61, SPH-62, SPH-63, SPH-64, SPH-65,
23 SPH-67, SPH-68, SPH-73 admitted into evidence.)

24 MS. KOSTEL: Trinity, Edisto. We're getting close.

25 THE COURT: Great.

1 MS. KOSTEL: When I hit the Trinities, I know we're
2 almost done.

3 (Defendant's Exhibits TED-1 through TED-33 premarked for
4 identification.)

5 MS. KOSTEL: Okay. This one is D-TED-1; 9; 13 is
6 organic. I think that's it.

7 THE COURT: Okay.

8 MR. PLATTE: Your Honor, for the record, 1 and 9 both
9 deal with consents, asking the diocese, so we object to
10 relevance, noting the Court's prior ruling.

11 THE COURT: Okay. In over the objection.

12 (Defendant's Exhibits TED-1, TED-9, TED-13 admitted into
13 evidence.)

14 (Defendant's Exhibits TMB-1 through TMB-66 premarked for
15 identification.)

16 MS. KOSTEL: Trinity, Myrtle Beach. This one is
17 D-TMB-1; 2; 9; 26 is organic; 27 is organic; 29; 31; 32; 34;
18 35; 46; 50 is a consecration for ID only, as is 51, 61 and
19 64.

20 MS. MACDONALD: Your Honor, Susan MacDonald for Trinity,
21 Myrtle Beach. Just a couple: No. 2, No. 9 are both
22 consents, and we'd make the same objection. We understand
23 your ruling already. No. 10 you didn't move in. Okay.

24 MS. KOSTEL: Right.

25 MS. MACDONALD: Never mind then on that one. Okay.

1 And No. 35 would be a compliance, also we'd make the
2 same objection.

3 THE COURT: Okay.

4 MS. MACDONALD: And then the only other -- we didn't do
5 that one either. Then the only other one is 46, which is a
6 set of vestry meeting minutes from 2002, which she has --
7 which is listed as compliance, but I'm not real sure.

8 MS. KOSTEL: Okay.

9 MS. MACDONALD: It's the one that has the bylaws for the
10 foundation attached to it. I don't know if that --

11 MS. KOSTEL: I think -- I have -- this is what I have:
12 Duty to deal with funds per the constitution and canons of
13 the church. Let me see if I can find the page.

14 MS. MACDONALD: Okay. I couldn't find it in there. If
15 it's in there, then I'm fine, but --

16 MS. KOSTEL: Let me find the page for you. Do you see
17 it?

18 MS. MACDONALD: I see it on the -- Your Honor, I would
19 make an additional objection to it on the same grounds as
20 St. Helena's trust. These are bylaws dealing with the
21 foundation that became a separate corporation, 501(c)(3); so
22 it's technically not -- although it's for the benefit of the
23 church, it's technically not part of the church and not
24 technically the defendant in this case.

25 So I would just -- I understand your earlier ruling, but

1 I'd make that objection on those grounds.

2 THE COURT: All right. Very well. Thank you.

3 MS. MACDONALD: That's it, Your Honor.

4 THE COURT: Great.

5 (Defendant's Exhibits TMB-1, TMB-2, TMB-9, TMB-26,
6 TMB-27, TMB-29, TMB-31, TMB-32, TMB-34, TMB-35, TMB-46
7 admitted into evidence.)

8 MS. KOSTEL: Trinity, Pinopolis.

9 MR. PLATTE: Please skip that one for one second.

10 MS. KOSTEL: Well, that's the last one -- Redeemer and
11 Pinopolis. Well, I mean, we can take those up when they get
12 here.

13 THE COURT: That would be fine.

14 MS. KOSTEL: One thing that I'd like to go back to, Your
15 Honor. We don't have -- it's almost 4:00. Maybe I'll wait.
16 Yeah.

17 THE COURT: Absolutely. Thank you. All right. We have
18 a witness. Do we need to take a break before the witness?
19 Are we ready to go? I'm ready to go.

20 MS. GOLDING: I call Father Kronz.

21 THE COURT: Okay.

22 GREGORY J. KRONZ,
23 being first duly sworn, testified as follows:

24 THE COURT: All right, sir. If you'll please state your
25 full name for our record and spell your last name.

1 THE WITNESS: Gregory Joseph Kronz, K-R-O-N-Z.

2 THE COURT: Your witness.

3 DIRECT EXAMINATION BY MS. GOLDING:

4 Q. Hello, Father Kronz. Can you please tell us where you
5 reside and for how long?

6 A. I've been in St. Luke's, Hilton Head Island, South
7 Carolina, and I will have been there 22 years next month.

8 Q. Please give us the benefit of your educational
9 background.

10 A. I went to grade school, high school and college in
11 Pittsburgh, University of Pittsburgh, and then went to
12 Trinity Episcopal School for Ministry, Trinity School For
13 Ministry now.

14 Q. And when did you become an ordained minister?

15 A. In 1985.

16 Q. And currently, can you tell us your position in
17 ministry?

18 A. I'm the rector of St. Luke's Church.

19 Q. And how long have you been its rector?

20 A. It'll be 22 years next month.

21 Q. Before that did you -- were you an associate rector, or
22 what was your background?

23 A. Twice, once in Pittsburgh and once in San Antonio.

24 Q. With respect to a search committee that had been
25 organized in 2005, can you tell us your role with that search

1 committee of the plaintiff diocese?

2 A. I was the chair of the search committee.

3 Q. And what was the purpose of the search committee for the
4 plaintiff diocese?

5 A. To find a bishop to replace Bishop Salmon.

6 Q. And can you give us the benefit of the structure of the
7 search committee, who constituted the members of the search
8 committee and the process that the search committee adopted?

9 A. Well, we actually -- well, first of all, there were 12
10 members, a mixture of clergy and lay. And we actually
11 examined other processes throughout the church and just
12 decided on our own course once we had heard of the different
13 processes.

14 Q. The 12 members on the search committee, were they from
15 various parishes within the plaintiff diocese?

16 A. Yes. And they were from various positions. Three were
17 from the standing committee, three were from -- they were
18 chosen at large. I don't remember the exact composition, but
19 we had some kind of formula that we used at the time.

20 Q. Okay. And tell us the process that your search
21 committee developed.

22 A. Well, the first thing we did was discern from the
23 diocese who we were at that point and what type of bishop we
24 were looking for. So we sent out questionnaires. We
25 actually had meetings, and then we compiled a profile as well

1 as a questionnaire.

2 And when we were able to ascertain what the profile
3 should contain and the questionnaire -- what questions were
4 pertinent from our -- from our sense of what we needed to
5 find out about the prospective bishop or the bishop
6 candidates, then we embarked on getting the word out, if you
7 will, that we were conducting a search. And it was
8 international in scope.

9 Q. And how many candidates were there for the bishop's
10 position?

11 A. I don't remember exactly. I want to say somewhere in
12 the 30s or 40s.

13 Q. And would this be the 14th bishop of the plaintiff
14 diocese, if you recall?

15 A. I don't recall. I don't pay attention to things like
16 that.

17 Sorry, Mark. Nothing personal.

18 Q. Once there were candidates, was there a time period open
19 for candidates being presented to the search committee?

20 A. Yes.

21 Q. Okay. And once that time period closed, what was the
22 process they --

23 A. Well, we went through the various applicants, and then
24 we whittled it down to I believe it was 10 or 12, and then we
25 embarked on visiting those 10 or 12 until we arrived at 3.

1 And I have to add to that that we had some challenges in the
2 diocese, and we were asked by the bishop and several other
3 clergy in the diocese to revisit that.

4 So we actually had to go back, open up the search again,
5 re-interview a couple of candidates, specifically in the
6 diocese, and then came up with another finalist list.

7 Q. Did at any time you visit a Reverend Rickenbaker in
8 Edenton, North Carolina?

9 A. Do I remember it?

10 Q. Yes.

11 A. Yes. I mean not in toto but yes.

12 Q. And who visited this Reverend Rickenbaker with you?

13 A. Paul Fuener.

14 Q. And what was the purpose of the visit?

15 A. Well, because he had made it to the list of whatever it
16 was that we had gotten down to. I want to say it was about
17 12 candidates. And so we decided that it was time to start
18 visiting, and so we divided up the various potential
19 finalists, and we visited those candidates.

20 Q. And when you say we divided up the potential finalists,
21 divided up amongst the members of the search committee?

22 A. Correct.

23 Q. Okay.

24 A. Yeah. And there were two and sometimes three members of
25 the search committee that visited the various candidates.

1 Q. With respect to the visitation with
2 Reverend Rickenbaker, do you recall approximately when that
3 occurred?

4 A. Not at all.

5 Q. Can you tell us what you recall about the visit?

6 A. Well, it was a nice place. I liked Edenton. And he was
7 a nice guy. His wife was very pleasant.

8 Q. Did you meet with him on a certain day, have an initial
9 meeting?

10 A. Yeah. I believe it was Saturday when we first met him,
11 and we also met with he and his wife, and we went out to
12 dinner together. I also remember that we met with a couple
13 of members of his parish as well.

14 Q. Did you then, on the next day, on Sunday, attend any
15 services?

16 A. Yes, two services.

17 Q. Okay. And then did you meet again after the services?

18 A. Very briefly.

19 Q. Now, in any of those meetings that you had or even the
20 dinner with Reverend Rickenbaker, did you or Mr. Fuener -- or
21 Father Fuener, excuse me, ever inquire as to whether or not
22 Reverend Rickenbaker was inclined to leave a diocese or take
23 a diocese away from the national church?

24 A. No.

25 Q. Okay. Were there any type of indirect questions in that

1 regard?

2 A. No, not that I can recall.

3 Q. Okay. Subsequent to your visit with

4 Reverend Rickenbaker, did he at any time withdraw his

5 candidacy for bishop?

6 A. He did not.

7 MS. GOLDING: Please answer any questions the defendants

8 may have.

9 THE COURT: Cross-examination.

10 THE WITNESS: Hi, Tom.

11 CROSS-EXAMINATION BY MR. TISDALE:

12 Q. Good afternoon, Father. Very briefly, very brief

13 questions, I think.

14 You, of course, have testified you visited

15 Father Rickenbaker --

16 A. Correct.

17 Q. -- in Edenton.

18 Now, of the 10 or 12 visits that you said were

19 scheduled, who else did you visit?

20 A. Well, we talked about this at the deposition.

21 Q. Well, I know, but I'm asking you now. I don't want to

22 interrupt you but --

23 A. It was either Steve Wood or Mark Robertson.

24 Q. Steve Woods?

25 A. Wood.

1 Q. Wood?

2 A. Right.

3 Q. Or Mark Robinson -- Robertson?

4 A. Correct.

5 Q. Is it Robertson?

6 A. Robertson.

7 Q. And I gather he is or was a priest?

8 A. Yes.

9 Q. And where was he living?

10 A. Savannah.

11 Q. Okay. And you interviewed him, or you can't remember?

12 A. I can't remember if we actually visited his parish,
13 because, as I mentioned before, I've visited Mark's parish as
14 well as Steve's parish on several occasions.

15 Q. Well, my question was -- is who did you interview for
16 the bishop's job other than Father Rickenbaker?

17 A. Well, I remember that both Mark Robertson and Steve Wood
18 came to Camp St. Christopher; so, in effect, I interviewed
19 both of them.

20 Q. Well, you made a trip to Edenton. Did you make any --

21 A. Correct.

22 Q. -- trips to any other candidates to interview them one
23 on one personally?

24 A. Well, not one on one but with Paul.

25 Q. Oh, Father Fuener?

1 A. Correct.

2 Q. Okay. But who was it that you interviewed in that
3 setting, two of you together?

4 A. I don't remember.

5 Q. Okay. So the only one you can remember you interviewed
6 was Father Rickenbaker?

7 A. Yes. Because it was quite a road trip.

8 Q. And you said you did not remember the date of that
9 interview, of course?

10 A. No.

11 Q. Okay. The final -- there were three people finally
12 selected to be considered; is that correct?

13 A. Twice, yes.

14 Q. Twice?

15 A. Twice.

16 Q. Well, there's only one the second time, wasn't there?

17 A. Yes.

18 Q. Okay. So there were three people the first election,
19 right?

20 A. Yes.

21 Q. That would be Bishop Lawrence?

22 A. Correct.

23 Q. Steve Wood?

24 A. Yes.

25 Q. Rector of the parish in Mount Pleasant?

1 A. Mount Pleasant.

2 Q. But also he's a bishop in another denomination, isn't
3 he?

4 A. Uh-huh. Yes. Sorry.

5 Q. No longer an Episcopal priest, right?

6 A. Yes.

7 Q. And the third one was a man named Ellis Brust, was it
8 not?

9 A. Correct.

10 Q. Now, where did he live?

11 A. I don't remember.

12 Q. You obviously didn't interview him.

13 A. No. I interviewed him as a finalist but did not
14 interview him wherever he was.

15 Q. Like the one you did with Father Rickenbaker?

16 A. Correct.

17 Q. And is Father -- is Ellis Brust a priest in the
18 Episcopal Church right now?

19 A. I don't know.

20 Q. Don't know?

21 A. No.

22 Q. Okay. How many people did you say were on the search
23 committee?

24 A. Twelve.

25 Q. And you were the chair of that committee, weren't you?

1 A. Correct.

2 Q. And so in the interview process, what your testimony is,
3 as I understand it, is you don't know anyone that you
4 interviewed one on one on the road except Father Rickenbaker?

5 A. Correct.

6 MR. TISDALE: Thank you.

7 THE COURT: All right. Mr. Beers.

8 CROSS-EXAMINATION BY MR. BEERS:

9 Q. Good afternoon, Father. My name is David Beers. I
10 represent the Episcopal Church.

11 A. Nice to meet you.

12 Q. Do you know a man by the name of Clay Matthews?

13 A. I do.

14 Q. And who is he?

15 A. He's a bishop, at least as far as I knew back when I had
16 met him.

17 Q. Did you meet him in connection with the search for a new
18 bishop of South Carolina?

19 A. Correct.

20 Q. Do you remember that he is the director of the Office of
21 Pastoral Development of the national church?

22 A. I didn't remember that.

23 Q. What role did he -- do you know whether he played any
24 role in the national church?

25 A. He came down and instructed us on a bishop search.

1 Q. And you don't know who sent him or in what capacity he
2 came?

3 A. Do not.

4 Q. Do you know what the Office of Pastoral Development is?

5 A. No, sir.

6 Q. Okay. Why did he come down to instruct you?

7 A. Bishop Salmon told me he was coming down to instruct us,
8 and so I took Bishop Salmon and just said, "Okay."

9 Q. Okay. And what did he instruct you about?

10 A. How a bishop search might be conducted.

11 Q. Uh-huh. And anything beyond that?

12 A. Not that I can recall.

13 Q. Anything in connection with the actual election?

14 A. Not that I can recall.

15 Q. Did you talk to him -- he came down to meet you, and you
16 met with him, you and the committee?

17 A. Yes. Correct.

18 Q. And did you ever talk to him after that?

19 A. No, I did not.

20 MR. BEERS: Thank you, Your Honor.

21 THE COURT: Thank you. Redirect.

22 REDIRECT EXAMINATION BY MS. GOLDING:

23 Q. Father Kronz, with respect to the individual by the name
24 of -- I believe it was Bishop Matthews, at the meeting with
25 the search committee, it's my understanding Mr. Matthews or

1 Bishop Matthews made suggestions?

2 A. Correct.

3 Q. They were not instructions or directives; is that
4 correct?

5 A. Correct. That's correct.

6 MS. GOLDING: Thank you. Nothing further.

7 THE COURT: All right. Anyone else on behalf of the
8 plaintiffs?

9 All right. Recross.

10 MR. TISDALE: None, Your Honor.

11 THE COURT: All right.

12 MR. BEERS: No, Your Honor.

13 THE COURT: Very well. Thank you, sir.

14 Now, documents. We were waiting on someone, as I
15 recall, to go over the concluding docs.

16 MR. PLATTE: I can speak for Trinity, Pinopolis.

17 THE COURT: Okay. Good.

18 MR. PLATTE: I apparently spoke with Mr. Williams
19 yesterday regarding the documents, which I had promptly
20 forgotten until I refreshed my recollection on my email.

21 (Defendant's Exhibits TP-1 through TP-49 premarked for
22 identification.)

23 MS. KOSTEL: So for Trinity, Pinopolis, Defendants moved
24 in D-TP-19, which is organic; 20, organic; 21, organic; 24;
25 25; 28; 29; 30; 31; 44; 49 is a consecration document marked

1 for identification only. That's it.

2 THE COURT: Okay.

3 MR. PLATTE: Your Honor, I'd ask the Court's
4 indulgence --

5 THE COURT: Sure.

6 MR. PLATTE: -- just for one second.

7 THE COURT: Sure.

8 (Attorneys confer.)

9 MR. PLATTE: In regards to 29, 30, 31 and 44, we just
10 object to relevance, noting the Court's prior ruling.

11 THE COURT: Very well. All right.

12 (Defendant's Exhibits TP-19, TP-20, TP-21, TP-24, TP-25,
13 TP-28, TP-29, TP-30, TP-31, TP-44 admitted into evidence.)

14 MR. PLATTE: And with regard to Redeemer, as soon as we
15 have a break, I will have a phone call with Bob Horger, and
16 we can maybe resolve this as soon as I speak with him.

17 THE COURT: Got it. All right. Well, maybe we need to
18 do that now.

19 MS. KOSTEL: There are other things I can do
20 with document-related --

21 THE COURT: Matters.

22 MS. KOSTEL: -- that are not these, but we may have --
23 if we're waiting, if Your Honor would like to take them up.

24 THE COURT: Okay. Sure. All right. So why don't we
25 take a break now. We'll take a 15-minute break now.

1 (Recess held.)

2 THE COURT: All right. Mr. Platte, first of all, you
3 were going to check on some documents.

4 MR. PLATTE: Right, Your Honor. I just spoke with
5 Bob Horger on behalf of Church of the Redeemer, and
6 Ms. Kostel has their agreement, and she'll put it on the
7 record.

8 MS. KOSTEL: Right. I'll move them in with my agreement
9 with Mr. Horger, and then you can raise his objections on the
10 relevancy.

11 (Defendant's Exhibits D-R-1 through D-R-39 premarked for
12 identification.)

13 MS. KOSTEL: So this is for Church of the Redeemer,
14 moving in D-R-2; D-R-3; 10 is organic, 11 is organic; 12 is
15 an organic document; and we have agreed with counsel for
16 Redeemer to add a stipulation explaining the dissolution of
17 that entity. And if it's okay with Your Honor, we will add
18 that stipulation to the end of the exhibit list. And 15 is
19 also an organic document and also another one where we have
20 agreed with Mr. Horger to put in a stipulation about that,
21 which will appear at the end of the exhibit list. 17, 22,
22 23, 25 and 27.

23 THE COURT: Okay. Yes?

24 MR. PLATTE: That was my understanding.

25 THE COURT: Thank you so much. All right. Very well.

1 (Defendant's Exhibits R-2, R-3, R-10, R-11, R-12, R-15,
2 R-17, R-22, R-23, R-25, R-27 admitted into evidence.)

3 THE COURT: Now, there were a couple other matters.

4 MS. KOSTEL: Yes.

5 THE COURT: Yes.

6 MS. KOSTEL: So Your Honor will recall that our exhibit
7 list originally included the entire journals of the Diocese
8 of South Carolina from the beginning to just about the
9 present.

10 THE COURT: Yes.

11 MS. KOSTEL: And we -- it's clear that that's -- we
12 should not move them all in in their entirety. And so what
13 we are -- what we have done is already, with Mr. -- with
14 Professor Edgar's testimony, we've moved into evidence
15 sections that pertain to the diocese.

16 And then for sections in the journals that pertain to
17 parishes -- so, for example, the journal said St. James made
18 a petition to come in -- okay, we have, sometime in the last
19 week, I can't remember when, provided a list, actually, two
20 lists of journal years and page cites to the plaintiffs of
21 the pages that we want to include.

22 And I think, in talking with Mr. Platte --

23 THE COURT: Okay.

24 MS. KOSTEL: -- what I'd like to be able to do is make a
25 representation to the Court, which I can't do today, but I

1 will be able to do in the morning, that these are the general
2 categories that these cover, because I believe they will be
3 the same categories -- some of the same categories we've
4 covered today.

5 And then I think the hope is that we'll be able to do it
6 with a general objection and not go through parish by parish
7 and say, "Well, I don't -- I object to Page 19 in
8 Journal 1867." So that is the plan, if that suits Your
9 Honor.

10 THE COURT: Sure. Absolutely.

11 MS. KOSTEL: Is that accurate?

12 MR. PLATTE: That's my understanding.

13 THE COURT: Okay.

14 MS. KOSTEL: In addition, what will be appended to those
15 excerpts from the journals are at the end of many of the
16 journals, although not all the journals, are the constitution
17 and canons for the diocese of that year. And my
18 understanding is those come in. Okay.

19 Secondly, we have in the courtroom now hard copies of
20 the general convention's constitution and canons, but we're
21 still putting stickers on, but that should be ready tomorrow.

22 THE COURT: Great.

23 MS. KOSTEL: Let's see. I'd like to ask the Court to
24 take judicial notice of a couple of things. I think you
25 noted some of them when we were going through testimony. One

1 is Exhibit 432. That's the IRS stuff, the IRS's
2 publications. It's on your hard drive.

3 MR. RUNYAN: Could I just look at it?

4 MS. KOSTEL: Yes.

5 (Attorneys confer.)

6 MR. RUNYAN: I think 433 is a statute. I agree with
7 her. The Court could judicially notice. 432, however --

8 MS. KOSTEL: Actually, wait. It's not a statute. It's
9 a revenue procedure, which is like an administrative ruling,
10 but it's the same.

11 MR. RUNYAN: It is whatever you said it was.

12 MS. KOSTEL: Right.

13 MR. RUNYAN: Excuse me. 432, however, is a Q & A from
14 the IRS. It contains words in it that will be used for the
15 purpose of arguing a meaning that the IRS does not attribute
16 to it, and I cannot -- so I think there's a lack of
17 foundation. I don't think it's a document that can be
18 judicially noticed because it's just a Q & A to an agency
19 that's on their website. That, however, has -- as a
20 regulatory process, I don't have a problem with it.

21 THE COURT: Sure. I understand.

22 MS. KOSTEL: Yeah. I mean, 432 is a publication on the
23 IRS website with the IRS insignia on it with a publication
24 number, which is 4573 (Rev 6-2007), Catalog Number 49351Q.
25 It's clearly a statement of IRS policy, and it's a -- it's

1 a -- actually, it's a friendlier version of the revenue
2 procedure.

3 THE COURT: I understand what you're saying.

4 MS. KOSTEL: Right.

5 THE COURT: I don't get to do that, though,
6 unfortunately --

7 MS. KOSTEL: That's fine.

8 THE COURT: That would be like asking me to take
9 judicial notice of a law review article --

10 MS. KOSTEL: Well --

11 THE COURT: -- if you will. And I don't get to do that.

12 MS. KOSTEL: Well, it is a publication of the IRS; it's
13 not someone commenting on the IRS.

14 THE COURT: Understanding that, I just recently went
15 through a lot of regulations for the United States Postal
16 Service and discovered for myself serendipitously that what
17 the regulations say and what the comments say they say are
18 not always on all fours.

19 MS. KOSTEL: Okay. Well, this document will do: 433.

20 THE COURT: So yeah. I appreciate you considering me
21 and giving me the --

22 MS. KOSTEL: It's a lot easier to read.

23 THE COURT: -- dumbed down one.

24 MR. KOSTEL: No, I did not intend that, Your Honor.

25 433.

1 THE COURT: Thank you.

2 MS. KOSTEL: And we would also ask the Court to take
3 judicial notice of the four marks of the Episcopal Church,
4 which are available on the website. You know, they're
5 official documents of the U.S. Patent and Trademark Office.
6 I can read the registration numbers if they have an
7 objection.

8 THE COURT: I'm hoping that those -- if they're not
9 already in, that they'll go in.

10 MR. RUNYAN: I don't think they're relevant. There
11 isn't a claim in this lawsuit for anything related to those
12 marks. There's not an affirmative claim that they've been
13 infringed. There's a defensive claim that our marks are --

14 THE COURT: Similar.

15 MR. RUNYAN: -- similar.

16 THE COURT: Right.

17 MR. RUNYAN: I believe --

18 THE COURT: Right.

19 MR. RUNYAN: -- to, I guess, their marks.

20 THE COURT: Right.

21 MR. RUNYAN: It doesn't really say, but that's what it
22 sounds like.

23 THE COURT: Right.

24 MR. RUNYAN: And are these the Episcopal Church and the
25 Protestant Episcopal Church?

1 MS. KOSTEL: Yes. And actually -- and one of them is
2 the "Episcopal Church welcomes you."

3 MR. RUNYAN: That's not a mark you've plead. It's not
4 in your pleading.

5 MS. KOSTEL: Is that right?

6 MR. RUNYAN: That's right.

7 MS. KOSTEL: That's fine. I don't need that one. We've
8 got the Episcopal Church and the Protestant Episcopal Church
9 in the United States of America, which are part of our
10 defense.

11 THE COURT: I'm going to receive them. I'm going to
12 receive them for the purposes of it's been raised in terms of
13 the defense, and I've heard testimony about it, and I've
14 heard a lot about it from Ms. Lott. And one's registered
15 with the federal government, one's registered with the state
16 government. They've got pretty substantially different
17 names, but I want to be sure that I've looked at them fully;
18 so I would receive them, over the objection of Plaintiffs.

19 MS. KOSTEL: So these are Exhibit Nos. 18. Is
20 identifying them by number plenty?

21 THE COURT: Sure.

22 MS. KOSTEL: Okay. 18, 19 and 20.

23 THE COURT: Great.

24 I thought there were two federal ones. Were there three
25 federal ones?

1 MS. KOSTEL: There's a fourth that I may have brought
2 the wrong one --

3 THE COURT: Okay.

4 MS. KOSTEL: -- but I can fix that tomorrow.

5 MR. TISDALE: Your Honor, while we're on the subject of
6 trademark infringement, we raised as a defense confusion to
7 trademark infringement.

8 THE COURT: I know.

9 MR. TISDALE: And we proffered it in
10 Bishop vonRosenberg's testimony, evidence of confusion.

11 THE COURT: Yes.

12 MR. TISDALE: I would like to move that it be admitted,
13 his testimony, along with the lines of confusion be admitted
14 as evidence from the proffer that we made. It's a defense to
15 trademark infringement.

16 THE COURT: I'm trying to remember what part of his
17 testimony, Mr. Tisdale.

18 MR. TISDALE: It was at the end, and he talked about the
19 money being mixed up and redistributed, confusion, confusion
20 about people getting confirmed in the church and things like
21 that.

22 You said you were going to take it under advisement, I
23 think, in light of the proffer. I just wanted to do whatever
24 necessary to keep that before the Court as an issue to be
25 decided.

1 THE COURT: I do understand. Sure. I'll consider it
2 with regards to that because it's also been admitted for
3 other purposes as well as I am -- with regards to whether or
4 not during the period subsequent to the execution of the
5 preliminary restraining order and the TRO whether or not they
6 were complied with. It all goes in the mix.

7 MR. TISDALE: And so, then, I -- Judge, from what you --
8 I gather from what you just said that it's admitted.

9 THE COURT: Yes.

10 MR. TISDALE: Thank you very much.

11 THE COURT: Thank you.

12 You understand, Mr. Runyan? I mean, it's in there.
13 It's in there.

14 MR. RUNYAN: I understand.

15 THE COURT: You know, I don't know if his -- his
16 testimony is in there, but there's a reason why that
17 confusion may have existed other than --

18 MR. RUNYAN: I understand.

19 THE COURT: -- the trademark.

20 MR. RUNYAN: I understand.

21 THE COURT: As I understood, it's the position of the
22 plaintiffs that it very well may have been trademark hijack,
23 so to speak.

24 MR. RUNYAN: Yes. There is a flip side to that, yes,
25 Your Honor.

1 THE COURT: Okay. All right. Now, where are we? Got
2 documents?

3 MS. KOSTEL: I think everything -- oh, 30(b)(6)?

4 MR. BEERS: I would like to give a report on the --

5 THE COURT: Okay.

6 MR. BEERS: -- on the admission of the -- some 36 --

7 THE COURT: 30(b)(6).

8 MR. BEERS: -- depositions.

9 THE COURT: All right.

10 MR. BEERS: We're still -- I'm still waiting for 10 out
11 of the 36.

12 THE COURT: Great.

13 MR. CAMPBELL: I've got four.

14 MR. TISDALE: So that brings it down to six.

15 THE COURT: Now you're down to six. See how good you're
16 doing.

17 MR. BEERS: Fine. But I need to consider them right
18 now. Can I keep going here? We have ten that we could
19 introduce now. The first one is the -- is Redeemer, and we
20 made, on behalf of the defendants, page and line marks. And
21 counsel for Redeemer has responded that he would like to
22 designate all the rest. If that's proper, I will agree to
23 that, introduce it, if it's proper.

24 I've done page and line, and he would like to stipulate
25 that the whole thing goes in.

1 THE COURT: How many of those do you have --

2 MR. BEERS: One.

3 THE COURT: -- Mr. Beers, that have responded in that
4 fashion?

5 MR. BEERS: One.

6 THE COURT: Just the one?

7 MR. BEERS: So far.

8 THE COURT: And that is?

9 MR. BEERS: Redeemer.

10 THE COURT: And that would be Mr. Horger, who's not
11 here?

12 MS. GOLDING: Correct.

13 THE COURT: Okay. Put that one aside.

14 MR. BEERS: Okay.

15 (Brief pause.)

16 THE COURT: Mr. Platte, I'm going to ask you to do
17 something for me, only because you handled the documents for
18 Mr. Horger and for no other reason. I would like you to
19 deliver a message to Mr. Horger that every single solitary
20 line and page better be relevant.

21 MR. PLATTE: Yes, Your Honor.

22 THE COURT: Because if it isn't, I'm going to be
23 concerned.

24 MR. PLATTE: I'll pass along the message, Your Honor.

25 THE COURT: I'm going to give him another opportunity to

1 reconfirm that that's how he wants to handle the matters
2 before this Court.

3 MR. PLATTE: Yes, Your Honor.

4 THE COURT: Thank you so much, Mr. Platte, for doing
5 that for me.

6 Thank you, Mr. Beers. Consider that one not quite
7 finalized.

8 MR. BEERS: The following -- I don't know -- nine, I
9 guess, defendants have made marginal line -- page and line
10 designations. The plaintiffs have done the same thing either
11 next to it or highlighted it or across the page or whatever.
12 It's good enough. And these all come from counsel who either
13 had no objections or whose objections I was able to -- I just
14 withdrew the -- those lines.

15 THE COURT: They're ready to go.

16 MR. BEERS: And they're ready to go. And they are, let
17 me introduce them now --

18 THE COURT: Yes.

19 MR. BEERS: -- St. Andrew's, Mount Pleasant; Good
20 Shepherd; St. John's, Florence; St. Matthew's, Fort Motte;
21 St. Luke's, Hilton Head; Holy Trinity; Christ St. Paul's;
22 St. Paul's, Conway; and you won't believe it, St. Philip's.

23 THE COURT: Thank you kindly.

24 MR. BEERS: Your Honor, let me ask you this: We're
25 going to obviously need to get these into the record.

1 Because of the mass, what we've elected to do is to make it
2 easy on everybody by actually drawing the lines in pen or
3 pencil along the side of the page.

4 If the Court believes it would be more appropriate to
5 have typed-up page, line, page, line --

6 THE COURT: Absolutely not.

7 MR. BEERS: Great.

8 THE COURT: Absolutely not.

9 MR. BEERS: Great.

10 THE COURT: They're going to be part of the record.

11 MR. BEERS: All right.

12 THE COURT: And they'll be passed up. And do they have
13 stickers on them currently?

14 MR. BEERS: No. But we'll take care of that.

15 THE COURT: That would be --

16 MR. BEERS: Oh, do they need stickers? They're not
17 exhibits, are they?

18 THE COURT: If you put them in, here's what I would
19 propose, and since they're being offered, that we mark them
20 as a Court's exhibit.

21 MR. BEERS: Court exhibits?

22 THE COURT: Yes.

23 MR. BEERS: Do we have a number to start -- do we have a
24 number to start with?

25 THE COURT: My reporter takes care of my stickers.

1 MR. BEERS: Now, I have about 15 -- yeah -- where there
2 are objections, and they fall into categories. And I'm
3 confident that some counsel had put them in really to protect
4 the record --

5 THE COURT: Yes.

6 MR. BEERS: -- on matters on which you've already ruled.
7 And we've proposed -- what I propose to do with that is to
8 invite counsel, after this meeting or tomorrow morning, to
9 try to tell me which categories those fall into.

10 And I would propose to write in the margins "sustained"
11 or "overruled," depending upon -- and then -- and let them
12 look at them to make sure that they're each -- counsel is
13 prepared to -- you know, is comfortable that they're going in
14 in the proper form.

15 THE COURT: We can't do that under our rules. I do
16 appreciate the meeting, and I appreciate the categories, just
17 so you all can be prepared and crisp to get through them.

18 MR. BEERS: Okay.

19 THE COURT: Unfortunately, what I'm going to have to do
20 is --

21 MR. BEERS: Rule on the record.

22 THE COURT: -- just as we did, it has to be ruled on on
23 the record, yes.

24 MR. BEERS: Okay.

25 THE COURT: Yes.

1 MR. BEERS: All right. But I think -- I guess I'm
2 trying to separate out the objections that they don't really
3 want to argue because you ruled.

4 THE COURT: And I think that a meeting, just as you
5 suggest, would be marvelous to do that, because then the
6 attorneys can know that. They can make a notation of that,
7 and as you offer it, be prepared to say, "I object on this
8 basis," "I understand you ruled," or, "I have this
9 objection," and then you all argue it. I think if you had a
10 few minutes to sort of tease that out, it will make things go
11 much quicker.

12 MR. BEERS: I agree with that except for the part about
13 the few minutes.

14 THE COURT: Sorry.

15 MR. BEERS: But we'll do it.

16 THE COURT: It will be what it is.

17 MR. BEERS: Yes, ma'am. Thank you.

18 THE COURT: All right. Now, Mr. Campbell, you're
19 prepared -- are there objections in those, or just simply
20 pages and lines?

21 MR. CAMPBELL: Your Honor, these would fall under the
22 last category he described. There are objections. I believe
23 they're all ones that Your Honor has ruled upon, and they --

24 THE COURT: Well, you all can check on that.

25 MR. CAMPBELL: The four I have fall under that category.

1 THE COURT: Wonderful. Yes.

2 MS. KOSTEL: I just remembered that there are four
3 documents that came up in the documents with St. Matthew's,
4 Fort Motte that are really relevant to the diocese.

5 THE COURT: Right.

6 MS. KOSTEL: What I will do is get hard copies of those
7 and maybe move them in tomorrow. Is that acceptable?

8 THE COURT: Or at least we'll have a conversation with
9 them with regards to the diocese tomorrow, yes.

10 MR. TISDALE: Mr. Mack went home for dinner.

11 MS. KOSTEL: Yes, but he won't be -- I think Mr. Runyan
12 will be arguing them. And do you know which they are?

13 MR. RUNYAN: No.

14 MS. KOSTEL: Okay. I'll --

15 MR. RUNYAN: Your Honor, we have Ms. Armstrong's
16 deposition that was offered a while ago. I went through it
17 and made some markings about objections and flagged them, and
18 I'd like to just offer that with the original, however the
19 Court seeks to do that.

20 THE COURT: Okay.

21 MR. TISDALE: And we've agreed to his objections.

22 THE COURT: Okay. Great.

23 MR. TISDALE: We're in accord with his objections.

24 THE COURT: All right. Very well.

25 Okay. So just to recap, I'm awaiting 30(b)(6) --

1 MR. BEERS: Yes.

2 THE COURT: -- objections, pages and lines on the 15
3 that remain, or whatever number remain, and then we have the
4 diocese documents that we will deal with. And then we will
5 then turn -- then, as I understand it, that will conclude the
6 defense. Yes?

7 MR. TISDALE: We don't have any more testimony that I
8 know of.

9 MS. KOSTEL: I think that's it, Your Honor.

10 THE COURT: And if there's one or two, I know we're all
11 getting a little tired, if there's a few more documents,
12 we'll handle that. I have absolutely no problem with that at
13 all. And then we will turn -- and my question would be, I
14 know we've had one reply or rebuttal witness. Should I
15 anticipate more?

16 MR. RUNYAN: Yes, Your Honor. We have four
17 less-than-lengthy witnesses.

18 THE COURT: Thank you.

19 MR. RUNYAN: Very less than lengthy.

20 THE COURT: Got that, Mr. Tisdale? Less than lengthy.

21 MR. TISDALE: Yes, I did, indeed, Your Honor.

22 MR. RUNYAN: And then we have possibly three more. I
23 still haven't decided on all of that.

24 THE COURT: Okay.

25 MR. RUNYAN: But no more than -- no more than three.

1 THE COURT: Okay.

2 MR. RUNYAN: And not very lengthy.

3 THE COURT: Wonderful. It is now 5:00, and we will
4 begin that process tomorrow.

5 MS. KOSTEL: Could we get that list of the witnesses?

6 MR. RUNYAN: You can.

7 MS. KOSTEL: Thank you.

8 MR. HOLMES: I have one question I'll direct to the
9 Court, but, really, the answer would come from counsel.
10 They're trying to schedule a TRO hearing for me in Charleston
11 on Friday morning. My client wants me to be here. I just
12 want to get an idea, are we going to be through tomorrow, do
13 you think, or is it going to go into Friday morning? Just to
14 get an idea.

15 THE COURT: Going into Friday morning.

16 MR. HOLMES: Okay. That's great. That's fine.

17 THE COURT: It's going into Friday morning. And I ask,
18 Mr. Holmes, is there -- I mean, do you need me to assist you
19 in any regard? Because I'm happy to do that.

20 MR. HOLMES: No, thank you. The Court's been very nice.
21 I just keep telling them, "Maybe tomorrow, maybe not." But I
22 told them that I didn't think there was any possibility
23 before Friday, and Friday was a possibility. Now I can tell
24 them Friday's not a possibility.

25 MR. TISDALE: That's a good way to avoid a TRO.

1 THE COURT: Very well.

2 MR. HOLMES: Yes, ma'am. Thank you.

3 MR. BRYAN: I didn't know whether it's an appropriate
4 time to ask, Your Honor, but I've got some procedural problem
5 with my deposition, my 30(b)(6). First of all, when I saw it
6 last Thursday, it had that my client had waived the reading
7 and signing. And I contacted the reporter, and the reporter
8 sent out a new 30(b)(6) transcript, which showed -- just
9 deleted that stipulation, because there was no waiver of the
10 reading and signing.

11 I took Saturday off. I sent it to my client on Sunday.
12 She was gone. She's gone to the Cayman Islands. I've tried
13 to reach her by email, and I have gotten a response that she
14 wanted to make two changes. I'm not sure, and I don't think
15 she got the errata sheet, as best I can tell, because I
16 didn't get it. I sent a note back to the reporter and asked
17 about that. I haven't -- if I've heard back, I don't recall,
18 but I wasn't sure what to do to protect my client and my
19 witness.

20 I looked at the rules, and it looked like, in order to
21 sort of stay in compliance with the rules, I should move to
22 suppress based on Rule 32, I believe it's (b)(4), based on
23 the technical problems of getting this thing read and signed
24 and back in with her changes, my witness's changes.

25 And when I looked at the text I got from the defendants,

1 one of those things coincided, one of the changes she wanted
2 to make. I don't know if that's a big deal or not, to be
3 honest with you, but she said she wanted to actually change
4 the answer in her response.

5 So having said all that, I'm trying not to sandbag and
6 say I don't know quite what to do, whether to -- how to
7 handle that. And I've sort of not marked up this thing yet.
8 I started writing on the top trying to explain this thing,
9 and I -- that's why I'm talking to you.

10 THE COURT: I understand. Here's what I think is
11 appropriate: First of all, your client is anticipated to
12 return probably over the weekend.

13 MR. BRYAN: My understanding is, I don't know if it's
14 Saturday or Sunday, yes.

15 THE COURT: All right. But you are able to communicate
16 with your client in some form or fashion?

17 MR. BRYAN: She has responded --

18 THE COURT: By email?

19 MR. BRYAN: -- twice.

20 THE COURT: All right.

21 MR. BRYAN: Yes. She says -- she's sort of like I am:
22 She's trying to read the thing on a telephone, and she's on
23 her vacation. And anyhow, yes, she has responded, but it's
24 sort of unusual communication. And where I am in
25 Summerville, my phone doesn't work very well.

1 So it seems to be a delay in me getting things. But
2 anyhow, yes, I have heard from her. I tried to send her a
3 generic, "Here's your deposition. You know, you can review
4 it." I think I forwarded her the letter that I got from the
5 court reporter. I know -- I must have. But in any event,
6 yes, in answer to your question, yes.

7 THE COURT: Let me ask you this question: Where she's
8 located in Cayman Islands, does the place where she is
9 staying have the capacity to receive a facsimile?

10 MR. BRYAN: I don't know.

11 THE COURT: Okay.

12 MR. BRYAN: I've not tried to.

13 THE COURT: Well, here's what I'm going to ask you to
14 do, because I think that counsel has the ability to use a
15 facsimile, to fax her her deposition, first and foremost, so
16 we don't have to worry about whether or not she's able to
17 read it or not.

18 So I think that's the place to begin to drain the swamp,
19 so to speak. I have a facsimile. You're more than welcome
20 to use mine. The clerk's office has a facsimile. If she can
21 accept an email and print it in some form or fashion, that's
22 probably going to be better than trying to read it off of the
23 telephone. Try to find that out. Okay?

24 Once we have that, once we have that, then I'm going to
25 ask you to prepare for her an errata sheet, under the --

1 under these circumstances, rather than going through the
2 court reporter, understanding it is a little bit, if you
3 will, unorthodox.

4 And then I'm going to ask that you contact the court
5 reporter and ask her is it possible for her or him to email
6 the audio file. If so, then I will -- I'll tell you where to
7 have her email it. The audio file. And then, if necessary,
8 we can listen to that part of the deposition. If the
9 indication on the errata sheet needs to be listened to, we
10 can do that.

11 But I think that's how we'll proceed, first -- the first
12 juncture, though, is to see if she can receive the deposition
13 perhaps in a more appropriate way, meaning instead of trying
14 to read it on her phone. Okay? Great. Yes.

15 MR. BEERS: Could you ask counsel whether he's going to
16 have objections, in addition to cross designations or
17 corrections?

18 THE COURT: Yes, I think he is.

19 MR. BRYAN: I think I will.

20 THE COURT: Okay. That's where we need to begin, I
21 think.

22 MR. BRYAN: All right.

23 THE COURT: Great.

24 MR. SLOAN: Your Honor, Chip Sloan, Christ Church Mount
25 Pleasant. One question on the 30(b)(6) depositions: One

1 thing that came up when I was reading through it, I think
2 there was an order from the Court that the witness be
3 prepared to answer from I think it was 2005 forward.

4 And then, you know, they put in some documents today
5 from 1980 or 1993. What I don't want is my witness answering
6 "no" to some general question and then them trying to say
7 some kind of gotcha thing from 1980 that my witness didn't
8 know about.

9 So I didn't put the stipulation in the deposition, nor
10 is the order attached. I just want to make sure that there's
11 an understanding that the witness was ordered to be there
12 with knowledge from -- and I think it was -- you all can
13 correct me -- I think it's 2005 forward, so that that's clear
14 with the Court that they were only answering as to 2005
15 forward.

16 MR. BEERS: I think, Your Honor, some categories were
17 2000 forward, and I think some other categories were 2002
18 forward. Some counsel have registered objections where the
19 questions of the witness extended beyond that, and I -- and
20 certainly those are noted in the margin.

21 THE COURT: Okay.

22 MR. BEERS: And beyond that, I don't know what to say.

23 MR. SLOAN: I guess we can pull the order. I guess
24 whatever the order was, I think the witness can only be held
25 to what the order said.

1 THE COURT: And you are correct.

2 MR. SLOAN: It was 2002 or 2000.

3 THE COURT: And you are correct.

4 MR. SLOAN: Thank you, Your Honor.

5 THE COURT: Let me ask you this question: I'm sensing
6 that we've got a fair number of loose ends; so I'll see you
7 all in the morning. And I'm not going to -- you know, I'd
8 like for you all to be here at 9:30, but you all have got
9 some work to do. And then it doesn't sound like you all are
10 going to be ready then.

11 MR. RUNYAN: Your Honor, we have two witnesses that have
12 extraordinarily tight timeframes tomorrow, and I'm not
13 suggesting that Your Honor change her schedule.

14 THE COURT: I don't care.

15 MR. RUNYAN: But whenever you're ready to start, we'd
16 like to start with those two witnesses.

17 THE COURT: And then handle the 30(b)(6) stuff after
18 that? I don't care. Suits me. Sure. Okay. Great. I'll
19 see you at 9:30.

20 (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 23rd 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 25, 2014

16

17 /s/ *Ruth L. Mott*

18 Official Court Reporter

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