

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

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;)
All Saints Protestant Espiscopal Church,)
Inc.; Christ St. Paul's Episcopal Church;)
Christ The King, Waccamaw; Church Of)
The Cross, Inc. and Church Of The Cross)
Declaration Of Trust; Church Of The)
Holy Comforter; Church of the Redeemer;)
Holy Trinity Episcopal Church; Saint)
Luke's Church, Hilton Head; Saint)
Matthews Church; St. Andrews Church-Mt.)
Pleasant and The St. Andrews Church-Mt.)
Pleasant Land Trust; St. Bartholomews)
Episcopal Church; St. Davids Church;)
St. James' Church, James Island, S.C.; St.)
John's Episcopal Church Of Florence, S.C.;)
St. Matthias Episcopal Church, Inc., St.)
Paul's Episcopal Church Of Bennettsville,)
Inc.; St. Paul's Episcopal Church of)
Conway; The Church Of St. Luke and St.)
Paul, Radcliffeboro; The Church Of Our)
Savior Of The Diocese of South Carolina;)
The Church Of The Epiphany (Episcopal);)
The Church Of The Good Shepherd,)
Charleston, SC; The Church Of The Holy)
Cross; The Church Of The Resurrection,)
Surfside; The Protestant Episcopal Church,)
Of The Parish Of Saint Phillip, In Charleston)
In The State Of South Carolina; The)
Protestant Episcopal Church, The Parish Of)
Saint Michael, In Charleston, In The State)
Of South Carolina and St. Michael's Church)
Declaration Of Trust; The Vestry and)
Church Wardens Of St. Jude's Church Of)
Walterboro; The Vestry and Church)
Wardens Of The Episcopal Church Of The)
Parish Of Prince George Winyah; The)
Vestry and Chuch Wardens Of The)
Episcopal Church Of The Parish of St.)
Helena and The Parish Church Of St. Helena)

Case Number _____

NOTICE OF REMOVAL

Trust; The Vestry and Church Wardens Of)
 The Episcopal Church Of The Parish of St.)
 Matthew; The Vestry and Wardens of St.)
 Paul's Church, Summerville; Trinity Church)
 Of Myrtle Beach; Trinity Episcopal Church;)
 Trinity Episcopal Church, Pinopolis; Vestry)
 And Church-Wardens of the Episcopal)
 Church Of The Parish Of Christ Church;)
 Vestry and Church Wardens Of The)
 Episcopal Church Of The Parish Of St.)
 John's, Charleston County)

PLAINTIFFS,)

v.)

The Episcopal Church (a/k/a, The)
 Protestant Episcopal Church in the)
 United States of America); The Episcopal)
 Church in South Carolina)

DEFENDANTS)

NOTICE OF REMOVAL

Defendant The Episcopal Church in South Carolina files this Notice of Removal of this action from The Court of Common Pleas, County of Dorchester, First Judicial Circuit, State of South Carolina, in which it is now pending, to the United States District Court, District of South Carolina, and, to the extent required, reserves any and all rights, objections, defenses, and exceptions available in state court. In support of this Notice of Removal, Defendant The Episcopal Church in South Carolina respectfully represents the following:

BACKGROUND

I.

Plaintiffs commenced this action against Defendant The Episcopal Church, by filing a Summons and Complaint in The Court of Common Pleas, County of Dorchester, First Judicial

Circuit, State of South Carolina, Civil Action No. 20013-18-00013, on January 4, 2013. Plaintiffs filed a Second Amended Complaint adding Defendant The Episcopal Church in South Carolina as a party to the action and served Defendant The Episcopal Church in South Carolina with the Summons and Second Amended Complaint on March 5, 2013.

II.

Pursuant to 28 U.S.C. §1446(a), together with this Notice of Removal, Defendant The Episcopal Church in South Carolina will submit copies of all pleadings, process and orders that have been served in Civil Action No. 20013-18-00013.

REMOVAL IS PROPER

III.

Removal is proper pursuant to 28 U.S.C. §1441(a) when a court of the United States would have original jurisdiction over the matter.

IV.

Because this matter raises federal questions under the First Amendment of the United States Constitution and the Lanham Act, this Court has jurisdiction over the matter pursuant to 28 U.S.C §1331 and 15 U.S.C. § 1121, and supplemental jurisdiction under 28 U.S.C §1367. *See Grable & Sons Metal Products, Inc. v. Darue Engineering & Manufacturing*, 125 S. Ct. 2363 (2005) (“[T]he question is, does a state-law claim necessarily raise a stated federal issue, actually disputed and substantial, which a federal forum may entertain without disturbing any congressionally approved balance of federal and state judicial responsibilities.”).

V.

This Notice of Removal is timely pursuant to 28 U.S.C §1446(b), as amended in 2012, because it is being filed within thirty (30) days the date of service on Defendant The Episcopal Church in South Carolina, March 5, 2013.

VI.

Pursuant to 28 U.S.C. § 1446(b), undersigned counsel for Defendant The Episcopal Church hereby consent to the removal of this proceeding to the United States District Court for the District of South Carolina.

VII.

Pursuant to 28 U.S.C. § 1446(d), undersigned counsel certify that a copy of this Notice of Removal will be served promptly on Plaintiffs and will be filed with the Clerk of Court for the The Court of Common Pleas, County of Dorchester, First Judicial Circuit, State of South Carolina.

WHEREFORE, Defendant The Episcopal Church in South Carolina prays that this Notice of Removal be deemed good and sufficient and for all relief to which he is entitled.

[Signature page to follow]

Dated: April 3, 2013

Respectfully submitted,

/s/ Thomas S. Tisdale

Thomas S. Tisdale (S.C. 005584) (D.S.C. 4106)

Jason S. Smith (S.C. 80700) (D.S.C. 11387)

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