

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF DORCHESTER	)	FOR THE FIRST JUDICIAL CIRCUIT
	)	
The Protestant Episcopal Church In The Diocese Of South Carolina, <i>et al.</i>	)	Case No. 2017-CP-18-1909
	)	
v.	)	<b>ANSWER OF THE EPISCOPAL CHURCH IN SOUTH CAROLINA</b>
	)	
The Episcopal Church, <i>et al.</i>	)	
_____	)	

COMES NOW, Defendant The Episcopal Church in South Carolina (“TECSC”),  
answering the Amended Complaint as follows:

1. To the extent not specifically admitted herein, all of the allegations in the Amended Complaint are denied and strict proof thereof is demanded.
2. Paragraph 1 is denied.
3. Paragraph 2 is admitted.
4. Paragraph 3 is denied.
5. Paragraph 4 is admitted to the extent that TECSC has a business address of 98 Wentworth Street, Charleston, South Carolina, and that TECSC conducts business in South Carolina, and that TECSC is a diocese of TEC, and that TECSC is the historic diocese founded in the eighteenth century also known throughout its history as The Protestant Episcopal Church in the Diocese South Carolina, the Protestant Episcopal Church in South Carolina, the Episcopal Diocese of South Carolina, the Diocese of South Carolina, and other variants, and that TECSC is currently operating as an unincorporated association that is entitled to control a corporation that it formed in its historic name in 1973, but otherwise denied.
6. Paragraph 5 is denied.

7. With respect to Paragraph 6, TECSC craves reference to the record in the legal action referenced in Paragraph in 6 and denies all descriptions or characterizations inconsistent therewith.

8. Paragraph 7 is denied.

9. With respect to Paragraph 8, TECSC craves reference to the record in the legal action referenced in Paragraph 8 and denies all descriptions or characterizations inconsistent therewith.

10. Paragraph 9 is admitted to the extent that TECSC and TEC, as beneficiaries of trusts, as confirmed by the South Carolina Supreme Court's final judgment on August 2, 2017, are entitled to possession and control of the trust property that Plaintiffs, as trustees of such trusts, are charged with the duties to hold in trust and to deliver or distribute the trust property to successor trustees loyal to TECSC and TEC, or directly to the beneficiaries, TECSC and TEC, but otherwise denied.

11. Paragraph 10 is denied.

12. With respect to Paragraph 11, TECSC incorporates its responses contained in this Answer to every allegation in the Amended Complaint.

13. Paragraph 12 is admitted to the extent that TECSC, the historic diocese founded in the eighteenth century, formed a corporation in 1973 under its historic name, but the remainder of the allegations contained in Paragraph 12 and in all other Paragraphs in the Amended Complaint are denied to the extent they refer to the Plaintiff as the historic diocese using TECSC's historic names with TECSC's described history.

14. Paragraph 13 is denied.

15. Paragraph 14 is denied.

16. TECSC lacks sufficient information to admit or deny the allegations contained in Paragraph 15, and therefore denies them and demands strict proof thereof.

17. Paragraph 16 is denied.

18. Paragraph 17 is denied.

19. Paragraph 18 is denied.

20. Paragraph 19 is denied.

21. With respect to Paragraph 20, TECSC incorporates its responses contained in this Answer to every allegation in the Amended Complaint.

22. TECSC craves reference to the founding documents referenced therein and otherwise lacks sufficient information to admit or deny the allegations contained in Paragraphs 21, 22, and 23, and therefore denies them and demands strict proof thereof.

23. Paragraph 24 is denied.

24. Paragraph 25 is denied.

25. TECSC lacks sufficient information to admit or deny the allegations contained in Paragraph 26, and therefore denies them and demands strict proof thereof.

26. Paragraph 27 is denied.

27. Paragraph 28 is denied.

28. With respect to Paragraph 29, TECSC incorporates its responses contained in this Answer to every allegation in the Amended Complaint.

29. TECSC craves reference to the founding documents referenced therein and otherwise lacks sufficient information to admit or deny the allegations contained in Paragraphs 30 and 31, and therefore denies them and demands strict proof thereof.

30. Paragraph 32 is denied.

31. TECSC lacks sufficient information to admit or deny the allegations contained in Paragraph 33, and therefore denies them and demands strict proof thereof.

32. Paragraph 34 is denied.

33. Paragraph 35 is denied.

34. Paragraph 36 is denied.

35. With respect to Paragraph 37, TECSC incorporates its responses contained in this Answer to every allegation in the Amended Complaint.

36. TECSC craves reference to the founding documents referenced therein and otherwise lacks sufficient information to admit or deny the allegations contained in Paragraphs 38 and 39, and therefore denies them and demands strict proof thereof.

37. Paragraph 40 is denied.

38. Paragraph 41 is denied.

39. TECSC lacks sufficient information to admit or deny the allegations contained in Paragraph 42, and therefore denies them and demands strict proof thereof.

40. Paragraph 43 is denied.

41. Paragraph 44 is denied.

42. With respect to Paragraph 45, TECSC incorporates its responses contained in this Answer to every allegation in the Amended Complaint.

43. TECSC craves reference to the founding documents referenced therein and otherwise lacks sufficient information to admit or deny the allegations contained in Paragraphs 46 and 47, and therefore denies them and demands strict proof thereof.

44. Paragraph 48 is denied.

45. Paragraph 49 is denied.

46. Paragraph 50 is denied.

47. There are no Paragraphs numbered 51-60 in the Amended Complaint and such non-existing Paragraphs are otherwise denied.

48. Paragraph 61 is denied.

49. With respect to Paragraph 62, TECSC incorporates its responses contained in this Answer to every allegation in the Amended Complaint.

50. TECSC craves reference to the founding documents referenced therein and otherwise lacks sufficient information to admit or deny the allegations contained in Paragraphs 63 and 64, and therefore denies them and demands strict proof thereof.

51. Paragraph 65 is denied.

52. Paragraph 66 is denied.

53. Paragraph 67 is denied.

54. Paragraph 68 is denied.

55. With respect to Paragraph 69, TECSC incorporates its responses contained in this Answer to every allegation in the Amended Complaint.

56. TECSC craves reference to the founding documents referenced therein and otherwise lacks sufficient information to admit or deny the allegations contained in Paragraphs 70, 71, and 72, and therefore denies them and demands strict proof thereof.

57. Paragraph 73 is denied.

58. Paragraph 74 is denied.

59. Paragraph 75 is denied.

60. Paragraph 76 is denied.

61. Paragraph 77 is denied.

62. With respect to Paragraph 78, TECSC incorporates its responses contained in this Answer to every allegation in the Amended Complaint.

63. TECSC craves reference to the founding documents referenced therein and otherwise lacks sufficient information to admit or deny the allegations contained in Paragraphs 79 and 80, and therefore denies them and demands strict proof thereof.

64. Paragraph 81 is denied.

65. TECSC lacks sufficient information to admit or deny the allegations contained in Paragraph 82, and therefore denies them and demands strict proof thereof.

66. Paragraph 83 is denied.

67. Paragraph 84 is denied.

68. Paragraph 85 is denied.

69. With respect to Paragraph 86, TECSC incorporates its responses contained in this Answer to every allegation in the Amended Complaint.

70. TECSC craves reference to the founding documents referenced therein and otherwise lacks sufficient information to admit or deny the allegations contained in Paragraphs 87 and 88, and therefore denies them and demands strict proof thereof.

71. Paragraphs 89 is denied.

72. Paragraph 90 is denied.

73. TECSC lacks sufficient information to admit or deny the allegations contained in Paragraph 91, and therefore denies them and demands strict proof thereof.

74. Paragraph 92 is denied.

75. Paragraph 93 is denied.

76. With respect to Paragraph 94, TECSC incorporates its responses contained in this Answer to every allegation in the Amended Complaint.

77. TECSC craves reference to the founding documents referenced therein and otherwise lacks sufficient information to admit or deny the allegations contained in Paragraphs 95, 96, and 97, and therefore denies them and demands strict proof thereof.

78. Paragraph 98 is denied.

79. TECSC lacks sufficient information to admit or deny the allegations contained in Paragraph 99, and therefore denies them and demands strict proof thereof.

80. Paragraph 100 is denied.

81. Paragraph 101 is denied.

82. Paragraph 89 (the second time this paragraph number appears) is denied.

83. With respect to Paragraph 90 (the second time this paragraph number appears), TECSC incorporates its responses contained in this Answer to every allegation in the Amended Complaint.

84. TECSC craves reference to the founding documents referenced therein and otherwise lacks sufficient information to admit or deny the allegations contained in Paragraphs 91 and 92 (the second time these paragraph numbers appear), and therefore denies them and demands strict proof thereof.

85. Paragraph 61 (the second time this paragraph number appears) is denied.

86. Paragraph 93 (the second time this paragraph number appear) is denied.

87. TECSC lacks sufficient information to admit or deny the allegations contained in Paragraph 94 (the second time this paragraph number appears), and therefore denies them and demands strict proof thereof.

88. Paragraph 95 (the second time this paragraph number appears) is denied.

89. Paragraph 96 (the second time this paragraph number appears) is denied.

90. With respect to Paragraph 97 (the second time this paragraph number appears), TECSC incorporates its responses contained in this Answer to every allegation in the Amended Complaint.

91. Paragraph 98 (the second time this paragraph number appears) is denied.

92. TECSC craves reference to the founding documents referenced therein and otherwise lacks sufficient information to admit or deny the allegations contained in Paragraphs 99 and 100 (the second time these paragraph numbers appear), and therefore denies them and demands strict proof thereof.

93. Paragraph 101 (the second time this paragraph number appears) is denied.

94. Paragraph 102 is denied.

95. TECSC lacks sufficient information to admit or deny the allegations contained in Paragraph 103, and therefore denies them and demands strict proof thereof.

96. Paragraph 104 is denied.

97. Paragraph 105 is denied.

98. With respect to Paragraph 106, TECSC incorporates its responses contained in this Answer to every allegation in the Amended Complaint.

99. TECSC craves reference to the founding documents referenced therein and otherwise lacks sufficient information to admit or deny the allegations contained in Paragraphs 107 and 104 (the second time this paragraph number appears), and therefore denies them and demands strict proof thereof.

100. Paragraph 105 (the second time this paragraph number appears) is denied.

101. TECSC lacks sufficient information to admit or deny the allegations contained in Paragraph 106 (the second time this paragraph number appears), and therefore denies them and demands strict proof thereof.



102. Paragraph 107 (the second time this paragraph number appears) is denied.

103. Paragraph 108 is denied.

104. Paragraph 109 is denied.

105. With respect to Paragraph 110, TECSC incorporates its responses contained in this Answer to every allegation in the Amended Complaint.

106. TECSC lacks sufficient information to admit or deny the allegations contained in Paragraphs 111, 112, and 113, and therefore denies them and demands strict proof thereof.

107. Paragraph 114 is denied.

108. TECSC lacks sufficient information to admit or deny the allegations contained in Paragraph 115, and therefore denies them and demands strict proof thereof.

109. Paragraph 116 is denied.

110. Paragraph 117 is denied.

111. Paragraph 118 is denied.

112. With respect to Paragraph 119, TECSC incorporates its responses contained in this Answer to every allegation in the Amended Complaint.

113. TECSC craves reference to the founding documents referenced therein and otherwise lacks sufficient information to admit or deny the allegations contained in Paragraphs 120, 121, and 122, and therefore denies them and demands strict proof thereof.

114. Paragraph 123 is denied.

115. TECSC lacks sufficient information to admit or deny the allegations contained in Paragraph 124, and therefore denies them and demands strict proof thereof.

116. Paragraph 125 is denied.

117. Paragraph 126 is denied.

118. Paragraph 127 is denied.

119. With respect to Paragraph 128, TECSC incorporates its responses contained in this Answer to every allegation in the Amended Complaint.

120. TECSC craves reference to the founding documents referenced therein and otherwise lacks sufficient information to admit or deny the allegations contained in Paragraphs 129, 130, 131, and 132, and therefore denies them and demands strict proof thereof.

121. Paragraph 133 is denied.

122. TECSC lacks sufficient information to admit or deny the allegations contained in Paragraph 134, and therefore denies them and demands strict proof thereof.

123. Paragraph 135 is denied.

124. Paragraph 136 is denied.

125. Paragraph 137 is denied.

126. With respect to Paragraph 138, TECSC incorporates its responses contained in this Answer to every allegation in the Amended Complaint.

127. TECSC craves reference to the founding documents referenced therein and otherwise lacks sufficient information to admit or deny the allegations contained in Paragraphs 139, 140, and 141, and therefore denies them and demands strict proof thereof.

128. Paragraph 142 is denied.

129. TECSC lacks sufficient information to admit or deny the allegations contained in Paragraph 143, and therefore denies them and demands strict proof thereof.

130. Paragraph 144 is denied.

131. Paragraph 145 is denied.

132. Paragraph 146 is denied.

133. With respect to Paragraph 147, TECSC incorporates its responses contained in this Answer to every allegation in the Amended Complaint.

134. TECSC craves reference to the founding documents referenced therein and otherwise lacks sufficient information to admit or deny the allegations contained in Paragraphs 148, 149, and 150, and therefore denies them and demands strict proof thereof.

135. Paragraph 151 is denied.

136. TECSC lacks sufficient information to admit or deny the allegations contained in Paragraphs 152 and 153, and therefore denies them and demands strict proof thereof.

137. Paragraph 154 is denied.

138. Paragraph 155 is denied.

139. Paragraph 156 is denied.

140. With respect to Paragraph 157, TECSC incorporates its responses contained in this Answer to every allegation in the Amended Complaint.

141. TECSC craves reference to the founding documents referenced therein and otherwise lacks sufficient information to admit or deny the allegations contained in Paragraphs 158, 159, and 160, and therefore denies them and demands strict proof thereof.

142. Paragraph 161 is denied.

143. TECSC lacks sufficient information to admit or deny the allegations contained in Paragraph 162, and therefore denies them and demands strict proof thereof.

144. Paragraph 163 is denied.

145. Paragraph 164 is denied.

146. Paragraph 165 is denied.

147. With respect to Paragraph 166, TECSC incorporates its responses contained in this Answer to every allegation in the Amended Complaint.

148. TECSC craves reference to the founding documents referenced therein and otherwise lacks sufficient information to admit or deny the allegations contained in Paragraphs 167, 168, and 169, and therefore denies them and demands strict proof thereof.

149. Paragraph 170 is denied.

150. TECSC lacks sufficient information to admit or deny the allegations contained in Paragraph 171, and therefore denies them and demands strict proof thereof.

151. Paragraph 172 is denied.

152. Paragraph 173 is denied.

153. Paragraph 174 is denied.

154. With respect to Paragraph 175, TECSC incorporates its responses contained in this Answer to every allegation in the Amended Complaint.

155. TECSC craves reference to the founding documents referenced therein and otherwise lacks sufficient information to admit or deny the allegations contained in Paragraphs 176, 177, 178, 179, 180, 181, and 182, and therefore denies them and demands strict proof thereof.

156. Paragraph 183 is denied.

157. TECSC lacks sufficient information to admit or deny the allegations contained in Paragraph 184, and therefore denies them and demands strict proof thereof.

158. Paragraph 185 is denied.

159. Paragraph 186 is denied.

160. Paragraph 187 is denied.

161. With respect to Paragraph 188, TECSC incorporates its responses contained in this Answer to every allegation in the Amended Complaint.

162. TECSC craves reference to the founding documents referenced therein and otherwise lacks sufficient information to admit or deny the allegations contained in Paragraphs 189, 190, 191, and 192, and therefore denies them and demands strict proof thereof.

163. Paragraph 193 is denied.

164. TECSC lacks sufficient information to admit or deny the allegations contained in Paragraph 194, and therefore denies them and demands strict proof thereof.

165. Paragraph 195 is denied.

166. Paragraph 196 is denied.

167. Paragraph 197 is denied.

168. With respect to Paragraph 198, TECSC incorporates its responses contained in this Answer to every allegation in the Amended Complaint.

169. TECSC craves reference to the founding documents referenced therein and otherwise lacks sufficient information to admit or deny the allegations contained in Paragraphs 199, 200, 201 and 202, and therefore denies them and demands strict proof thereof.

170. Paragraph 203 is denied.

171. TECSC lacks sufficient information to admit or deny the allegations contained in Paragraph 204, and therefore denies them and demands strict proof thereof.

172. Paragraph 205 is denied.

173. Paragraph 206 is denied.

174. Paragraph 207 is denied.

175. With respect to Paragraph 208, TECSC incorporates its responses contained in this Answer to every allegation in the Amended Complaint.

176. TECSC craves reference to the founding documents referenced therein and otherwise lacks sufficient information to admit or deny the allegations contained in Paragraphs

209, 209 (the second time this paragraph number appears), and 210, and therefore denies them and demands strict proof thereof.

177. Paragraph 211 is denied.

178. Paragraph 212 is denied.

179. TECSC lacks sufficient information to admit or deny the allegations contained in Paragraph 213, and therefore denies them and demands strict proof thereof.

180. Paragraph 214 is denied.

181. Paragraph 215 is denied.

182. With respect to Paragraph 216, TECSC incorporates its responses contained in this Answer to every allegation in the Amended Complaint.

183. TECSC craves reference to the founding documents referenced therein and otherwise lacks sufficient information to admit or deny the allegations contained in Paragraphs 217, 218, 219, and 220, and therefore denies them and demands strict proof thereof.

184. Paragraph 221 is denied.

185. TECSC lacks sufficient information to admit or deny the allegations contained in Paragraph 222, and therefore denies them and demands strict proof thereof.

186. Paragraph 223 is denied.

187. Paragraph 224 is denied.

188. Paragraph 225 is denied.

189. With respect to Paragraph 226, TECSC incorporates its responses contained in this Answer to every allegation in the Amended Complaint.

190. TECSC craves reference to the founding documents referenced therein and otherwise lacks sufficient information to admit or deny the allegations contained in Paragraphs

227, 228, 229, 230, 231, 232, 233, and 234, and therefore denies them and demands strict proof thereof.

191. Paragraph 235 is denied.

192. TECSC lacks sufficient information to admit or deny the allegations contained in Paragraph 236, and therefore denies them and demands strict proof thereof.

193. Paragraph 237 is denied.

194. Paragraph 238 is denied.

195. Paragraph 239 is denied.

196. With respect to Paragraph 240, TECSC incorporates its responses contained in this Answer to every allegation in the Amended Complaint.

197. TECSC craves reference to the founding documents referenced therein and otherwise lacks sufficient information to admit or deny the allegations contained in Paragraphs 241, 242, 243, and 244, and therefore denies them and demands strict proof thereof.

198. Paragraph 245 is denied.

199. TECSC lacks sufficient information to admit or deny the allegations contained in Paragraph 246, and therefore denies them and demands strict proof thereof.

200. Paragraph 247 is denied.

201. Paragraph 248 is denied.

202. Paragraph 249 is denied.

203. With respect to Paragraph 250, TECSC incorporates its responses contained in this Answer to every allegation in the Amended Complaint.

204. TECSC craves reference to the founding documents referenced therein and otherwise lacks sufficient information to admit or deny the allegations contained in Paragraphs 251, 252, 253, 254, and 255, and therefore denies them and demands strict proof thereof.

205. Paragraph 256 is denied.

206. TECSC lacks sufficient information to admit or deny the allegations contained in Paragraph 257, and therefore denies them and demands strict proof thereof.

207. Paragraph 258 is denied.

208. Paragraph 259 is denied.

209. Paragraph 260 is denied.

210. With respect to Paragraph 261, TECSC incorporates its responses contained in this Answer to every allegation in the Amended Complaint.

211. TECSC craves reference to the founding documents referenced therein and otherwise lacks sufficient information to admit or deny the allegations contained in Paragraphs 262, 263, 264, and 265, and therefore denies them and demands strict proof thereof.

212. Paragraph 266 is denied.

213. TECSC lacks sufficient information to admit or deny the allegations contained in Paragraph 267, and therefore denies them.

214. Paragraph 268 is denied.

215. Paragraph 269 is denied.

216. Paragraph 270 is denied.

217. With respect to Paragraph 271, TECSC incorporates its responses contained in this Answer to every allegation in the Amended Complaint.

218. TECSC craves reference to the founding documents referenced therein and otherwise lacks sufficient information to admit or deny the allegations contained in Paragraphs 272, 273, 274, 275, 276, 277, 278, 279 and therefore denies them and demands strict proof thereof.

219. Paragraph 280 is denied.



220. TECSC lacks sufficient information to admit or deny the allegations contained in Paragraph 281, and therefore denies them.

221. Paragraph 282 is denied.

222. Paragraph 283 is denied.

223. Paragraph 284 is denied.

224. The prayer for relief is denied.

#### AFFIRMATIVE DEFENSES

1. The Amended Complaint fails to state facts sufficient to constitute a cause of action.

2. The Amended Complaint fails to state a claim under the Betterment Act because the real and personal property at issue (including the land, together with the improvements on the land) is held in trust by Plaintiffs, acting as trustees, for Defendants, the beneficiaries of the trusts,<sup>1</sup> as confirmed by the South Carolina Supreme Court in *Protestant Episcopal Church in the Diocese of South Carolina v. The Episcopal Church*, 421 S.C. 211, 806 S.E.2d 82 (Aug. 2, 2017), *reh'g denied* (Nov. 17, 2017), *cert. denied* (June 11, 2018). The South Carolina Trust Code imposes duties on trustees and those acting in the capacity of trustees (including former trustees who have repudiated their roles as trustees) to protect and hold trust property in trust for

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<sup>1</sup> With respect to all of the property of the 29 Plaintiff Parishes at issue, the beneficiaries of the trusts, respectively, are TECSC and TEC, and the trustees of the trusts are the 29 Parish Plaintiffs. With respect to all of the diocesan property at issue, the beneficiary of the trust is TECSC, and the trustee of the trust is a diocesan trustee corporation that was not named in this action, The Trustees of the Protestant Episcopal Church in South Carolina, which was established by an 1880 Act of the General Assembly of South Carolina, as amended by an 1902 Act. That diocesan trustee corporation is currently being unlawfully controlled by leaders of the non-prevailing “disassociated diocese,” as referred to in the South Carolina Supreme Court’s August 2, 2017 decision (which “disassociated diocese” is improperly identified in the caption of this action as the historic diocese of TECSC using its historic name The Protestant Episcopal Church in the Diocese of South Carolina).

the benefit of the beneficiaries until they deliver or distribute the trust property to successor trustees loyal to the beneficiaries or to the beneficiaries themselves; and the Trust Code empowers a court to compel trustees to perform such duties, remove and replace trustees, effectuate the transfer of possession and control of trust property, and provide other relief, pursuant to S.C. Code Ann. §§62-7-801; 62-7-802(a); 62-7-811; 62-7-817; 62-7-707; 62-7-1001, and other provisions. Accordingly, the transfer of possession and control of the trust property at issue from Plaintiffs to Defendants, as mandated by the South Carolina Supreme Court and as required by the Trust Code, cannot as a matter of law give Plaintiffs, charged with the duties of trustees, a claim under the Betterment Act against their own beneficiaries, Defendants.

3. The Amended Complaint fails because it relies on allegations that are contrary to and inconsistent with the findings and final decision and judgment of the South Carolina Supreme Court in *Protestant Episcopal Church in the Diocese of South Carolina v. The Episcopal Church*, 421 S.C. 211, 806 S.E.2d 82 (Aug. 2, 2017), *reh'g denied* (Nov. 17, 2017), *cert. denied* (June 11, 2018).

4. The Amended Complaint is barred by *res judicata* based upon the findings and final decision and judgment of the South Carolina Supreme Court in *Protestant Episcopal Church in the Diocese of South Carolina v. The Episcopal Church*, 421 S.C. 211, 806 S.E.2d 82 (Aug. 2, 2017), *reh'g denied* (Nov. 17, 2017), *cert. denied* (June 11, 2018).

5. The Amended Complaint is barred by collateral estoppel based upon the findings and final decision and judgment of the South Carolina Supreme Court in *Protestant Episcopal Church in the Diocese of South Carolina v. The Episcopal Church*, 421 S.C. 211, 806 S.E.2d 82 (Aug. 2, 2017), *reh'g denied* (Nov. 17, 2017), *cert. denied* (June 11, 2018).

6. Plaintiffs lack standing to bring a claim under the Betterment Act.

7. Plaintiffs' claims in the Amended Complaint are barred by breaches of trust.

8. Plaintiffs' claims in the Amended Complaint are barred by unclean hands.

9. The Amended Complaint fails to name as a party the trustee corporation that holds the diocesan property in trust for TECSC under an 1880 Act of the General Assembly of South Carolina, as amended by a 1902 Act. The name of that trustee corporation is The Trustees of the Protestant Episcopal Church in South Carolina.

10. The Amended Complaint is barred as untimely under the Betterment Act, S.C. Code Ann. §27-27-30, because it was not filed within 48 hours of the August 2, 2017 decision of the South Carolina Supreme Court.

11. The Amended Complaint is barred by the statute of limitations.

12. The Amended Complaint is barred by the doctrine of laches.

13. Plaintiffs' request for a stay of this action in the Amended Complaint is improper under the Betterment Act.

14. Plaintiffs' claims in the Amended Complaint are frivolous, pursuant to S.C. Code Ann. §15-36-10, among other reasons, because no reasonable attorney could conclude that a cause of action arises under the Betterment Act for trustees against their own beneficiaries for the monetary value of trust property, and because the Amended Complaint was filed for the improper and ulterior purposes of delaying, undermining, and subverting the enforcement of the final decision and judgment of the South Carolina Supreme Court in *Protestant Episcopal Church in the Diocese of South Carolina v. The Episcopal Church*, 421 S.C. 211, 806 S.E.2d 82 (Aug. 2, 2017), *reh'g denied* (Nov. 17, 2017), *cert. denied* (June 11, 2018). Subject to the procedural requirements of S.C. Code Ann. §15-36-10, Defendants should be awarded reasonable attorneys' fees and costs in this action.

WHEREFORE, TECSC hereby prays that the Court dismiss the Amended Complaint and award TECSC reasonable attorneys' fees and costs in this action.

Dated: September 11, 2019

Respectfully submitted

/s/ Thomas S. Tisdale, Jr.  
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