

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

The Right Reverend Charles G. vonRosenberg, )  
 individually and in his capacity as Provisional )  
 Bishop of the Protestant Episcopal Church in )  
 the Diocese of South Carolina, )

Plaintiff, )

v. )

The Right Reverend Mark J. Lawrence and )  
 John Does numbers 1-10, being fictitious )  
 defendants whose names presently are )  
 unknown to Plaintiff and will be added by )  
 amendment when ascertained, )

Defendants. )

**CIVIL ACTION NUMBER:**

\_\_\_\_\_

**COMPLAINT**

The Right Reverend Charles G. vonRosenberg, for his Complaint against the Right Reverend Mark J. Lawrence and others whose names are presently unknown, states as follows:

1. This action for declaratory and injunctive relief arises from Defendant Bishop Lawrence’s unauthorized use of certain marks, names, and symbols associated with The Protestant Episcopal Church in the Diocese of South Carolina (the “Diocese”) and his false representations of fact made through and in conjunction with those marks. The Diocese is a part of The Protestant Episcopal Church in the United States of America (“The Episcopal Church” or “TEC” or the “Church”). Bishop Lawrence is a former Bishop of the Diocese. In November 2012, Bishop Lawrence renounced his ordained ministry in The Episcopal Church; in December 2012, he was removed as Bishop of the Diocese. Pursuant to procedures set forth in the Constitution and Canons of The Episcopal Church, Plaintiff Bishop vonRosenberg was elected to replace Bishop Lawrence as the Bishop of the Diocese. Nevertheless, Bishop Lawrence

continues to use the marks, names and symbols of the Diocese (the “Diocese’s marks”) while claiming that he remains the Bishop of the Diocese. In so doing, Bishop Lawrence falsely suggests to consumers of religious services and charitable donors that Bishop Lawrence is an Episcopal Bishop, that he is affiliated with the Diocese, that he is the true Bishop and ecclesiastical authority of the Diocese, and that the Diocese authorizes and sponsors his activities. Bishop Lawrence’s unlawful use of the Diocese’s marks and misrepresentations of fact unlawfully trade on the Diocese’s goodwill and reputation accumulated over its 200-year history as a sub-unit of The Episcopal Church. And they damage Bishop vonRosenberg irreparably by interfering with his ability to carry out his pastoral mission, to communicate with the followers of his faith, and to attract new followers and charitable contributions to the Diocese. Declaratory and injunctive relief is necessary to enable Bishop vonRosenberg to carry out his pastoral mission and to compel Bishop Lawrence to cease misleading consumers of religious services as to the nature of his activities.

### **PARTIES**

2. Plaintiff the Right Reverend Charles G. vonRosenberg, an ordained bishop of The Episcopal Church, is the Provisional Bishop of the Diocese, an office to which he was elected and installed at a special meeting of the Convention of the Diocese on January 26, 2013.

3. As the Bishop of the Diocese, Bishop vonRosenberg is harmed by any use of the Diocese’s marks or misrepresentation of fact concerning the Diocese that confuses consumers of religious services and charitable donors.

4. Defendant The Right Reverend Mark J. Lawrence is a former Bishop of the Diocese. Bishop Lawrence is no longer a bishop in The Episcopal Church and is no longer a member of the ordained clergy of The Episcopal Church. Bishop Lawrence nonetheless

continues to hold himself out as the Bishop of the Diocese and to use the Diocese's marks to suggest that his statements are on behalf of the Diocese and made with its sponsorship and authorization.

5. Upon information and belief, Defendants John Does are individuals who are consciously engaged in the unauthorized use of the Diocese's marks in a manner that is likely to confuse consumers of religious services and charitable donors, but whose identity and numbers are presently unknown.

### **JURISDICTION AND VENUE**

6. This is an action arising under the Trademark Act of 1946 as amended, 15 U.S.C. §§ 1051 *et seq.* (the "Lanham Act").

7. This Court has subject matter jurisdiction pursuant to 15 U.S.C. § 1121(a) and 28 U.S.C. §§ 1331, 1338.

8. Personal jurisdiction is proper over Bishop Lawrence because he is domiciled in the State of South Carolina and has transacted business in the State.

9. Venue is proper in this District and division pursuant to 28 U.S.C. § 1391(b) and Local Civil Rule 3.01(A) because Bishop Lawrence resides within this District and division. In addition, a substantial part of the events giving rise to the claims occurred in this District and division, including, but not limited to, Bishop Lawrence's wrongful conduct and the harm such conduct has caused and will cause to Bishop vonRosenberg.

## BACKGROUND

### The Protestant Episcopal Church in the United States of America

10. Founded in the 1780's, The Episcopal Church is a hierarchical religious denomination and a nonprofit unincorporated association with its principal office in New York City.

11. From its inception, The Episcopal Church has been a hierarchical church. Among other things, the following characteristics demonstrate this:

- a. The Episcopal Church is a united entity that is governed by a common authority: its General Convention.
- b. Regional bodies (dioceses) are subordinate to the General Convention, and individual worshiping congregations (parishes and missions) are in turn subordinate to dioceses and the Church.

12. The Supreme Court of the United States and numerous other courts have for many years recognized that The Episcopal Church is a hierarchical church. *E.g.*, *Watson v. Jones*, 80 U.S. (13 Wall.) 679, 729 (1872); *Dixon v. Edwards*, 290 F.3d 699, 716 (4th Cir. 2002); *Rector, Wardens & Vestrymen of Christ Church in Savannah v. Bishop of Episcopal Diocese of Ga., Inc.*, 699 S.E.2d 45, 48 (Ga. Ct. App. 2010); *Episcopal Diocese of Mass. v. Devine*, 797 N.E.2d 916, 921 (Mass. 2003); *Daniel v. Wray*, 580 S.E.2d 711, 714 (N.C. Ct. App. 2003); *Protestant Episcopal Church in the Diocese of N.J. v. Graves*, 417 A.2d 19, 21 (N.J. 1980).

13. Because The Episcopal Church is a hierarchical church, the First Amendment requires that the decisions of its designated authorities, rather than civil courts, control the resolution of controversies involving the proper identity of its leaders as well as the government and direction of subordinate bodies. *Serbian E. Orthodox Diocese v. Milivojevich*, 426 U.S. 696,

724-25 (1979); *see also Hosanna-Tabor Evangelical Lutheran Church & Sch. v. EEOC*, 132 S. Ct. 694, 704-05 (2012).

14. The General Convention is composed of two houses: the House of Bishops and the House of Deputies. The former consists of most of the Church's active and resigned bishops; the latter consists of clergy and laity elected in each diocese. The General Convention meets at least once every three years, and it has adopted and periodically amends The Episcopal Church's governing documents: the Constitution, Canons, and Book of Common Prayer. These documents are binding on every unit and member of The Episcopal Church. The General Convention cannot be limited by the actions of other bodies in The Episcopal Church, including dioceses.

15. The Chief Pastor and Primate of The Episcopal Church is its Presiding Bishop, who is elected by the General Convention. The Presiding Bishop is charged with, among other duties, initiating and developing the Church's policy and strategy and speaking about the Church's policies, strategies, and programs.

16. The Episcopal Church comprises 111 geographically defined dioceses and approximately 7,600 parishes and missions, which are located throughout the United States and in other countries.

17. A diocese may be formed only by action of the General Convention and only after, among other things, the proposed diocese has affirmatively given its unqualified accession to The Episcopal Church's Constitution and Canons.

18. The Episcopal Church's Constitution and Canons do not provide for or permit the release, withdrawal, or transfer of any diocese that is not a Missionary Diocese.

19. Each diocese is governed by its own Diocesan Convention.

20. Each diocese elects its own bishop, who may be ordained only after receiving consent from the leadership of a majority of the other dioceses. An individual ordained as bishop must promise to “guard the faith, unity, and discipline of the Church” and to “share with [his or her] fellow bishops in the government of the whole church.” The bishop manages both the spiritual and temporal affairs of the diocese. He or she is advised by and shares authority over certain matters with the diocesan Standing Committee, a body of clergy and laity elected by the Diocesan Convention.

21. Pursuant to The Episcopal Church’s Constitution, a bishop may not resign his or her office and remain a bishop in good standing in the Church without the consent of a majority of the House of Bishops.

22. Each diocese has its own Constitution and Canons that supplement, and must not be inconsistent with, The Episcopal Church’s Constitution and Canons.

### **The Protestant Episcopal Church in the Diocese of South Carolina**

23. The Protestant Episcopal Church in the Diocese of South Carolina was formed as a result of the organization of The Episcopal Church’s General Convention and acknowledged the authority of The Episcopal Church’s Constitution in 1790.

24. As of March 4, 2013, the first sentence of the Diocese’s Constitution is: “The Church in the Diocese of South Carolina accedes to the Constitution of the Protestant Episcopal Church in the United States of America.”

25. The Diocese is a nonprofit corporation under South Carolina law. Its Bishop serves as the Chief Operating Officer of the corporation.

26. The Diocese is not now, nor has it ever been, a Missionary Diocese. *See* ¶ 18, *supra*.

27. The Diocese has participated in The Episcopal Church, and has conducted its affairs, as a subordinate unit of The Episcopal Church. For example:

- a. The Diocese has regularly sent representatives to meetings of The Episcopal Church's General Convention, including the most recent meetings in 2012.
- b. The Diocese has participated in the enactment of amendments to The Episcopal Church's Constitution and Canons.
- c. As required by the Church's Canons, the Diocese and its clergy, including Bishop Lawrence, have participated in and accepted the valuable benefits of the Church Pension Fund, which are reserved solely for clergy and institutions of The Episcopal Church.
- d. All bishops of the Diocese, including Bishop Lawrence, have been elected, ordained, and installed pursuant to the requirements of The Episcopal Church's Constitution, Canons, and Book of Common Prayer, and, in accordance with Article VIII of the Constitution, have subscribed and made a declaration that, among other things, they will "solemnly engage to conform to the Doctrine, Discipline, and Worship of the Episcopal Church."
- e. Bishops of the Diocese and the Diocese's Standing Committee have participated in consenting to the ordination of the bishops-elect of the other dioceses in The Episcopal Church.

28. The Diocese has consistently held itself out to the public, its followers, its believers, members of the faith community, consumers of religious services, and charitable donors as the true and loyal representative of The Episcopal Church in eastern South Carolina.

29. The Diocese is the owner of four service marks that are registered pursuant to South Carolina law, all of which have been used consistently in commerce and have not been abandoned:

- a. “The Diocese of South Carolina”;
- b. “The Episcopal Diocese of South Carolina”;
- c. “The Protestant Episcopal Church in the Diocese of South Carolina”; and
- d. The Seal of the Diocese of South Carolina (reproduced below).



30. These marks signify and communicate to consumers of religious services and charitable donors that the entity or person employing the marks is the Diocese or its representative.

31. Because the Diocese is a sub-unit of The Episcopal Church and is bound by its Constitution, Canons, and Book of Common Prayer, use of these marks also communicates to consumers of religious services and charitable donors that an entity or person employing them is doing so in accordance with The Episcopal Church’s values, principles, and dictates.



## **Bishop Lawrence's Renunciation of and Purported Secession from The Episcopal Church**

32. Bishop Lawrence was chosen as Bishop-elect by the South Carolina Diocesan Convention in September 2006. After having failed to obtain the requisite consent of the leadership of a majority of the other dioceses of The Episcopal Church, he was again elected by the Diocesan Convention. After Bishop Lawrence made explicit and unambiguous pledges that he would remain loyal to the Episcopal Church, his ordination subsequently received consent from the leadership of a majority of the other dioceses of The Episcopal Church, and he was ordained Bishop.

33. Since as early as 2010, however, Bishop Lawrence has encouraged and participated in a variety of actions of or on behalf of the Diocese that violated The Episcopal Church's Constitution and Canons.

34. In 2010 and 2011, Bishop Lawrence approved a purported addition of qualifications to the clause of the South Carolina Diocesan Constitution stating that the Diocese accedes to the Constitution of The Episcopal Church.

35. This action was wholly beyond the authority of the Diocese as a subordinate unit of The Episcopal Church and as an entity bound by The Episcopal Church's Constitution, Canons, and Book of Common Prayer, and it thus inevitably confused and misled consumers of religious services and charitable donors as to the status of the Diocese and the values for which it stands.

36. Bishop Lawrence also approved the South Carolina Diocesan Convention's purported amendment of the Diocese's corporate charter. The charter's statement that among the Diocese's corporate purposes was to be "operated as a Diocese under the Canons and Constitution of The Protestant Episcopal Church in the United States," was changed to declare,

instead, that among those purposes was to operate “under the Canons and Constitution of The Protestant Episcopal Church in the Diocese of South Carolina.” In addition, another charter amendment purported to remove from the charter all references to the affiliation of the Diocese with The Episcopal Church. Notwithstanding this amendment, the name of the corporation—The Protestant Episcopal Church in the Diocese of South Carolina, Inc.—remained unchanged.

37. These actions purported to repudiate the polity of The Episcopal Church while continuing to make use of marks owned by an entity (*i.e.*, the Diocese) that was and is a subordinate unit of The Episcopal Church, and thus confused and misled consumers of religious services and charitable donors as to the status of the Diocese and the values for which it stands.

38. On or as of September 18, 2012, The Episcopal Church’s Disciplinary Board for Bishops, acting pursuant to Church Canon IV.16(A).1, issued a “Certificate of Abandonment of the Episcopal Church and Statement of the Acts or Declarations Which Show Such Abandonment” with respect to Bishop Lawrence. The Board, as required by the Canon, sent the Certificate and Statement to the Presiding Bishop with a “request that the Presiding Bishop record this Certificate and Statement and take such further action concerning Bishop Mark J. Lawrence as may be required by the Constitution and Canons of the Episcopal Church.”

39. On October 2, 2012, the South Carolina Diocesan Standing Committee, adopted the following resolution:

The Protestant Episcopal Church in the Diocese of South Carolina, through its Board of Directors and Standing Committee, hereby withdraws its accession to the Constitution of the Episcopal Church and disaffiliates with the Episcopal Church by withdrawing its membership from the Episcopal Church. The decision shall be effective immediately upon the taking of any action of any kind by any representative of the Episcopal Church against The Bishop, the Standing Committee or any of its members or the Convention of this Diocese or any of its members including purporting to discipline, impair, restrict, direct, place on administrative leave, charge, derecognize or any other action asserting or claiming any supervisory, disciplinary, or other hierarchical authority over this Diocese, its leaders or members.

The Chancellor shall certify to the Ecclesiastical Authority and to the Board of Directors that such condition has occurred which certification shall be conclusive.

40. On October 15, 2012, The Episcopal Church's Presiding Bishop, pending an investigation by the House of Bishops of the Certificate of Abandonment issued by the Disciplinary Board, placed a restriction on Bishop Lawrence's exercise of office, as required by Church Canon IV.16(A).1. This restriction, of which Bishop Lawrence was informed, precluded him from performing any Episcopal, ministerial, or canonical acts. As a result, Bishop Lawrence was prohibited from taking any actions in his official capacity as Bishop or otherwise acting on behalf of the Diocese.

41. On October 17, 2012, Bishop Lawrence informed The Episcopal Church's Presiding Bishop that the Diocese had "disassociated" from The Episcopal Church.

42. On information and belief, on October 20, 2012, Bishop Lawrence and/or individuals acting under his direction or control posted an announcement on the Diocese's website, stating that the "leadership" of the Diocese "had in place resolutions which would become effective upon any action by TEC." The statement continued, "As a result of TEC's attack against our Bishop, the Diocese of South Carolina is disassociated from TEC, that is, its accession to the TEC Constitution and its membership in TEC have been withdrawn."

43. In an address on November 17, 2012, Bishop Lawrence stated, "We have withdrawn from [The Episcopal] Church." That statement was published on the Diocese's website.

44. On December 5, 2012, The Episcopal Church's Presiding Bishop, on the basis of Church Canon III.12.7, and with the advice and consent of the Presiding Bishop's Council of Advice, accepted Bishop Lawrence's renunciation of the ordained ministry of The Episcopal

Church. Pursuant to that Canon, the Presiding Bishop declared that Bishop Lawrence “is therefore removed from the Ordained Ministry of this Church and released from the obligations of all Ministerial offices, and is deprived of the right to exercise the gifts and spiritual authority as a Minister of God’s Word and Sacraments conferred on him in Ordinations.”

### **New Diocesan Leadership**

45. Bishop Lawrence having renounced the Church and having been removed from his ordained ministry, and his followers having left the Diocese with him, the Presiding Bishop called a special meeting of the Diocesan Convention at which a new bishop and Standing Committee would be elected.

46. At the special meeting of the Diocesan Convention, which occurred on January 26, 2013, Bishop vonRosenberg was elected and installed as Provisional Bishop of the Diocese, pursuant to Church Canon III.13.1.

47. The Episcopal Church recognizes Bishop vonRosenberg as the sole Bishop of the Diocese. As a result, only Bishop vonRosenberg can communicate to the public, consumers of religious services, and charitable donors as the Bishop of the Diocese.

48. Because The Episcopal Church recognizes Bishop vonRosenberg as the sole representative of the Diocese, the website of the Anglican Communion shows Bishop vonRosenberg as the sole representative of the Diocese of South Carolina.

### **Bishop Lawrence’s Conduct Following His Renunciation and Purported Disassociation**

49. Bishop Lawrence has engaged in intentional use of the Diocese’s marks, and has made misrepresentations of fact in conjunction with those marks that have caused consumers of religious services and charitable donors to be confused about Bishop Lawrence’s affiliation, connection, or association with the Diocese.

50. Despite (a) Bishop Lawrence's renunciation of The Episcopal Church, (b) his removal as Bishop of the Diocese, and (c) The Episcopal Church's recognition of Bishop vonRosenberg as the sole Bishop of the Diocese, Bishop Lawrence continues to use the Diocese's marks and to hold himself out, wrongfully and falsely, as the Bishop of the Diocese. Among other things, Bishop Lawrence has sent communications that employ the Diocese's marks, represent that he is the Bishop of the Diocese, state that the Diocese has withdrawn from The Episcopal Church, announce upcoming Diocesan events, and solicit donations on behalf of the Diocese.

51. Bishop Lawrence and his followers have wrongfully asserted possession and exclusive control of diocesan properties, including the Diocese's marks.

52. Bishop Lawrence continues to use the Diocese's marks without the consent of Bishop vonRosenberg or the Diocese. As a result, Bishop Lawrence falsely suggests to consumers of religious services and charitable donors that his activities are undertaken with the authority of the Diocese and that he acts in accordance with the values of The Episcopal Church.

53. Bishop Lawrence's unauthorized use of the Diocese's marks is likely to cause confusion among consumers of religious services and charitable donors:

- a. The Diocese's marks are famous and distinctive and are closely associated with the Diocese. The seal of the Diocese, for example, has been used by the Diocese since the late 1800's. It has regularly appeared on the Diocese's correspondence, Convention journals, website, and releases to the public. *See* Complaint for Declaratory and Injunctive Relief ¶¶ 18, 265, *The Protestant Episcopal Church In The Diocese of South Carolina*

*v. The Episcopal Church*, No. 2013-CP-18-13 (S.C. Ct. Com. Pl., 1st Jud. Cir.).

- b. Bishop Lawrence has used and continues to use the actual and identical marks of the Diocese.
- c. Bishop Lawrence and/or those acting under his direction claim exclusive rights to the use of the marks; he has sought to exclude, among others, Bishop vonRosenberg from use of the marks.
- d. Bishop Lawrence, Bishop vonRosenberg, and the Diocese use similar methods of communication in order to reach consumers of religious services and charitable donors.
- e. Bishop Lawrence has used the Diocese's marks with the intent to misrepresent to consumers of religious services and charitable donors that he is the Bishop of the Diocese.
- f. On information and belief, individuals have actually been confused as a result of Bishop Lawrence's conduct.
- g. Having been removed from The Episcopal Church, Bishop Lawrence is no longer authorized to represent the Diocese and is thus unable to provide the services he purports to provide—the religious services of the Diocese.
- h. On information and belief, many consumers of religious services and charitable donors are not sufficiently informed to determine that Bishop Lawrence is not the Bishop of the Diocese, especially in light of Bishop Lawrence's numerous and repeated misrepresentations.

54. Bishop Lawrence's conduct impedes the exercise of Bishop vonRosenberg's spiritual and temporal duties and restricts Bishop vonRosenberg's ability to exercise the authority of his office. Bishop Lawrence's conduct diverts to him and his followers individuals who otherwise would join and/or financially support Bishop vonRosenberg's mission. Bishop Lawrence has attempted to misappropriate, and has misappropriated, the goodwill and reputation of the Diocese, and has, as a result, substantially restricted Bishop vonRosenberg's ability to control, and to receive the benefits of, the goodwill and reputation of the Diocese.

55. On January 4, 2013, in an effort led by Bishop Lawrence and his followers, the purported "Protestant Episcopal Church in the Diocese of South Carolina," the purported "Trustees of The Protestant Episcopal Church in South Carolina," and numerous purported diocesan parishes filed a complaint in South Carolina state court against The Episcopal Church. *See Complaint for Declaratory and Injunctive Relief, The Protestant Episcopal Church In The Diocese of South Carolina v. The Episcopal Church*, No. 2013-CP-18-13 (S.C. Ct. Com. Pl., 1st Jud. Cir.). The state court plaintiffs sought a declaratory judgment that "they are the sole owners of their respective real and personal property" and that The Episcopal Church has "improperly used and may not continue to use any of the names, styles, seals and emblems of any of the Plaintiffs or any imitations or substantially similar names, styles, seals and emblems." *Id.* at 2. The state court plaintiffs also sought an injunction prohibiting The Episcopal Church from such uses. *Id.* On January 31, 2013, the state court issued a temporary injunction prohibiting any person except Bishop Lawrence and those affiliated with him from using the Diocese's marks.

**COUNT I**  
**(Trademark Infringement Under the Lanham Act)**

56. Bishop vonRosenberg repeats, realleges, and incorporates by reference each and every allegation in the foregoing paragraphs as though fully set forth herein.

57. Bishop Lawrence's unauthorized and intentional use of the Diocese's marks and misrepresentations of fact made in conjunction with those marks are likely to cause confusion, mistake, or deception as to the representation of the Diocese; Bishop Lawrence's affiliation, connection, or association with the Diocese; the affiliation of Bishop Lawrence and his allies and followers with The Episcopal Church; and the Diocese's and The Episcopal Church's sponsorship and approval of Bishop Lawrence's activities.

58. On information and belief, Bishop Lawrence began using the Diocese's marks with full knowledge that he had no right to do so. On information and belief, Bishop Lawrence intended to use the Diocese's marks as set forth in this Complaint in order to portray himself as the Bishop and legitimate representative of the Diocese.

59. Bishop Lawrence's use of the Diocese's marks has harmed Bishop vonRosenberg by creating confusion as to who is the true Bishop of the Diocese. In turn, Bishop Lawrence's use has impeded Bishop vonRosenberg's ability to conduct his spiritual and temporal duties as the ecclesiastical authority of the Diocese.

60. Bishop Lawrence's use of the Diocese's marks also misrepresents to the public, consumers of religious services, and charitable donors that Bishop Lawrence is affiliated with the Diocese, that he acts on behalf of the Diocese, and that the Diocese sponsors and authorizes his activities. This, in turn, interferes with Bishop vonRosenberg's ability to communicate to the public, consumers of religious services, and charitable donors on behalf of the Diocese.

61. Even if individuals realize that Bishop Lawrence is not affiliated with the Diocese, Bishop Lawrence's conduct is still harmful to Bishop vonRosenberg, because consumers of religious services and charitable donors who receive and/or view Bishop Lawrence's communications may still associate the Diocese with Bishop Lawrence.



62. Bishop Lawrence has used the Diocese's marks in commerce by using the channels and instrumentalities of interstate commerce to disseminate communications that have made use of the Diocese's marks in conjunction with misrepresentations of fact to the public, consumers of religious services, and charitable donors that Bishop Lawrence is affiliated with the Diocese and, indeed, is the Bishop of the Diocese.

63. Bishop Lawrence's unauthorized and intentional use of the Diocese's marks constitutes trademark infringement in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

64. Bishop Lawrence's infringement of the Diocese's marks is willful and reflects Bishop Lawrence's intent to falsely portray himself as a representative of the Diocese, and the ecclesiastical authority of the Diocese. This conduct entitles Bishop vonRosenberg to an accounting of Bishop Lawrence's illicit profits.

65. Bishop Lawrence's infringement has caused and, unless restrained by this Court, will continue to cause Bishop vonRosenberg irreparable injury.

66. Bishop vonRosenberg has no adequate remedy at law for Bishop Lawrence's infringement.

**COUNT II**  
**(False Advertising Under the Lanham Act)**

67. Bishop vonRosenberg repeats, realleges, and incorporates by reference each and every allegation in the foregoing paragraphs as though fully set forth herein.

68. Bishop Lawrence has engaged in commercial advertising and promotion by disseminating promotional communications and/or business solicitations to a significant segment of the public. Such promotional communications and/or business solicitations: (a) constitute commercial speech because they propose a commercial transaction; (b) were made by Bishop

Lawrence for the purpose of influencing the public to believe that he represents the Diocese and is the ecclesiastical authority of the Diocese; (c) were disseminated in sufficient numbers as to constitute advertising or promotion to consumers of religious services and charitable donors; and (d) contained false and misleading representations about Bishop Lawrence's affiliation, connection, or association with the Diocese.

69. For example, in a letter posted on the "Diocese of South Carolina's" website, Bishop Lawrence, with the title "XIV Bishop of South Carolina," solicits donations from the public.

70. Bishop Lawrence's false and misleading commercial advertising and/or promotions were designed and are likely to influence the financial decisions of consumers of religious services and charitable donors.

71. The Diocese's goodwill and reputation accumulated over its 200-year history as a sub-unit of The Episcopal Church is a material factor in many consumers' decisions as to whether to make charitable donations to the Diocese and/or obtain religious services from churches that are sub-units of the Diocese.

72. Bishop Lawrence's false and misleading commercial advertisements and/or promotions representing that he is affiliated with the Diocese and is the Bishop of the Diocese unlawfully trades on the Diocese's goodwill and reputation accumulated as a sub-unit of The Episcopal Church and deceives consumers into providing fellowship and/or financial support to Bishop Lawrence and his activities, which have no affiliation with the Diocese.

73. Bishop Lawrence's false and misleading commercial advertising and/or promotions have damaged or are likely to damage Bishop vonRosenberg through various means

including but not limited to harm to reputation, loss of goodwill, and disruption of Bishop vonRosenberg's spiritual and temporal duties.

74. Bishop Lawrence's false and misleading commercial advertising and/or promotions were made in interstate commerce and damaged Bishop vonRosenberg's interstate reputation.

75. Bishop Lawrence's commercial advertising and/or promotions constitute a false designation of origin, sponsorship, or approval and a false description and representation as to the nature, characteristics, and/or qualities of Bishop Lawrence's activities, in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

76. Bishop Lawrence's false and misleading commercial advertising and/or promotions are willful and reflect Bishop Lawrence's intent to harm Bishop vonRosenberg and/or to trade on the goodwill and strong recognition associated with the Diocese's marks. This conduct entitles Bishop vonRosenberg to an accounting of Bishop Lawrence's illicit profits.

77. Bishop vonRosenberg has been, and absent injunctive relief will continue to be, irreparably harmed by Bishop Lawrence's actions.

78. Bishop vonRosenberg has no adequate remedy at law for Bishop Lawrence's false and misleading commercial advertising and/or promotions.

#### **PRAYER FOR RELIEF**

WHEREFORE, based upon the foregoing, Bishop vonRosenberg hereby respectfully requests that the Court:

1. Declare that Bishop Lawrence's unauthorized use of the Diocese's marks violates the Lanham Act.

2. Immediately and permanently enjoin Bishop Lawrence and those acting under his direction and control and all others acting in concert and participation with him from:
  - a. directly or indirectly using the Diocese's marks, or other terms confusingly similar to the Diocese's marks;
  - b. representing by any means whatsoever, directly or indirectly, that Bishop Lawrence is affiliated with or connected to the Diocese, or is Bishop of the Diocese, or otherwise taking any action likely to cause confusion, mistake, or deception on the part of the public as to the origin, sponsorship, approval, nature, characteristics, and/or qualities of Bishop Lawrence's activities; and
  - c. continuing to disseminate commercial advertising and/or promotions that make use of the Diocese's marks or that otherwise make false representations that Bishop Lawrence is associated with the Diocese, or that Bishop vonRosenberg is not affiliated with the Diocese or Provisional Bishop of the Diocese.
3. Award Bishop vonRosenberg his costs, including reasonable attorneys' fees and disbursements in this action pursuant to 15 U.S.C. § 1117.
4. Direct Bishop Lawrence to file with this Court and serve on Bishop vonRosenberg within thirty (30) days after the service of the injunction a report, in writing and under oath, that describes in detail the manner and form in which Bishop Lawrence has complied with the orders of this Court;
5. Order an accounting of Bishop Lawrence's profits obtained in connection with his false and misleading usage of the Diocese's marks as set forth in this Complaint; and

6. Award such other relief as the Court deems fair and equitable.

Dated: March 4, 2013

Respectfully submitted,

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