

Exhibit 20

STATE OF SOUTH CAROLINA)
)
 COUNTY OF DORCHESTER)
)
 The Protestant Episcopal Church In The)
 Diocese Of South Carolina; The Trustees of)
 The Protestant Episcopal Church in South)
 Carolina, a South Carolina Corporate Body;)
 et al.,)
)
 PLAINTIFFS,)
)
 v.)
)
 The Episcopal Church (a/k/a, The)
 Protestant Episcopal Church in the)
 United States of America); The Episcopal)
 Church in South Carolina)
)
 DEFENDANTS.)
 _____)

IN THE COURT OF COMMON PLEAS
FOR THE FIRST JUDICIAL CIRCUIT

Case No. 2013-CP-18-00013

**MOTION FOR CONTEMPT
ON BEHALF OF THE PLAINTIFFS
THE PROTESTANT EPISCOPAL
CHURCH IN THE DIOCESE OF
SOUTH CAROLINA, AND THE
TRUSTEES OF THE PROTESTANT
EPISCOPAL CHURCH IN SOUTH
CAROLINA, A SOUTH CAROLINA
CORPORATE BODY.**

CERTIFIED COPY
 2013 MAR 19 PM 5:13
 CLERK OF COURT
 DORCHESTER COUNTY

The Plaintiff, The Protestant Episcopal Church In The Diocese Of South Carolina (Diocese) and The Trustees of The Protestant Episcopal Church in South Carolina, a South Carolina Corporate Body (Trustees) hereby move, in accordance with Rule 7 of the South Carolina Rules of Civil Procedure, and pursuant to this Court’s inherent authority, for a citation of contempt against the Defendants The Episcopal Church (TEC) and The Episcopal Church in South Carolina (ECSC) and against “persons in active concert or participation with them” who have received actual notice of this Court’s injunction.

Statement of the Case

This is an action for injunctive and declaratory relief brought by 41 South Carolina charitable corporations and trusts against The Episcopal Church, a New York unincorporated association, and The Episcopal Church in South Carolina, a South Carolina unincorporated

association. It was commenced on January 4, 2013. Process was personally served on January 7, 2013 on at least two officers of the New York association, its Treasurer and the Vice President of its Executive Council. Service was perfected on its President on January 7, 2013. *Aff. of Andrew S. Platte*, Exhibit 1. On January 22, 2013 an Amended Complaint was filed. A Second Amended Complaint was filed on March 5, 2013 adding as a Defendant a South Carolina unincorporated association, The Episcopal Church in South Carolina.

The action alleges that the Defendants TEC and ECSC have violated two South Carolina statutes (§§16-17-310 and 320 and §§39-15-1105 *et seq.*) in their attempt to assume the corporate identities of the Diocese of South Carolina and those of the other plaintiff corporations. The action also seeks a declaration, *inter alia*, that the plaintiffs are the sole owners of their real and personal property in which the Defendants have no legal, beneficial or equitable interest.

This Court issued a Temporary Restraining Order (“TRO”) on January 23, 2013 at 5:11 PM ordering that “No individual, organization, association or entity, whether incorporated or not, may use, assume, or adopt in any way, directly or indirectly, the registered names and the seal or mark of The Protestant Episcopal Church in the Diocese of South Carolina as are set out below or any names or seals that may be perceived to be those names and seal or mark.” Temp. Restraining Or., p. 6 (January 23, 2013). The TRO limited the use of these names and seal or marks to 17 officers or directors of the Plaintiff Diocese and 8 officers or trustees of the Plaintiff Trustees. The protected names set out by the Court were those registered with the South Carolina Secretary of State: “The Protestant Episcopal Church in the Diocese of South Carolina”; “The Diocese of South Carolina” and “The Episcopal Diocese of South Carolina.”

The TRO was served on TEC on January 31, 2013. Exhibit 2. Also served were the following individuals or representatives believed to be “in active concert with or participating

with” the Defendant TEC (Rule 65(d), South Carolina Rules of Civil Procedure): Margaret S. Kwist, January 24, 2013; Virginia Wilder, January 24, 2013; Callie Walpole, January 24, 2013; Lonnie Hamilton, III, January 24, 2013; James E. Taylor, January 24, 2013; Erin Hoyle, January 24, 2013; Barbara Mann, January 25, 2013; Melinda Luka, January 24, 2013; Charles vonRosenberg, January 24, 2013; John Buchanan, January 24, 2013; Steve Skardon, January 24, 2013; Michael Wright, January 24, 2013. Exhibit 3.

This Court set a date for the hearing required by Rule 65 to determine whether a temporary injunction should issue. However, the hearing was not necessary since the Defendant TEC consented to the issuance of a Temporary Injunction (“Injunction”). In that injunction the Court “incorporates in all respects the TRO which is attached, and made part of this Order.” Temp. Inj. Or., p. 2 (January 31, 2013).

In addition to the Defendant TEC’s attorney, the Injunction was served on Charles vonRosenberg who had been named as the Chief Operating Officer (and Bishop) of the Defendant, The Episcopal Church in South Carolina on January 26, 2013 and Melinda Lucka, in her capacity as a member of the Standing Committee for the Defendant ECSC, on January 31, 2013 and on Michael Wright, in his capacity as a Standing Committee member for the Defendant ECSC, on February 1, 2013. Exhibit 4.

Statement of Facts

On December 13, 2012, a Special Convention for the “Episcopal Diocese of South Carolina” (a name registered to the Plaintiff Diocese) was called by Defendant TEC through its agent, the Rt. Rev. Katharine Jefferts-Schori in her capacity as President of the Executive Council of TEC and as the Presiding Bishop of TEC. This convention was announced for

January 25-26, 2013.

This Court then issued its TRO on January 23, 2013 restricting the use of the Plaintiff Diocese's name or seal and marks to designated individuals. In response to the TRO, the Defendants made changes to their website URL address changing it to <http://www.episcopalsc.org> and eventually to <http://www.episcopalchurchsc.org>. The Defendants also made superficial changes to the signage at their January convention removing the name "Diocese" and substituting "Church" and removing the Diocese's seal from their signage. Some additional facial changes were made to the name of the entity in resolutions and handouts for the business session of the convention.

During the business session of the Special Convention on January 26, 2013, the association now called The Episcopal Church in South Carolina (ECSC), presented and adopted Resolutions that directly or indirectly used a registered name of the Plaintiff Diocese. *Supp. Aff. of Jim Lewis*, January 30, 2013, Exhibit 5. Specifically, a resolution references certain actions and resolutions that the Plaintiff Diocese took between 2009 and November 2012 and "that this Convention of The Episcopal Diocese of South Carolina declares them to be null and void and have no legal effect..." *Id.* at ¶ 8(c)(v). Other resolutions presented during the Convention specifically referenced Articles and Canons of the Plaintiff Diocese which were references to provisions in the Constitution and Canons of the Diocese of South Carolina. *Id.* at ¶¶ 8-9.

Indicative of the Defendants' attitude and intent are remarks made by the President of the Defendant TEC's Executive Council. At this convention, the President of the Defendant, The Episcopal Church, addressed the assembled delegates to the second Defendant's, The Episcopal Church in South Carolina, convention.

In an unmistakable allusion to the South Carolina judicial system, she began by telling a

story about a glider that got too close to a no-fly zone near a nuclear power plant in Darlington County. The “local police” ordered him to land, insisting that he violated the no-fly zone while the pilot insisted there was none. He was arrested and taken to jail. Federal authorities heard about it, and the man was released on bond after a night in jail and the charges subsequently were dismissed. Continuing, she stated “local police don’t have jurisdiction over airspace” and “these cops were flat out wrong.” She then stated the reason for the story:

I tell you this story because it is indicative of attitudes we’ve seen here and in many other places. Somebody decides he knows the laws, and oversteps whatever authority he may have to dictate the fate of others who may in fact be obeying the law, and often a law for which the local tyrant is not the judge.

Exhibit 5 [*Supp. Aff. of Jim Lewis*, attached as Exhibit 5, The Presiding Bishop’s Sermon (from The Episcopal Church in South Carolina’s website)].

Subsequently, the Defendant ECSC, through its Chief Operating Officer, Charles vonRosenberg, called an Annual Convention on March 8-9, 2013. The ECSC’s Annual Convention claimed to be the 222nd Diocesan Convention on the agenda handed out to the participants and guests. *Aff. of Karen Kusko*, ¶ 4 (March 19, 2013), Exhibit 6. At this convention, during its business session, resolutions were passed that directly and indirectly used a registered name of the Plaintiff Diocese. Specifically, a resolution references certain actions and resolutions that the Plaintiff Diocese took between 2009 and November 2012 and they “were declared in a Special Convention January 25, 2013 to be null and void.” *Id.* at ¶ 8(e). The resolution further stated, “Due to a judicial restriction placed [on] the Diocese, these amendments are being adopted under the working name of the Diocese, The Episcopal Church in South Carolina. In the event that the Diocese is instructed or otherwise authorized to change its name, the documents may be revised administratively to substitute the name.” *Id.*

The Constitution and Canons presented at the Special Convention are virtually verbatim copies of the Plaintiff Diocese's Constitution and Canons including the Standing Resolutions in the Constitution that includes Resolutions passed by the Plaintiff Diocese as early as 1872. The Constitution and Canons for the Defendant ECSC use the term "Protestant Episcopal Church in the Diocese of South Carolina" or "Diocese of South Carolina" 17 times to reference itself in the document. For example, the Canons presented in the March Convention include the use of "The Diocese of South Carolina" in the Discipline Section of the Canons in regards for the title caption for proceedings in the Ecclesiastical Court of that entity. Also, a new Canon that was added to the ECSC (removed several years ago from the Diocese of South Carolina Canons) is Canon XX – Of Baskervill Ministries. This new canon requires that "The Bishop of the Protestant Episcopal Church in the Diocese of South Carolina or his representative shall be members of the Board of Directors ex-officio."

Finally, after making changes to their website URL address, the Defendants kept the address that uses a protected name of the Plaintiff Diocese and are using it, <http://www.episcopaldioceseofsc.org>, to forward any visitor to that URL to their new website, <http://www.episcopalchurchsc.org>. *Second Supp. Aff. of Jim Lewis*, March 19, 2013, Exhibit 7. The Defendants also took active steps to conceal the identity of the individuals or organization that registered the domain names <http://www.episcopaldioceseofsc.org> by utilizing a Private Domain Name Registration when initially setting up the website.

The uses described above have been conducted without authorization of the individuals empowered with the authority to use the names and seal or marks of the Plaintiff as described in the Injunction. Indeed, Defendants TEC and ECSC have proceeded to do that which the Injunction specifically prohibited: assuming or adopting in any way the registered names of The

Protestant Episcopal Church in the Diocese of South Carolina. While on the one hand the Defendants have taken care to identify their unincorporated association as The Episcopal Church in South Carolina, to avoid using the Plaintiff Diocese's names and marks, they have on the other hand set about to assume the identity of The Protestant Episcopal Church in the Diocese of South Carolina, in part, by using the trademarked names in their two Conventions, purporting to adopt resolutions and canons in those names and silently forwarding anyone who was the Plaintiff Diocese's protected name, "episcopaldioceseofsc.org" to the Defendant ECSC's website.

Conclusion

The Defendants have repeatedly used the names and marks of the Plaintiff Diocese. Even after this Court issued a TRO and the Defendant TEC consented to an Injunction, the Defendants continued to use the names and marks of the Plaintiff Diocese. The use of the names and marks in violation of the Injunction is clearly intentional.

The Court should hold the Defendants in contempt for their conduct and take such other actions as this Court deems just and proper.

-signature page to follow-

March 9, 2013

Respectfully submitted,

*The Protestant Episcopal Church In The
Diocese of South Carolina; and
The Trustees of the Protestant Episcopal Church of
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