

FORM 4

STATE OF SOUTH CAROLINA
 COUNTY OF DORCHESTER
 IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE
 CASE NUMBER 2013CP1800013

Protestant Episcopal Church In The Diocese Of South Carolina Church Of The Cross, Inc and Church Of The Cross Declaration Church Of The Redeemer St. John's Episcopal Church Of Florence, S. C. Church Of St. Luke and St. Paul, Radcliffeboro	Christ St. Paul's Episcopal Church Church Of The Holy Comforter Saint Luke's Church, Hilton Head St. Matthias Episcopal Church, Inc	Episcopal Church Episcopal Church in South Carolina	Protestant Epis.Ch. in the US of America FILED-RECORDED 2013 FEB 23 PM 5:07 CHERYL GRAHAM CLERK OF COURT DORCHESTER COUNTY
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PLAINTIFF(S)

DEFENDANT(S)

Submitted by:	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant
	<input type="checkbox"/> Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit);
 Rule 43(k), SCRPC (Settled); Other: _____
- ACTION STRICKEN (CHECK REASON):** Rule 40(j) SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other: _____
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other:

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order; (formal order to follow) Statement of Judgment by the Court:

ORDER INFORMATION

This order ends does not end the case.

Additional Information for the Clerk: _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge

may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

Diane S. Goodstein
Circuit Court Judge

2112
Judge Code

2/23/2015
Date

For Clerk of Court Office Use Only

This judgment was entered on **2/23/2015**, and a copy mailed first class or placed in the appropriate attorney's box on **2/23/2015**, to attorneys of record or to parties (when appearing pro se) as follows:

SEE ATTACHED MAILING LIST

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Cheryl Graham

Court Reporter

Cheryl Graham - Clerk of Court

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

**Protestant Episcopal Church in the Diocese of South Carolina, et al. vs.
The Episcopal Church (a/k/a Protestant Episcopal Church in the
United States of America
2013-CP-18-00013**

ATTORNEY MAILING LIST

FILED-RECORDED
2015 FEB 23 PM 5:01
CHERYL GRAHAM
CLERK OF COURT
DORCHESTER COUNTY

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STATE OF SOUTH CAROLINA)
)
 COUNTY OF DORCHESTER)
)
 THE PROTESTANT EPISCOPAL)
 CHURCH IN THE DIOCESE OF)
 SOUTH CAROLINA, ET AL.,)
)
 PLAINTIFFS,)
 vs.)
)
 THE EPISCOPAL CHURCH, ET AL.,)
)
 DEFENDANTS.)

IN THE COURT OF COMMON PLEAS
 FOR THE FIRST JUDICIAL CIRCUIT
 CASE No. 2013-CP-18-00013

ORDER DENYING MOTION FOR RECONSIDERATION

2015 FEB 23 PM 5:07
 CHERYL BROWN
 CLERK OF COURT
 DORCHESTER COUNTY
 FILED-RECORDED

This matter is before the Court by way of Defendants’ motion for reconsideration brought forth pursuant to South Carolina Rules of Civil Procedure 59(e). The Court has studied Defendant’s lengthy motion extensively and oral argument would not be of assistance to the Court. The Court finds that the motion raised no novel issues for the Court’s consideration with the exception of the doctrine of judicial estoppel raised on pages 47 and 48 of Defendants’ Motion. Large portions of the motion are simply the proposed orders previously submitted to the Court or reiterations of the Defendants’ positions at trial.


The Court finds that the Judicial Estoppel argument is without merit. The South Carolina Supreme Court defined Judicial Estoppel as “(1) two inconsistent positions taken by the same party or parties in privity with one another; (2) the positions must be taken in the same or related proceedings involving the same party or parties in privity with each other; (3) the party taking the position must have been successful in maintaining that position and have received some benefit; (4) the inconsistency must be part of an intentional effort to mislead the court; and (5) the two positions must be totally inconsistent.” Cothran v. Brown, 357 S.C. 210, 215-16, 592 S.E.2d 629, 632 (2004).

Defendants' motion asserts that the Plaintiff Diocese took the following positions in this proceeding that are inconsistent with the positions in All Saints (All Saints Parish Waccamaw, et al. v. The Protestant Episcopal Church in the Diocese of South Carolina, et. al., 285 S.C. 428, 685 S.E.2d 163 (2009)) : (1) the nature and existence as part of a hierarchical church; (2) governance under the Constitution and Canons of the Church; (3) limited authority of the Bishop and his duty to fully adhere to that governance; (4) the unlawful, fraudulent, and null and void nature of any attempt to do away with governance by amending the corporate charter; (5) the enforceability of the Diocese's trust interest in parish property; and (6) the great value of benefits conferred in the Diocese and its parishes by The Episcopal Church over many years.

The All Saints matter is a separate and distinct matter from the current litigation. Further, the positions of the Diocese in All Saints were found to be incorrect. If the Defendants' argument in the instant action was correct no party previously adjudicated to be wrong would be able to correct their conduct in compliance with a court's holding. Such a result would be contrary to all sense of justice and order. Further, there is no evidence that the inconsistent positions were part of an intentional effort to mislead the court. The Doctrine of Judicial Estoppel does not apply.

With regards all other matters presented in Defendants' Motion for Reconsideration, they are hereby **DENIED**.

AND IT IS SO ORDERED!



Judge Diane S. Goodstein
First Judicial Circuit

February 23, 2015
Summerville, South Carolina