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April 17, 2019

VIA HAND DELIVERY

The Honorable Daniel E. Shearouse
Clerk of Court
South Carolina Supreme Court
1231 Gervais Street
Columbia, SC 29211

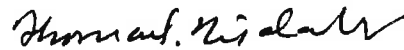
Re: Petition for Writ of Mandamus: The Episcopal Church in South Carolina, et. al. v. Edgar W. Dickson, Edgar W. Dickson, in his official capacity as Dorchester County Circuit Court Judge, *In re*: Civil Action No. 2013-CP-18-00013, on remittitur, following the final decision of this Court in Protestant 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)

Dear Mr. Shearouse,

Enclosed for filing in the above referenced matter is Petitioners' Reply to the Return of Intervenor, including one original and six copies of the same.

With warmest regards, I am

Very truly yours,



Thomas S. Tisdale, Jr.

Encl.

cc: Edgar W. Dickson, Dorchester County Circuit Judge (E-mail)
Intervenor, all counsel of record in the underlying action (E-mail)

THE STATE OF SOUTH CAROLINA
In the Supreme Court

The Episcopal Church in South Carolina and
The Episcopal Church Petitioners,

v.

Edgar W. Dickson, in his official capacity as
Dorchester County Circuit Court Judge,
In re: Civil Action No. 2013-CP-18-00013,
on remittitur, following the final decision of this 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) Respondent,

and

The Protestant Episcopal Church in the Diocese
of South Carolina, *et al.* Intervenors.

PETITIONERS' REPLY TO INTERVENORS' RETURN

Petitioners The Episcopal Church in South Carolina (“TECSC”) and The Episcopal Church (“TEC”) (collectively the “Petitioners”) submit this Reply to Intervenors’ Return to their Petition for a Writ of Mandamus. Petitioners stand by their Petition and additionally offer the following brief points in reply to the Return:

1. When Intervenors asked this Court for a rehearing in the underlying action, they said as follows: “*As a result, the majority would transfer the real and personal property of South Carolina religious organizations, many of which preexisted The Episcopal Church and the United States, to a New York religious organization.*” Petition for Rehearing at 36 (emphasis added). Now, they take a contradictory position, denying that result.

2. The case that Intervenors principally rely upon in their Return is inapposite. *City of Rock Hill v. Thompson*, 349 S.C. 197, 563 S.E.2d 101 (2002) involved a pre-trial motion in

limine asking a municipal court to determine the admissibility of certain breathalyzer results under a state statute. That, of course, was an adjudicatory matter for the municipal court to decide in the first instance, before any appeal. The Circuit Court's duty in this case, on remittitur, is to enforce this Court's final and dispositive decision, and is entirely different. It is ministerial, as set forth in the Petition.

3. Intervenors make arguments about the merits of the underlying property dispute as if the instant Petition for a Writ of Mandamus is another appellate proceeding. *See* Return at 11-15. It is not. This Court already decided the underlying appeal and denied a rehearing. This Petition seeks to compel the enforcement of this Court's final and dispositive decision.

4. Intervenors suggest that the issuance of a Writ of Mandamus would deny them procedural due process. That is not so. The underlying action has already been adjudicated on the merits. Intervenors were afforded every opportunity in those proceedings. This Court denied their Petition for Rehearing and the United States Supreme Court denied their Petition for Writ of Certiorari.

5. Intervenors argue that Petitioners should have to wait for their chance to appeal. They say this, self-servingly, while maintaining unlawful possession and control of trust property for which they have "*repudiated their roles as trustees.*" Intervenors' Response to Petitioners' Motion to Dismiss Betterment Action, Case No. 2017-CP-18-1909, filed October 5, 2018 at 21. This is a plain admission that they are not holding and protecting the property for Petitioners, but rather are improperly using it for their own purposes. That property includes unique real estate, historic buildings, and artifacts that cannot be replaced, along with accounts held in trust that are being depleted as this litigation is being improperly prolonged. Under these circumstances, Petitioners should not be relegated to continue to wait for their chance to appeal – while the Circuit

Court delays and relitigates the merits, exceeding its jurisdiction on remittitur and failing to perform its ministerial duty to enforce this Court's mandate.

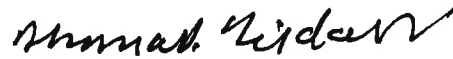
It has now been more than 20 months since this Court issued its final and dispositive decision on August 2, 2017. Petitioners are duly entitled to the transfer of the property that they have been awarded and that is being misused and depleted by Intervenors.

WHEREFORE, respectfully, the Petition for Writ of Mandamus should be granted.

(Signature page to follow)


Dated: April 17, 2019

Respectfully submitted



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PROOF OF SERVICE

I certify that the foregoing Reply to Intervenors' Return to the Petition for Writ of Mandamus is being served by e-mail on this day, April 17, 2019, on the Respondent and all counsel of record for the Intervenors, who are parties in the underlying litigation.



Thomas S. Tisdale, Jr.