

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

Edgar W. Dickson, Circuit Court Judge

Appellate Case No. 2020-000986

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; All Saints Protestant Episcopal Church, Inc.; Christ St. Paul's Episcopal Church; Church Of The Cross, Inc. and Church Of The Cross Declaration Of Trust; Church Of The Holy Comforter; Church of the Redeemer; Holy Trinity Episcopal Church; Saint Luke's Church, Hilton Head; St. Bartholomew's Episcopal Church; St. David's Church; St. James; Church, James Island, S.C.; St. Paul's Episcopal Church of Bennettsville, Inc.; The Church Of St. Luke and St Paul, Radcliffeboro; The Church Of Our Saviour Of The Diocese of South Carolina; The Church Of The Epiphany (Episcopal); The Church Of The Good Shepherd, Charleston, SC; The Church Of The Holy Cross; The Church Of The Resurrection, Surfside; The Protestant Episcopal Church, Of The Parish Of Saint Philip, In Charleston, In The State Of South Carolina; The Protestant Episcopal Church, The Parish Of Saint Michael, In Charleston, In The State Of South Carolina and St. Michael's Church Declaration Of Trust; The Vestry And Church Wardens Of The Episcopal Church Of The Parish Of St. Helena and The Parish Church of St. Helena Trust; The Vestry and Church Wardens Of The Episcopal Church Of The Parish Of St. Matthew; The Vestry and Wardens Of St. Paul's Church, Summerville; Trinity Church of Myrtle Beach; Trinity Episcopal Church; Trinity Episcopal Church, Pinopolis; Vestry and Church Wardens Of The Episcopal Church Of The Parish Of Christ Church; Vestry and Church Wardens Of The Episcopal Church Of The Parish Of St. John's, Charleston County, The Vestries And Churchwardens Of The Parish Of St. Andrew,

Respondents,

v.

The Episcopal Church (a/k/a, The Protestant Episcopal Church in the United States of America); The Episcopal Church in South Carolina,

Appellants.

DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL

Appellants propose the following be included in the Record on Appeal:

Orders

1. Circuit Court Order filed June 19, 2020 (granting Motion for Clarification, etc.).
2. Circuit Court Order filed July 13, 2020 (denying Motion for Reconsideration, etc.).
3. Circuit Court Form 4 Order entered January 10, 2018.
4. Circuit Court Final Order filed February 3, 2015.
5. South Carolina Supreme Court Opinion No. 27731 (slip opinion) dated August 2, 2017.
6. South Carolina Supreme Court Order dated November 17, 2017 (denying Petition for Rehearing).
7. South Carolina Supreme Court Order dated November 17, 2017 (denying Motion to Recuse).
8. South Carolina Supreme Court Remittitur dated November 17, 2017.
9. South Carolina Supreme Court Order dated March 31, 2020 (denying Writ of Prohibition).
10. South Carolina Supreme Court Order dated June 28, 2019 (denying Writ of Mandamus).

South Carolina Supreme Court Filings

11. Notice of Appeal filed March 24, 2015.
12. Petition for Rehearing by all Respondents filed September 1, 2017 .
13. Motion to Recuse the Honorable Justice Kaye G. Hearn, etc., filed September 1, 2017.
14. Petition for Rehearing by Respondent Church of the Good Shepherd filed September 6, 2017.
15. Return filed September 18, 2017.
16. Reply in Support of Motion to Recuse, etc., filed September 25, 2017.
17. Reply in Support of Petition for Rehearing filed September 25, 2017.
18. Reply to Return of the National Church by Respondent Church of the Good Shepherd filed September 25, 2017.

19. Petition for Writ of Mandamus dated March 20, 2019.
20. Petition for Writ of Prohibition dated February 21, 2020.

Supreme Court of the United States Filings

21. Petition for Writ of Certiorari dated February 9, 2018.
22. Reply Brief for Petitioners regarding Petition for Writ of Certiorari dated May 15, 2018.
23. Denial of petition for writ of certiorari dated June 11, 2018.

Circuit Court Filings

24. Second Amended Complaint filed March 5, 2013.
25. Answer and Counterclaims of Defendant TEC filed March 28, 2013.
26. Answer and Counterclaims of Defendant TECSC filed March 28, 2013.
27. Reply to Defendant TEC's Counterclaims by Plaintiffs The Protestant Episcopal Church in the Diocese of South Carolina and The Trustees of The Protestant Episcopal Church in South Carolina dated April 18, 2013.
28. Reply to Defendant TECSC's Counterclaims by Plaintiffs The Protestant Episcopal Church in the Diocese of South Carolina and The Trustees of The Protestant Episcopal Church in South Carolina dated April 18, 2013.
29. Plaintiffs' Motion for Clarification of Jurisdiction and For Other Relief filed March 23, 2018.
30. Plaintiffs' Memorandum in Support of Motion for Clarification of Jurisdiction and For Other Relief filed September 24, 2018.
31. Plaintiffs' Supplement to Motion for Clarification of Jurisdiction and For Other Relief filed September 24, 2018.
32. Defendants' Brief in Opposition to Plaintiffs' Motion for Clarification and Further Relief filed October 8, 2018.
33. Plaintiffs' Reply to Defendants' Brief in Opposition to Plaintiffs' Motion for Clarification and Further Relief filed October 12, 2018.
34. Plaintiffs' Supplemental Memorandum in Support of Motion for Clarification and Proposed Order filed September 24, 2018.

35. Defendants' Petition for Execution and Further Relief on Declaratory Judgments of the South Carolina Supreme Court and for the Appointment of a Special Master filed May 8, 2018.
36. Defendants' Amended Petition for Execution and Further Relief on Declaratory Judgments of the South Carolina Supreme Court and for the Appointment of a Special Master filed May 16, 2018.
37. Defendants' Memorandum in Support of Petition for Execution and Further Relief on Declaratory Judgments of the South Carolina Supreme Court and for the Appointment of a Special Master filed September 24, 2018.
38. Plaintiffs' Response in Opposition to Defendants' Memorandum in Support of Petition for Execution filed October 5, 2018.
39. Defendants' Petition for an Accounting filed July 11, 2018.
40. Defendants' Memorandum in Support of Petition for an Accounting filed September 24, 2018.
41. Plaintiffs' Response in Opposition to Defendants' Memorandum in Support of Petition for an Accounting filed October 5, 2018.
42. Defendants' Omnibus Reply Brief to Plaintiffs' Opposition Briefs to Defendants' Petition for Enforcement, Petition for an Accounting, and Motion to Dismiss Betterment Action filed October 15, 2018.
43. Letter from Thomas Tisdale to Judge Dickson dated November 25, 2019.
44. Letter from Alan Runyan to Judge Dickson dated May 25, 2020.
45. Letter from Thomas Tisdale to Judge Dickson dated June 1, 2020.
46. Defendants' Motion for Reconsideration and to Alter or Amend filed June 29, 2020.
47. Plaintiffs' Memorandum in Opposition to Defendants' Motion for Reconsideration and to Alter or Amend filed July 9, 2020.
48. Email from Judge Dickson's law clerk to counsel dated January 8, 2019.
49. Email from Judge Dickson's law clerk to counsel dated January 14, 2019.
50. Email from Judge Dickson's law clerk to counsel dated February 6, 2020.
51. Proposed Order submitted by Plaintiffs.
52. Proposed Order submitted by Defendants.

Circuit Court Proceedings (After Remittitur)

53. Transcript of November 19, 2018 hearing (p. 1; p. 3, line 18 to p. 38, line 10; p. 38, line 21 to p. 46, line 15).
54. Transcript of July 23, 2019 hearing (p. 1; p. 4, lines 1-4).
55. Transcript of November 26, 2019 hearing (p. 1; p. 3, line 12 to p. 6, line 9; p. 7, line 9 to p. 21, line 18; p. 22, line 6 to p. 36, line 7; p. 37, line 14 to p. 43, line 9; p. 44, line 8 to p. 54, line 23; p. 55, line 15 to p. 57, line 1; p. 57, line 19 to p. 59, line 7; p. 60, line 20 to p. 70, line 8; p. 71, line 3 to p. 72, line 1; p. 73, line 5 to p. 73, line 23; p. 74, line 12 to p. 74, line 21; p. 75, line 7 to p. 75, line 10; p. 76, line 6 to p. 83, line 3; p. 84, line 10 to p. 90, line 4).
56. Transcript of February 27, 2020 hearing (p. 1; p. 6, line 4 to p. 6, line 14; p. 7, line 6 to p. 25, line 23).

I certify that this designation contains no matter which is irrelevant to this appeal.

Dated: November 12, 2020

Respectfully submitted,

/s/ Bert G. Utsey, III
Bert G. Utsey, III
PETERS, MURDAUGH, PARKER,
ELTZROTH & DETRICK, P.A.
P.O. Box 30968
Charleston, SC 29417
(843) 818-4399
butsey@pmped.com

Thomas S. Tisdale, Jr.
Jason S. Smith
HELLMAN YATES & TISDALE
105 Broad Street, Third Floor
Charleston, South Carolina 29401
(843) 266-9099
tst@hellmanyates.com
js@hellmanyates.com

Kathleen F. Monoc
MONOC LAW, LLC
77 Grove Street
Charleston, South Carolina 29403
(843) 790-8910
katie@monoclaw.com

Kathleen Chewing Barnes
BARNES LAW FIRM, LLC
P.O. Box 897
Hampton, SC 29924
(803) 943-4529
kbarnes@barneslawfirm.com

*Counsel for The Episcopal Church in South
Carolina*

/s/ Allan R. Holmes
Allan R. Holmes
GIBBS & HOLMES
171 Church Street, Suite 110
Charleston, South Carolina 29401
(843)722-0033
aholmes@gibbs-holmes.com

David Booth Beers
GOODWIN PROCTER, LLP
1900 N Street, N.W.
Washington, DC 20036
(202) 346-4000
dbeers@goodwinlaw.com

Mary E. Kostel
Chancellor to the Presiding Bishop
The Episcopal Church
3737 Seminary Road
PMB 200
Alexandria, VA 22304
(703) 898-8413
mkostel@episcopalchurch.org

Counsel for The Episcopal Church