

The State of South Carolina  
**RECEIVED** In The Court of Appeals

May 23 2023

SC Court of Appeals

Appeal from Dorchester County  
Honorable Heath P. Taylor, Circuit Court Judge

**RECEIVED**

MAY 16 2023

SC Court of Appeals

Case Nos. 2006-CP-18-01310, 2006- CP-18-01311  
2006-CP-18-01636

John Doe 53, John Doe 66, John Doe 66A, John Doe 67,  
Jane Doe 1 , Jane Doe 2 and Rachel Roe individually and  
As representatives of a class of people similarly situated  
Of whom Allen Sires et al are.....

Verses

The Bishop of Charleston a corporation sole, and the  
Bishop of Charleston, in his official capacity.....

*Heath P. Taylor*  
CLERK OF COURT  
DORCHESTER COUNTY  
2023 MAY 16 PM 4:41  
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*Heath P. Taylor*  
CLERK OF COURT  
DORCHESTER COUNTY  
2023 MAY 16 PM 4:46  
Appellants  
Respondents  
CERTIFIED COPY

**Notice of Appeal**

Hereby appeal from the orders of the Honorable Heath P. Taylor,  
Declining to order a post-award review in this class action. The orders  
from which appeal are taken were filed April 5,2023 and March 24,  
2023. A copy of each order is attached.

Respectfully submitted,

*Allen Sires* 5/16/23

Other counsel of Record:

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*Pro se* Class Representative

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## Court of Appeals

Courthouse in Columbia, South Carolina

**Address:** 1220 Senate St, Columbia, SC 29201

**Hours:**

Closes soon · 5 PM · Opens 8:30 AM Mon

**Phone:** (803) 734-1890

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Attachment

Appeal is Taken From:

Order of April 5, 2023 (3 pages)  
Order of March 24, 2023 (6 pages)

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SC Court of Appeals



Dorchester Common Pleas

**Case Caption:** Jane #1 Doe , plaintiff, et al VS Bishop of charleston , defendant, et al  
**Case Number:** 2006CP1801310  
**Type:** Order/Electronic Form 4

IT IS SO ORDERED.

Heath P. Taylor

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2006CP1801310

Jane #1 Doe et al  
PLAINTIFF(S)

Bishop of charleston et al  
DEFENDANT(S)

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SC Court of Appeals

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.
- 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
- STAYED DUE TO BANKRUPTCY**
- 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:

The Rule 59(e) Motion to Alter or Amend Judgment is hereby denied.

ORDER INFORMATION

This order  ends  does not end the case.  See Page 2 for additional information.

For Clerk of Court Office Use Only

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and copy mailed first class to any party not proceeding in the Electronic Filing System on 04/05/2023

John #67 Doe  
John 66 Doe  
John #66 A Doe  
John #53 Doe  
Case Party Info Protected  
Ellison Thomas  
Allen Sires for Allen Sires  
Rachel Roe  
Allen Sires for Allen Sires  
Jane #2 Doe

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

2023 MAY -5 PM 4:42  
CERTIFIED COPY

**Court Reporter:**

**E-Filing Note:** The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRPC.

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STATE OF SOUTH CAROLINA )  
2023 MAR 24 PM 12:32 )  
COUNTY OF DORCHESTER )

IN THE COURT OF COMMON PLEAS  
FOR THE FIRST JUDICIAL CIRCUIT

John Doe #53, John Doe 66, John Doe )  
66A, John Doe 67, Jane Doe 1 and Jane )  
Doe 2 and Rachel Roe, individually and )  
as representatives of a class of people )  
similarly situated, )

Case Nos.: 2006-CP-18-1310  
2006-CP-18-1311  
2006-CP-18-1636

Plaintiffs, )

vs. )

The Bishop of Charleston, a Corporation )  
Sole, and The Bishop of the Diocese of )  
Charleston, in his official capacity, )

Defendants. )

ORDER  
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PROCEDURAL HISTORY

This matter has a long history and arises from a class action settlement approved pursuant to Rule 23, SCRCP in the Dorchester County Court of Common Pleas in 2007. On August 15, 2006, the first two of the three above-captioned class actions were commenced on behalf of victims who were allegedly sexually abused by members of the Catholic church in their capacity as agents of The Bishop of Charleston, a Corporation Sole ("the Diocese"). (Complaints filed in C/A Nos. 2006-CP-18-1310 and 2006-CP-18-1311.) The third suit was commenced on October 6, 2006. (Complaint filed in C/A No. 2006-CP-18-1636.) The cases were designated complex by order entered October 17, 2006.

On January 17, 2007, the plaintiffs moved for certification of the classes and for preliminary approval of the class settlement. The class action court granted that motion by order entered January 19, 2007. The class was represented by Lawrence E. Richter, Esquire and David

for recusal, the Diocese's motions to enforce settlement and for leave to deposit funds into court, the objectors' motion to dismiss the motions filed by the Diocese and a petition to appear as *amicus curiae*. By orders filed February 3, 2009 and March 23, 2009, the court denied the objectors' motions and the petition to appear as *amicus curiae*. For reasons unknown to this court, an order ending the litigation was never filed. The objectors appealed the March 23, 2009 order. The Supreme Court of South Carolina dismissed the appeal. By order filed January 24, 2013, Judge Goodstein recused herself from hearing any further matters related to this litigation.

On May 11, 2016, Allen Sires filed a motion *pro se* requesting a post-award fairness hearing. The motion was not scheduled for a hearing. On August 29, 2022, Julie and Richard McDonald filed a motion to intervene and sought to join Mr. Sires' motion for a post-award fairness hearing. By order of the South Carolina Supreme Court dated November 10, 2022, the undersigned was vested with exclusive jurisdiction to hear and dispose of this case.

On January 27, 2023, the parties appeared before the court to address the pending motions. Mr. Sires appeared *pro se*. Gregg Myers, Esquire appeared on behalf of Julie and Richard McDonald. Class counsel, David K. Haller, Esquire, appeared along with his personal attorneys, John C. Cuttino, Esquire and Benjamin C. Bruner, Esquire. The Defendants were represented by Richard S. Dukes, Jr. Esquire.

### DISCUSSION

The motions filed by Mr. Sires and the McDonalds<sup>1</sup> urge this court to conduct a post-award fairness hearing. Mr. Sires and the McDonalds both participated in the claims process and received their settlement proceeds. Although various grievances were aired during the hearing, the principal

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<sup>1</sup> The McDonalds also filed a simultaneous Motion to Intervene. Because the McDonalds were accepted as members of the class that is the subject of this litigation, the court finds and concludes that intervention pursuant to Rule 24, SCRPC is not necessary for the McDonalds to file their motion.

310 (1995). The relief sought by Mr. Sires and the McDonalds would require this court to re-examine the fairness of the settlement procedure and effectively overrule Judge Goodstein's order which finally determined the fairness of the settlement. This court is not inclined to do so. Because the July 30, 2007 Order Approving Settlement was a final determination of substantial rights of the class members, it is the law of the case. This court has no authority to set Judge Goodstein's order aside or conduct further proceeding with regard to the fairness of the settlement or claims process.

#### CONCLUSION

Based upon the foregoing, this court finds and concludes that the motions for a post-award fairness hearing should be and are hereby denied. Because the claims process for class members has concluded and there appearing to be no further matters for this court to address, the above captioned matter is hereby dismissed with prejudice.

**THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED** that the motions of Mr. Sires and the McDonalds are denied and this matter is hereby dismissed with prejudice.

**IT IS SO ORDERED!**

**The State of South Carolina  
In The Court of Appeals**

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SC Court of Appeals

Case Nos.

2006-cp-18-01310; 2006-cp-18-01311; 2006-cp-18-01636

John doe 53, John Doe 66, John Doe 66A, John Doe 67, Jane Doe 1 and Jane Doe 2 and Rachel Roe individually and as representatives of a class of people similarly situated, of whom class representative Allen Sires et al. **are**

Appellants

Verses

The Bishop of Charleston a corporation sole, and the Bishop of The Diocese of Charleston, in his official capacity,

Respondents

**Motion and Affidavit to Proceed In Forma Pauperis**

Supetfilings@sccourts.org  
ctappfilings@sccourts.org

Counsel of record-

Allen Sires.....allensires@icloud.com Pro Se class representative **appellant**

Greg Meyers, attygm@gmail.com

Richard S. Dukes, RDukes@turnerpadget.com **Respondent**

Ben Bruner, BBruner@brunerpowell.com

Chelsea Clark, CClark@brunerpowell.com

David Haller, dhaller@hallerlawfirm.com

I, Allen Sires being duly sworn, state that I am the Appellant and that I do not have the funds available to pay the costs of filing and service in the present matter. I hereby request the Appeal be filed and service made without costs.

Allen Sires – *Pro se* class representative..... Allen Sires 5/16/23

Sworn to and Subscribed before me  
This \_\_\_\_ day of May, 2023

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Notary Public for South Carolina  
My commission expires \_\_\_\_\_

**Order**

\_\_\_ Leave is granted to proceed in forma pauperis without payment of the filing fee and service cost.

\_\_\_\_\_ Leave is denied to proceed in forma pauperis.

Dated: \_\_\_\_\_, 2023. \_\_\_\_\_  
Judge/Clerk of Court

\_\_\_\_\_, South Carolina