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**Apr 15 2024**

**SC Court of Appeals**

The State of South Carolina  
In The Court of Appeals

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

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Appellate Case 2023-000720

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

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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,  
Plaintiffs,

Of whom class members Julie McDonald and  
Richard McDonald are the Appellants,

v.

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

And

David K. Haller, Lawrence E. Richter, Jr., and Richter  
& Haller, LLC, Intervenors.

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Appellants' Return to  
Intervenors' Motion to Dismiss

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Appellants oppose the Intervenor's motion to dismiss over technicalities of service. The motion should be denied.

Usually, counsel cooperate to resolve pragmatic issues, such as (motion at p. 6) whether a document has been omitted from the Record,<sup>1</sup> or (*Id.*) if page 116 in counsel's copy of Volume 1 has somehow migrated out of its proper sequence. In an electronic Record it is a relatively simple procedure to move page 116 and restore it to its proper place. Assuming Intervenor's are unable to do so we are happy to provide with this Return another copy of Volume 1. And if page 116 was somehow misplaced in the copy of Volume 1 filed with the Court we are glad to correct it. Sometimes appeals even require a supplemental record, which counsel usually cooperate to provide.

Starting in 2022, large files in this case were served on Intervenor's *through the same file-transfer service as was used for the Record*. E.g., Attachment A, reflecting (on p. 1, highlighted) a large volume of files sent December 8, 2022 to all counsel (including Intervenor's counsel) when Judge Taylor's office requested his own collection of documents at issue). At no point was that method of service of large files objected to. Until this motion. As the court's May 6, 2022 order on electronic service provides (in ¶ (d)(1)), counsel may consent to other methods of electronic service.<sup>2</sup> Intervenor's motion contends we did not obtain their consent, without explaining they mean a separate consent for purposes of the appeal. They do not disclose that they had already implicitly given consent in the proceedings below.

The motion comes despite that history of consent; despite actual notice to all counsel on

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<sup>1</sup> Intervenor's claim (motion at p. 6) that item 5 from the Designation by the Diocese is not in the Record is incorrect. It is at pages 547 to 569 in Volume 2. Counsel for the Diocese has not claimed otherwise.

<sup>2</sup> Service to counsel, as opposed to the court's preferred methods for *filing*, which are distinct.

March 14, 2024 that each volume of the Record on Appeal was available for download;<sup>3</sup> despite Intervenor's actual receipt each of the volumes of the Record;<sup>4</sup> despite Intervenor's requesting revisions to the Index of each of Volumes Three and Four (which were agreed to, as recounted in the April 3 Proof of Service); and despite Intervenor's using that Record to submit their final brief.

The motion should be denied for the reasons set forth above.

We appreciate that the Intervenor's leave no stone unturned to keep the merits of the appeal from being reviewed. The Record and briefing details, among other things, Intervenor's colluding to judge-shop for the original trial judge, colluding to ignore a Supreme Court order so as to evade appellate review,<sup>5</sup> charging class members some \$900,000.00 in unauthorized fees, material misrepresentations made to the original trial court, material information withheld from the original trial court, and blatantly fraudulent as well as grotesquely exaggerated billing records submitted to the original trial court — when Intervenor's sought a fee for work on which they had already been paid an undisclosed contingent fee.

Quibbles about a method of service previously used without objection is not a valid basis on which the Court should refuse to consider the merits. Unless, of course, the Intervenor's are to continue receiving special consideration for the connections they have to a circuit judge (R. App. pp. 36 to 37), one of the legal principles at the heart of this appeal.

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<sup>3</sup> Intervenor's claim (motion at p. 2) there was no March 14 email about the Record, but in fact there was, and is, as Attachment B reflects (Intervenor's counsel's email addresses highlighted).

<sup>4</sup> As Attachment C reflects (Att. C at page 1), on March 28 counsel for the intervenors requested the Record by an alternative file-sharing means they preferred, which was provided (Att. C at p. 2) the same day.

<sup>5</sup> A strategy that has successfully delayed appellate review for sixteen years.

Conclusion

The merits of the appeal should be addressed. The motion to dismiss should be denied.

Respectfully submitted,

*s/ Gregg Meyers*

Gregg Meyers, SC Bar No. 9908  
114 4<sup>th</sup> Ave NW  
Byron MN 55920  
843-324-1589



G Meyers <attygm@gmail.com>

**2022-12-07 - Amended Memo for Motions To Intervene and for hearing copy.pdf sent successfully to htaylorasc@sccourts.org and 4 others**

1 message

**WeTransfer** <noreply@wetransfer.com>  
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Thu, Dec 8, 2022 at 3:27 PM



2022-12-07 - Amended Memo  
for Motions To Intervene and  
for hearing copy.pdf sent to  
[htaylorasc@sccourts.org](mailto:htaylorasc@sccourts.org)  
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Recipients

[htaylorasc@sccourts.org](mailto:htaylorasc@sccourts.org) [dhaller@hallerlawfirm.com](mailto:dhaller@hallerlawfirm.com)

[rdukes@turnerpadget.com](mailto:rdukes@turnerpadget.com) [bbruner@brunerpowell.com](mailto:bbruner@brunerpowell.com)

[cclark@brunerpowell.com](mailto:cclark@brunerpowell.com)

Download link

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Attachment A - p.1

45 items

01 - 2005-05-12a - JD 66 Complaint - Chas.pdf  
16.9 MB

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01a - 2005-05-12a - JD 66 Complaint - Chas - pp 1-30 copy.pdf  
15.1 MB

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01b - 2005-05-12a - JD 66 Complaint - Chas - pp 31-59.pdf  
15.1 MB

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02 - 2005-06-02 - Amended Complaint in -2053.pdf  
15.3 MB

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03 - 2005-08-12 - JD 66A Complaint - 05-CP-10-3293.pdf  
618 KB

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04 - 2005-10-17 - Richter letter on class action.pdf  
190 KB

+ 39 more

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G Meyers <attygm@gmail.com>

**2023-000720 - Record on Appeal Volumes 1 of 4.pdf sent successfully to rdukes@turnerpadget.com and 5 others**

1 message

**WeTransfer** <noreply@wetransfer.com>  
To: attygm@gmail.com

Thu, Mar 14, 2024 at 11:30 AM



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[bbruner@brunerpowell.com](mailto:bbruner@brunerpowell.com) [cclark@brunerpowell.com](mailto:cclark@brunerpowell.com)

[jcuttino@gwblawfirm.com](mailto:jcuttino@gwblawfirm.com) [allensires@icloud.com](mailto:allensires@icloud.com)

Download link

<https://we.tl/t-jOdSxSBWzy>

Attachment B p. 1

## 5 items

Record on Appeal Volume 1 of 4.pdf  
48.7 MB

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Record on Appeal Volume 2 of 4.pdf  
10.8 MB

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Record on Appeal Volume 3 of 4.pdf  
3.85 MB

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Record on Appeal Volume 4 of 4.pdf  
22.5 MB

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zz - Proof of service.pdf  
85.5 KB

## Message

Apologies if this is a second transmission. OneDrive doesn't seem to want to tell me the transfer using that avenue went through.

To make sure our emails arrive, please add [noreply@wetransfer.com](mailto:noreply@wetransfer.com) to your contacts.

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G Meyers <attygm@gmail.com>

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## Volume 3 of the Record on Appeal

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**Ben Bruner** <bbruner@brunerpowell.com>  
To: G Meyers <attygm@gmail.com>

Thu, Mar 28, 2024 at 11:17 AM

I am not familiar with WeTransfer. I guess I was looking for an e-mail with all the PDFs or something more in line with the Rules.

Can you just upload the record using this link? <https://brunerpowell.app.box.com/f/c7247c7a069c488b8d2a9e8dcb795b1f>

I need to calendar my deadline. When did you serve the record? On March 25<sup>th</sup>? Or some earlier date?

[Quoted text hidden]

Attachment C p. 1



G Meyers <attygm@gmail.com>

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## Volume 3 of the Record on Appeal

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**Ben Bruner** <bbruner@brunerpowell.com>  
To: G Meyers <attygm@gmail.com>

Thu, Mar 28, 2024 at 11:26 AM

Received, thank you

[Quoted text hidden]

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**Apr 15 2024**

**SC Court of Appeals**

The State of South Carolina  
In The Court of Appeals

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

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Appellate Case 2023-000720

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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,  
Plaintiffs,

Of whom class members Julie McDonald and  
Richard McDonald are the

Appellants

v.

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

Respondents

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**Proof of Service**

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As reflected by the copy of the attached email, I hereby affirm that I have served a copy  
of the enclosed

Appellant's Return to Intervenor's Motion to Dismiss and this  
Proof of Service

by causing a copy of each document to be sent electronically, via an attachment to an email, to  
the the following counsel for parties involved in the appeal.

Richard S. Dukes  
Sam Sammartaro  
Counsel for Respondent Bishop of Charleston  
Turner Padget Graham & Laney, PA  
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Charleston, SC 29413-2129  
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Ben Bruner  
Chelsea Clark  
Counsel for class counsel Lawrence Richter and  
Richter & Haller, LLC  
Bruner Powell Wall & Mullins LLC  
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Done April 12, 2023.

Respectfully submitted,

*s/ Gregg Meyers*

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114 4<sup>th</sup> Ave NW  
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G Meyers &lt;attygm@gmail.com&gt;

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**Return to Motion**

1 message

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**G Meyers** <attygm@gmail.com>


Sat, Apr 13, 2024 at 4:54 PM

To: Rich Dukes <RDukes@turnerpadget.com>, "John E. Cuttino (jcuttino@gwblawfirm.com)" <jcuttino@gwblawfirm.com>, "Sammataro, Sam" <SSammataro@turnerpadget.com>, "Forsberg, Paige E" <pforsberg@turnerpadget.com>, Chelsea Clark <cclark@brunerpowell.com>, Ben Bruner <BBruner@brunerpowell.com>

Dear counsel:

Attached please find a return to the Motion to Dismiss.

Assuming that the strange page 116 issue that Ben reported managed to move in anyone else's copy of Volume 1, I attach another pdf of Volume 1 of the Record with page 116 in its rightful place. The volume is too large to be attached but a file-transfer link should be included.

 1b-Record on Appeal Volume 1 of 4 - p 116 corre...

Gregg Meyers  
Attorney At Law

843-324-1589  
[attygm@gmail.com](mailto:attygm@gmail.com)

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 **2024-04-13 - Return to Motion with Attachments.pdf**  
367K