

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY

Court of Common Pleas

Mikell R. Scarborough, Master-In-Equity

Circuit Court Case No. 2023-CP-10-02883

Michele Graham  
Cooper River Love and Charity Society (2023) ..... Appellants

v.

The Attorney General of the State of South Carolina ..... Respondent

AMENDED NOTICE OF APPEAL

Michele Graham and the Cooper River Love and Charity Society (2023) (“Appellants”) appeal to the South Carolina Court of Appeals from the Order of the Honorable Mikell Scarborough, filed on January 28, 2025. The Appellants appeal the lower court’s denial of the following motions:

1. Plaintiff’s Rule 60(b), SCRCP Motion;
2. Plaintiff and Third-Party Defendant’s Joint Motion for Summary Judgment;
3. Cooper River Love and Charity Society (2023)’s Motion to Dismiss the Third-Party Complaint; and
4. Plaintiff and Third-Party Defendant’s Request for Judicial Notice.

Appellants received notice of the court's Order via the South Carolina Judicial Department's E-Filing System on January 28, 2025. This Notice of Appeal is timely filed and served within thirty (30) days of receipt of the Order.

The Appellants attach a copy of the orders being challenged on appeal, including the orders that were the subject of Appellant Michele Graham's 60(b) Motion.

Respectfully submitted,

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*COOPER RIVER LOVE AND  
CHARITY SOCIETY (2023)*



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*APPELLANT  
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January 30, 2025

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*ATTORNEYS FOR RESPONDENT THE ATTORNEY GENERAL  
OF THE STATE OF SOUTH CAROLINA*

Michele Graham et al  
PLAINTIFF(S)

Cooper River Love & Charity Society et al  
DEFENDANT(S)

**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:

This matter came before the Court for a pretrial hearing on November 18, 2024. At that hearing, the Court respectfully DENIED the Plaintiff's Rule 60(b), SCRPC Motions and GRANTED the Cooper River Love and Charity (2023) Motion to Set Aside Default, filed October 31, 2024. At the hearing, the Attorney General's Motion for Entry of Default Judgment, filed October 16, 2024, and the Attorney General's Motion to Strike Third-Party Defendant's Motion to Dismiss, filed October 21, 2024 were rendered MOOT. (continued on page 2)

**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 a copy mailed first class to any party not proceeding in the Electronic Filing System on 01/28/2025 .

Clyde H. Jones, Jr. for Sc Attorney Generals Office  
Attorney General South Carolina of  
Cooper Riveer Love & Charity Society 2015  
Alan M Wilson  
Cooper River Love & Charity Society 1920  
Cooper River Love and Charity Society 2015  
Michele Graham for Michele Graham  
Cooper River Love and Society 1920  
Cooper River Love & Charity Society  
Michele Graham for Michele Graham  
NAMES OF TRADITIONAL FILERS SERVED BY MAIL

**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), SCRCP.

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At the same pretrial hearing, the Court heard and took under advisement the following motions:

1. Plaintiff/Third-Party Defendant's Joint Motion for Summary Judgment, filed November 11, 2024;
2. the Attorney General's Motion for Summary Judgment, filed November 8, 2024;
3. and the Cooper River Love and Charity Society (2023) Motion to Dismiss the Third Party Complaint in Lieu of Answer, filed October 17, 2024.

Upon further review and consideration, the Court respectfully DENIES all three motions.

In addition, the Court DENIES the Plaintiff and Third-Party Defendant's Supplemental Memorandum and Request for Judicial Notice, filed December 2, 2024.

The Court finds an evidentiary hearing will be necessary to determine the issues in this case and sets a pretrial hearing for Monday, April 7, 2025 at 10:00 a.m. The parties shall engage in discovery, including exchange of documents and witness lists, to conclude fifteen (15) days prior to the hearing.



Charleston Common Pleas

**Case Caption:** Michele Graham , plaintiff, et al VS Cooper River Love & Charity Society , defendant, et al  
**Case Number:** 2023CP1002883  
**Type:** Order/Electronic Form 4

So Ordered

s/Mikell R. Scarborough 3062

Michele Graham  
PLAINTIFF(S)

Cooper River Love & Charity Society et al  
DEFENDANT(S)

**DISPOSITION TYPE (CHECK ONE)**

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- 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:

This matter came before the Court for a status conference on Plaintiff's Petition for Declaratory Relief to establish her right to form a successor organization to the original Cooper River Love and Charity Society. Plaintiff has filed a Motion to Enforce Rights and Order Dissolution of Cooper River Love and Charity Society (2015). Because the Defendants are named as public charities, the South Carolina Attorney General's Office is to be given written notice of any transaction not in the usual and regular course of business and may give a written waiver pursuant to S.C. Code Ann. Section 33-31-1202(f). Accordingly, Plaintiff is authorized to notify the Attorney General's Office of the relief she seeks, in order to obtain a waiver. A virtual hearing is scheduled for Monday August 12, 2024 at 2:30 p.m.

**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 a copy mailed first class to any party not proceeding in the Electronic Filing System on 06/24/2024 .

Cooper Riveer Love & Charity Society 2015  
Cooper River Love & Charity Society 1920  
Michele Graham for Michele Graham  
Cooper River Love & Charity Society  
Michele Graham for Michele Graham

**NAMES OF TRADITIONAL FILERS SERVED BY MAIL**

**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), SCRCP.

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Charleston Common Pleas

**Case Caption:** Michele Graham VS Cooper River Love & Charity Society ,  
defendant, et al  
**Case Number:** 2023CP1002883  
**Type:** Order/Electronic Form 4

So Ordered

s/Mikell R. Scarborough 3062

Electronically signed on 2024-06-24 11:07:45 page 3 of 3

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF CHARLESTON	)	C.A. No.: 2023-CP-10-02883
	)	
Michele Graham,	)	
	)	
Plaintiff,	)	
	)	
v.	)	<b>ORDER TO INTERVENE</b>
	)	
Cooper River Love and Charity	)	
Society (1920)	)	
	)	
Coper River Love and Charity	)	
Society (2015)	)	
	)	
Defendants.	)	
_____)		

This matter is before the Court pursuant to the Attorney General’s Motion to Intervene pursuant to Rule 24, SCRCF, and pursuant to his statutory and common law authority to enforce the due application of those funds given or appropriated to a charitable trust or to a specific charity. The Attorney General has the statutory and common law authority to supervise charitable entities so that he may fulfill his duty to protect unascertained charitable beneficiaries’ interests and the public interest at large.

As stated in the Petition, this action was filed (1) to affirm the right of the Plaintiff to form a successor organization to the Cooper River Love and Charity Society (1920); (2) to declare the Cooper River Love and Charity Society Successor as the rightful successor to the Cooper River Love and Charity Society (1920); and (3) to declare any claims or interests of the Cooper River Love and Charity Society (2015) to the Cooper River Love and Charity Society (1920) as invalid.

I find this action involves a charitable interest. I further find that pursuant to the Attorney General's *parens patriae*, statutory (*see* S.C. Code Ann. § 1-7-130 and § 62-7-405), common law, and case law authority (*see Epworth Children's Home v. W. F. Beasley, et al.*, 365 S.C. 157, 616 S.E.2d 710 (2005); *Furman Univ. v. McLeod*, 238 S.C. 475, 482, 120 S.E.2d 865, 868 (1961); and *W. C. Watson v. W. F. Wall, et al.*, 229 S.C. 500, 93 S.E.2d 918 (1956)), the Motion to Intervene should be granted.

Accordingly, for the reasons set forth herein, the Court grants the Attorney General's Motion to Intervene.

AND IT IS SO ORDERED.

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Mikell R. Scarborough  
Master-In-Equity

July \_\_, 2024



Charleston Common Pleas

**Case Caption:** Michele Graham VS Cooper River Love & Charity Society ,  
defendant, et al  
**Case Number:** 2023CP1002883  
**Type:** Master/Order/Other

So Ordered

s/Mikell R. Scarborough 3062

THE STATE OF SOUTH CAROLINA

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Cooper River Love and Charity Society (2023) ..... Appellants

v.

The Attorney General of the State of South Carolina ..... Respondent

PROOF OF SERVICE

The Appellants certify that the Amended Notice of Appeal was served on the Respondent by emailing a .pdf copy of the same to his counsel of record on January 30, 2025.

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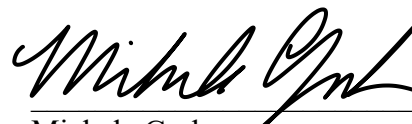
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January 30, 2025