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S.C. SUPREME COURT

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**Trial Transcript, Declaratory Judgment Hearing Before the Honorable Patrick C.
Fant, III**

June 20, 2025

Sylvester Jackson v. Charles "Bennie" Smith

S.C. Supreme Court – Appellate Case No. 2025-001623

Petition for Writ of Certiorari – Filed May 21, 2026

DECLARATORY JUDGMENT HEARING

1 it was during the month of April. But I knew he was gone
2 because that's when my mother died. Yes.

3 Q Okay. So, did y'all have a -- okay, in April of 2017.
4 Did y'all go back inside the church?

5 A Yes.

6 Q Okay.

7 A Yes.

8 Q And, did y'all have meetings inside the church when
9 y'all went back in the church? Did y'all go -- let me ask
10 it this way because I'm being confusing. Prior to the
11 meeting that y'all had with Judge Gravely --

12 A Mm-hmm.

13 Q -- I mean, that he ordered --

14 A Yeah.

15 Q -- did y'all -- were y'all in the church body -- in
16 the church facility at that point?

17 A Yes.

18 Q So, while y'all were in that church body, y'all had to
19 meet and not do petitions at that point; is that correct?

20 A Right.

21 Q Did y'all ever have any votes to terminate him while
22 y'all were meeting as a church body?

23 A Yes. Yes, there was a meeting.

24 Q All right. So, when y'all had that meeting, how was
25 it noticed and how did you operate -- which constitution

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1 y'all's authorization to do it?

2 A Well, the deacons didn't come to me, but yes.

3 Q I mean, not come to you, but did y'all have a meeting?

4 A Yes, there was a meeting, but I was not at that
5 meeting.

6 Q Okay.

7 A I wasn't at that meeting.

8 Q Did you ever sign any documents at any point to
9 terminate him?

10 A I signed that petition that was -- the members did.

11 Q Okay.

12 A I was here to do that.

13 Q Why were y'all forced to sign petitions rather than
14 just meet as a church body to do it?

15 A Well, my understanding, like it's been said, they
16 wasn't given a meeting, but of course, we would like to
17 have had a meeting with the whole church. But once we was
18 able to at least get a meeting at the Enoree River Center,
19 that was --

20 Q Okay. So let's -- let's --

21 A -- that's what got us started there.

22 Q -- yes, ma'am. I apologize for cutting in. All
23 right. So, as I understand it, he left in January 2017;
24 is that correct?

25 A I'm thinking -- well, I just remembered that for sure

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1 it was during the month of April. But I knew he was gone
2 because that's when my mother died. Yes.

3 Q Okay. So, did y'all have a -- okay, in April of 2017.
4 Did y'all go back inside the church?

5 A Yes.

6 Q Okay.

7 A Yes.

8 Q And, did y'all have meetings inside the church when
9 y'all went back in the church? Did y'all go -- let me ask
10 it this way because I'm being confusing. Prior to the
11 meeting that y'all had with Judge Gravely --

12 A Mm-hmm.

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14 A Yeah.

15 Q -- did y'all -- were y'all in the church body -- in
16 the church facility at that point?

17 A Yes.

18 Q So, while y'all were in that church body, y'all had to
19 meet and not do petitions at that point; is that correct?

20 A Right.

21 Q Did y'all ever have any votes to terminate him while
22 y'all were meeting as a church body?

23 A Yes. Yes, there was a meeting.

24 Q All right. So, when y'all had that meeting, how was
25 it noticed and how did you operate -- which constitution

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1 did you operate under?

2 A From my understanding, the 1996 Constitution, because
3 there wasn't anybody giving the one that he prepared.

4 Q Okay. So y'all have been under the 1996 constitution
5 since April of 2017?

6 A Yes.

7 Q And not the constitution that he's operating at a
8 separate --

9 A Right.

10 Q -- location?

11 A It wasn't his constitution. That was his
12 Constitution.

13 Q Okay. And his faction's constitution?

14 A Yes.

15 Q So, there's a split, to your knowledge, in the church
16 as to which constitution is actually the valid
17 constitution?

18 A Well, it's not really a split, because the members at
19 the real Enoree Fork know what the constitution was we
20 were operating at that time.

21 Q All right. And you're -- okay.

22 MR. SMITH: Your witness.

23 THE COURT: Cross-examination?

24 //

25 //

DECLARATORY JUDGMENT HEARING

CROSS-EXAMINATION

1

2 BY MR. DUNCAN:

3 Q We're talking about the bylaws. There was a committee
4 formed that came up with the 2016 constitution and bylaws,
5 weren't there?

6 A Not that I'm aware of.

7 Q And that's because you were living out of state a lot?

8 A Well, true, but I doubt he had a committee. It was
9 just his typing and his putting together, because I don't
10 know -- I haven't heard of anybody -- I don't know of
11 anyone that was on that committee.

12 Q Okay. So, you don't know if there was a committee, is
13 what you're saying?

14 A Right.

15 Q Okay. And you -- you testified that you had a house
16 is in -- is it New York where you were at?

17 A Yes.

18 Q All right. And you were gone a good bit, weren't you?

19 A Some. I mean, I was coming home quite often. My
20 husband was working until he retired.

21 Q Right. And he was -- he was working out of town too
22 around the time of these incidents, though, wasn't he?

23 A Yes, mm-hmm.

24 Q All right. And so, there was a chance both of y'all
25 were -- were away from Greenville for a --

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1 A Some, but I was always connected with my church.

2 Q -- okay.

3 MR. DUNCAN: That's all I've got, Your Honor.

4 MR. SMITH: No further questions, Your Honor.

5 THE COURT: You may step down, ma'am.

6 THE WITNESS: Thank you.

7 MR. SMITH: Ms. Dorothy Thomason.

8 (The witness was sworn in.)

9 THE CLERK: Have a seat here, and state your
10 name for the record when you get seated.

11 THE WITNESS: Dorothy -- Dorothy Thomason.

12 DOROTHY THOMASON

13 was called as a witness, and having been first duly sworn,
14 testified as follows:

15 DIRECT EXAMINATION

16 BY MR. SMITH:

17 Q Ms. Thomason, where do you live?

18 A I live in Greenville, South Carolina.

19 Q Okay. You're younger than me, so I'm not going to ask
20 your age. Okay?

21 A I don't know about that.

22 Q Did you have grandchildren?

23 A No.

24 Q No? Okay. Are you any kin to the Thomasons that's
25 seated out there?

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- 1 A We all cousins.
- 2 Q All cousins? So, there's a lot of family in that
3 church, isn't there?
- 4 A It is.
- 5 Q All right. It's a pretty church. Do y'all have a
6 cemetery in the front of it?
- 7 A We do.
- 8 Q And it looks relatively new. Did y'all move from
9 somewhere?
- 10 A No.
- 11 Q Okay. It's always been there and no remodeling?
- 12 A It's a 150-some years.
- 13 Q All right. And so, did you vote for him to be pastor
14 of the church?
- 15 A I did.
- 16 Q Okay. Did there come a time where you wanted to see
17 him not be pastor of the church?
- 18 A It did.
- 19 Q What reasons did you have for not wanting him to be
20 pastor of the church?
- 21 A He changed.
- 22 Q How did he change?
- 23 A Because he came in being so nice and friendly, and all
24 the things he wanted to do for the church, and we bought
25 into it. But after a period of time, we got to see the

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1 real person.

2 Q Okay. And, did you attend any meetings in order to
3 terminate him?

4 A I did.

5 Q Which meetings were that?

6 A It was several meetings we had. We had some at the
7 church and we had them at the association building.

8 Q Y'all even had meetings in 2019, too, to terminate him
9 too, right, if you recall?

10 A I don't recall that.

11 MR. SMITH: Your witness.

12 THE COURT: Cross?

13 CROSS-EXAMINATION

14 BY MR. DUNCAN:

15 Q All right. Can you tell me who Jay and Omarion are?

16 A Jay and Omarion?

17 Q Yes, ma'am.

18 A They are my nephews.

19 Q Are they your great nephews?

20 A Great nephews.

21 Q And they're 22 years old now, aren't they?

22 A I can't tell you their exact age.

23 Q Okay. And your niece was reported to DSS regarding
24 abuse and neglect of Jay and Omarion, weren't they?

25 A And that case was dismissed?

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1 MR. SMITH: Objection. I don't know how this is
2 relevant to this.

3 MR. DUNCAN: This going towards bias, Your
4 Honor, if I can pursue this.

5 THE COURT: Hold on.

6 MR. SMITH: Oh, bias?

7 MR. DUNCAN: All right.

8 BY MR. DUNCAN:

9 Q And Pastor Jackson is the one that reported her to
10 DSS; correct?

11 A That's correct.

12 Q And DSS actually placed custody of Jay and Omarion
13 with Pastor Jackson for about four years, didn't they?

14 A No.

15 Q But they were placed in his care; right?

16 A Not technically.

17 Q Okay. All right. But you were --

18 A They were placed in my care.

19 Q -- okay. But you were mad at Pastor Jackson for
20 reporting it to DSS, weren't you?

21 A I didn't have anything to do with that. My niece, who
22 were their guardian at the time, was dealing with
23 Mr. Jackson, not I.

24 Q Sure. That may be true, but you weren't happy about
25 that, were you?

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1 A No. I didn't think they belonged there. They should
2 have been with family.

3 Q Okay. And you even said -- this is a quote -- "I'm
4 going to get your black ass," referring to Pastor Jackson,
5 didn't you?

6 A I absolutely did not say that. I do not talk like
7 that. I don't use that language.

8 Q But you've been mad at Pastor Jackson since that time?

9 A I'm not mad at anyone.

10 MR. DUNCAN: No further questions, Your Honor.

11 THE COURT: All right. Anything else?

12 REDIRECT EXAMINATION

13 BY MR. SMITH:

14 Q You're not mad at even him, are you?

15 A No, I'm not mad at him. I'm a God-fearing woman. I
16 do not -- okay.

17 MR. SMITH: No further questions, Your Honor.

18 THE WITNESS: All right.

19 THE COURT: Anything in recross?

20 MR. DUNCAN: No, Your Honor.

21 THE COURT: Ma'am, you may step down.

22 (The witness was sworn in.)

23 THE CLERK: If you have a seat and state your
24 name for the record when you're seated.

25 THE WITNESS: Mable Dawkins.

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1

MABLE DAWKINS

2 was called as a witness, and having been first duly sworn,
3 testified as follows:

4

DIRECT EXAMINATION

5 BY MR. SMITH:

6 Q Ms. Dawkins are you married to Reverend Larry Dawkins?

7 A Yes.

8 Q And y'all have one child?

9 A Now.

10 Q Right. And one child was murdered and this -- the
11 killer is being prosecuted?

12 A Mm-hmm.

13 Q Right. Let me ask you that question. All right. So,
14 the -- the -- how long have you been a member of Enoree
15 Fork Baptist Church?

16 A About 40-some years.

17 Q And during that 40-something years, have you held
18 various positions, or are you just a member?

19 A No, I do superintendent of Sunday school now.

20 Q Superintendent? And you do that right now?

21 A Yes.

22 Q All right. Do you want to lose that position, or do
23 you want to stay in that position?

24 A I could stay.

25 Q All right. But if somebody wanted to come into the

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1 church and help you with the position, you wouldn't have a
2 problem with that, would you?

3 A No.

4 Q Now, did you vote for Reverend Jackson to be pastor of
5 that church?

6 A Yes.

7 Q And do you -- do you know whether or not -- and you
8 know your friend back there, Ms. Cynthia Robinson?

9 A Yes.

10 Q And Zelma Brown?

11 A Yes.

12 Q Have you seen them come back to your church from time
13 to time?

14 A Zelma done been there seven times.

15 Q All right. And she comes to funerals and stuff too,
16 doesn't she?

17 A Yeah, yeah. Yes, she been there.

18 Q Have you tried to prevent them two from coming?

19 A No.

20 Q You've never signed a trespass notice against either
21 one of them, have you?

22 A No.

23 Q Okay. So, did there come a time that you decided that
24 you wanted to part company with Reverend Jackson?

25 A Yes, because of what he was doing to the funding.

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1 Q Okay. And y'all had done a preliminary investigation
2 and it had gone to the sheriff's department and all that;
3 is that correct?

4 A Yes.

5 Q And then, y'all had a meeting at the Enoree place
6 because he wouldn't call the meeting?

7 A Right.

8 Q All right.

9 A And then a judge had ordered us to pass out things to
10 have a meeting, and he wouldn't let us have a meeting. He
11 took and pushed the door closed in our face.

12 Q Okay. So, when y'all went back to the church to try
13 to pass out the court order to notify the church members
14 about the meeting on April the 15th 2017, he pushed y'all
15 out of the church?

16 A Yeah.

17 Q Tell me how that happened. Tell me what happened.

18 A He was standing in the back with the -- I was the
19 usher then and we was standing in back. And me and
20 another usher were passing out the things, and he told us
21 not to pass them out, and then he just pushed the door in
22 our face and closed us out.

23 Q And then what happened? What happened after that?

24 A I guess he was talking inside the church. He wouldn't
25 let us have no meeting.

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1 Q Okay.

2 A He told us not to pass out the papers.

3 Q Okay. But people got word of the meeting anyway and
4 showed up?

5 A Yeah, yeah.

6 Q And, at that meeting, did -- was his fate discussed at
7 any point?

8 A His what?

9 Q His future with -- did y'all try to place him back --
10 did anybody try to vote him back at Enoree Fork Baptist
11 Church.

12 A Definitely not.

13 Q The one at 100 Greer[sic] Road?

14 A No, definitely not.

15 Q Okay.

16 THE COURT: Do you mean 100 Enoree in Greer.

17 MR. SMITH: Yeah, Enoree Road.

18 THE WITNESS: Yeah, 100 Enoree Road.

19 MR. SMITH: It's getting late. I've been up.

20 THE COURT: And every time you said that, you
21 meant 100 Enoree Road?

22 MR. SMITH: Enoree, yes, sir.

23 THE COURT: All right. We will reflect that in
24 the record.

25 MR. SMITH: Oh, boy. I'm going senile now.

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1 THE COURT: No, you're not going senile. I
2 just --

3 MR. SMITH: I appreciate it.

4 THE COURT: -- you had me confused until I
5 started verifying it.

6 MR. SMITH: Yes, sir, I appreciate y'all for
7 helping me on that.

8 BY MR. SMITH:

9 Q Okay. So, once he was -- you signed some petitions
10 like that they've already talked to the other ones about?

11 A Yeah.

12 Q And which constitution were you operating under?

13 A '96.

14 Q All right. And, is that the constitution you're
15 operating under at that church right now?

16 A Yes.

17 Q Is that the constitution y'all were operating under
18 when y'all decided to terminate him?

19 A Yes.

20 Q Okay.

21 MR. SMITH: Your witness.

22 THE COURT: Cross-examination?

23 CROSS-EXAMINATION

24 BY MR. DUNCAN:

25 Q Talking about the constitution and bylaws, there --

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1 there was a committee formed to draft and form the 2016
2 bylaws; correct?

3 A I don't -- I don't remember --

4 Q Okay.

5 A -- nothing about that.

6 Q But you don't know for sure there wasn't, then; right?

7 A Huh?

8 Q You don't know for sure there --

9 A I heard it spoke of, but we never discussed it or
10 passed any papers or anything. That's all I can tell you.

11 Q -- all right. And you mentioned that Pastor Jackson
12 shut the door in your face.

13 A Yes, he did.

14 Q Was that on March 27th, 2017?

15 A Yes, whenever the judge -- yes, he definitely did it.

16 Q Is that the date?

17 A I can't remember the date, but I know he did it.

18 Q So, you don't know the dates you went to the -- the
19 police department and tried to --

20 A I don't have it on record. I mean, yeah.

21 Q -- but you went to the police department --

22 A Yes, we did.

23 Q -- and you told the police that Pastor Jackson pushed
24 you.

25 A Pushed me and another lady out --

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1 Q Right.

2 A -- and closed the door in our face.

3 Q Right. Was he arrested for that?

4 A I don't know. You ask him was he arrested.

5 Q But do you -- do you know if he was arrested?

6 A I don't know.

7 Q And -- and the -- there was surveillance footage in
8 the -- in the front of the church, wasn't there?

9 A I don't know.

10 Q Well, if there -- okay. And that surveillance footage
11 showed that he did not touch you?

12 A I didn't say he touch me. I said he pushed the door
13 shut.

14 Q But you told the police he pushed you. You just said
15 that.

16 A Yeah, he pushed with the door.

17 Q Okay. All right. But you thought it was severe
18 enough you had report it to the police?

19 A Yes, because that was very ugly him when the judge had
20 gave us permission to pass out the --

21 Q Did you ever go to court to testify against him in a
22 criminal case?

23 A No.

24 Q Okay. No further questions.

25 THE COURT: Any redirect?

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1 MR. SMITH: No redirect, Your Honor.

2 THE COURT: You may step down.

3 THE WITNESS: Thank you.

4 MR. SMITH: We rest, Your Honor.

5 THE COURT: All righty.

6 MR. DUNCAN: I mean, Your Honor, I would move,
7 you know, I guess for a directed verdict on -- my issues
8 at this point. I have -- I have no -- well, I guess --
9 I'm sorry -- I don't have anybody to call again, if that's
10 what you're looking for.

11 THE COURT: That's what I was looking for.

12 MR. DUNCAN: All right.

13 THE COURT: But then I do -- I am going to
14 follow that up with motions. And you can go ahead and go,
15 but I was looking --

16 MR. DUNCAN: Okay.

17 THE COURT: -- as far as whether there was any
18 reply, and no.

19 MR. DUNCAN: Yes, I'm sorry. I was jumping the
20 gun.

21 THE COURT: No, no, do not apologize. I just --
22 okay. So, as far as testimony, we are done?

23 MR. DUNCAN: Yes.

24 THE COURT: Do you have any motions on behalf of
25 the plaintiff?

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1 MR. DUNCAN: Yes, Your Honor. I would move for
2 a directed verdict in favor of my clients, Your Honor.
3 There was -- there's been no hard evidence that a meeting
4 ever occurred to terminate Pastor Jackson. They -- they
5 talked about it, but I haven't seen one record, I haven't
6 seen any meeting minutes, I haven't seen any -- any
7 documents that has any proof that -- that a meeting
8 happened. Everything that my client has testified to
9 there was records backing that up, that testimony. They
10 were signed, they were kept in the regular course of the
11 church.

12 There was -- there's nothing that the Defense has put
13 up that would indicate that there was ever a quorum
14 present for a meeting, that a meeting was ever properly
15 noticed or meeting was actually even held. Even if they
16 did come to meet, we don't have any proof of what happened
17 or if it -- if enough people were there to follow the
18 constitution or the bylaws. Regardless of which one,
19 there's been no evidence that either the bylaws were
20 followed for a vote to terminate the pastor.

21 There's been no evidence presented that -- that
22 contradicted the -- who the proper trustees were, who the
23 deacons were, who the ministers were, who the officers of
24 the church were that were presented, which is why we're
25 here to declare who those people were. Nobody said

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1 anything about those people being terminated or voted out
2 or anything of the like, and there's been nothing -- no
3 testimony stating that there is new people in those
4 positions. There's actually been no -- I heard no
5 evidence that my clients are still acting under a
6 constitution as the proper and legal Enoree Fork Baptist
7 Church.

8 So, I mean, again, I think there's been nothing --
9 nothing to contradict the evidence that was presented to
10 the Court on the -- on the declaratory judgment issues,
11 and I would submit to the Court that there was sufficient
12 evidence presented on the plaintiff's case to prove those
13 -- to prove the elements that were needed to get a
14 declaratory judgment on those issues. And one other
15 thing, there was no -- nothing at all about who's an
16 active or inactive member under either constitution.
17 There was nothing contradicted on that either, so I would
18 move for a directed verdict in our favor.

19 THE COURT: Okay. Response?

20 MR. SMITH: Yes, sir, Your Honor. We've -- and
21 my brother knows he's in a difficult position in his case.
22 But as I state, in South Carolina, parties who have
23 disassociated from the original church and established a
24 new church generally lack standing to claim assets of the
25 original congregational church. This principle is

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1 supported by multiple cases. In Bramlett versus Young,
2 the South Carolina Supreme Court held that when members of
3 a church secede and disassociate themselves from the
4 original church, they are no longer considered members of
5 the original church corporation. As such, they lose any
6 rights to the property or assets of the original church.
7 The Court emphasized that the determination of which
8 faction is entitled to church property depends on which
9 faction represents the church as it existed prior to the
10 division or schism typically determined by adherence to
11 governing body of the denomination. Bramlett versus Young
12 229 South Carolina 519.

13 Similarly, in Harden versus Porger, 252 South
14 Carolina 298, the Court ruled that representatives of a
15 seceding congregation which is no longer part of the
16 original church have no legal standing to claim the
17 property of the original church. The Court noted that
18 even if some members of the seceding group were heirs of
19 the original grantors they did not assert rights in the
20 capacity and, thus, like standing. In Brock versus
21 Bennett, 313 South Carolina 513, the Court reiterated that
22 only the members of the original congregation have
23 standing to bring actions concerning church property.
24 Individuals who have left the church or disassociated
25 themselves from it lose their standing to claim rights

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1 over the church's assets.

2 Finally, in Fire Baptized Holiness Church of God
3 versus Greater Fuller Tabernacle Fire Baptist Holiness
4 Church, the Court clarified that when a church split,
5 property rights are determined in favor of the faction
6 maintaining the church organization as it previously
7 existed. if the entire congregation withdraws, the title
8 to the property remains with the original church.

9 Now, he wants to come back to the original church.
10 That's what he wants you to order. But his faction has
11 already created and disassociated from the original
12 church, so they have no property interests over there in
13 Greer at 100 Enoree Road. How is the firing of a pastor
14 more of a church matter that the civil courts may not
15 adjudicate? The firing of a preacher is considered more
16 of a church matter than other employment disputes that
17 civil courts can adjudicate using neutral principles of
18 law because it inherently involves ecclesiastical matters,
19 such as church doctrine, discipline,, and governance.
20 Civil courts in South Carolina have established that they
21 will not enter into the consideration of church doctrine
22 or church discipline, nor will they inquire into
23 irregularity of the proceedings of the church
24 judicatories, having cognizance of such matter. This
25 principle is rooted in the need to avoid entanglement in

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1 religious matters which would be inconsistent with
2 complete religious liberty and the separation of church
3 and state.

4 THE COURT: What about the Brightharp case?

5 MR. SMITH: The Brightharp, as I stated earlier,
6 is a case where the actual church was involved in the
7 lawsuit. You don't have the case in this case where the
8 actual church is involved in the lawsuit. So, even if you
9 order declaratory relief, Enoree Fork as an entity doesn't
10 have to follow the order because it's not going to be
11 subjected to the order. And that's why the case law in
12 South Carolina is the way it is. And so, if -- if -- if
13 -- say if I left BMW and I was, in some kind of way -- and
14 BMW had done nothing -- no, the best -- the best analogy
15 is with regard to a police officer.

16 If a police officer is sued within the scope of his
17 employment under the South Carolina Tort Act -- and that's
18 why the charitable immunity act follows it -- and you sue
19 that officer, the Court can dismiss that officer out of
20 the case because -- and you can't get a judgment against
21 that officer. That's the way of the South Carolina Tort
22 Claims Act. That's the way the charitable immunity act
23 operates for charitable nonprofit organizations in this
24 state. The charitable nonprofit organization was not sued
25 in this state. These folks shouldn't even be a part of

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1 the lawsuit, based on the charitable immunity doctrine in
2 this state. Therefore, he has no standing.

3 Our position is it should have been dismissed a long
4 time ago under 12(b)(6) like Judge Jocelyn Newman did in a
5 similar case where the church was not sued as an entity.
6 So, there's going to be a conflict. If the Court decides
7 to rule for them, there will be a conflict in the circuits
8 that, of course, the courts will have to resolve somewhere
9 down the road. But we're saying the Court doesn't have to
10 get to that point because there is case law that is
11 specific that these folks should not have been sued in the
12 first place. If he had a -- if he wanted to be where he
13 wanted to be, he needed to sue Enoree Fork Baptist Church
14 as an entity.

15 As a matter fact, by him saying that he's got an
16 Enoree Fork is moot. And one of the cases actually uses
17 the term "moot." I think Justice Toal actually says it in
18 one of the cases. So, he's not entitled to a directed
19 verdict. We are the ones who are entitled to the directed
20 verdict because this case should never have been brought
21 against people who, under -- is it Rule 19 of the Rules of
22 Civil Procedure? These are improper party. The party --
23 the main party in interest was never sued under -- under
24 our law. So therefore, if the indispensable party wasn't
25 sued, you can't actually hold these folks accountable and

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1 think that they can follow a court order that doesn't bind
2 the church itself.

3 So, there's no -- there's no way that you can, in my
4 opinion -- this is just my opinion -- there's no way you
5 can bind a corporation for the actions -- an eleemosynary
6 corporation for the actions of people who he has not
7 proved were acting outside the scope of their duties as
8 officers or as individuals who are members of the church,
9 and I think we're on solid case law on that, Your Honor.

10 THE COURT: Any response to that? And then I
11 will come back.

12 MR. DUNCAN: I'll go back to what I said at the
13 close of the plaintiff's evidence, that it's the same
14 arguments, Judge. This is a novel issue. None of the
15 case law is directly on-point with what's happened here
16 with two different factions trying to say they're Enoree
17 Fork. What you've seen here has proven today, I think,
18 with the evidence of the plaintiff is that they're the
19 ones still acting as Enoree Fork. They followed the
20 bylaws. We've seen no evidence from the other side about
21 how they're -- how they're following any bylaws and how
22 they're acting as the church. Just because they're still
23 in 100 Enoree Road in Greer, South Carolina doesn't mean
24 they are Enoree Fork Baptist Church, the legal entity.
25 That's -- that's the -- that's the whole crux of this case

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1 of why it was brought to make a determination of who the
2 officers were, who the pastor was, who the members were at
3 the time it was filed. And that's been proven without any
4 contravention, in my opinion, from the evidence that we've
5 heard today.

6 And, going back to the McCain versus Brightharp case,
7 that's the only case that's anywhere close to been
8 on-point because it looked at whether a vote actually
9 occurred to terminate the pastor. And again, I don't
10 think there's been any evidence presented to -- to show
11 that there was a proper vote held or a vote even held to
12 terminate him. So, if any case applies, then it's -- it's
13 that one and, you know, of course in that one the judge
14 restated the status quo. And you know, what a judge --
15 what a judge did in Columbia or wherever that was, a
16 circuit court judge is not binding on this Court. That's
17 not any kind of precedential value, and I'm not sure the
18 facts of that case and what happened in that case anyway.
19 So that's not binding on this Court in any way, shape, or
20 form.

21 But again, the -- to their standing issue, my client
22 sued the people that were trying to oust him from the
23 church and the people that are named, not just Pastor
24 Jackson, but everyone that's named trying to oust them
25 improperly under the church constitution and bylaws. no

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1 matter which one the Court decides is the proper one,
2 neither one were followed in any manner. No proper vote
3 was ever held. So, I think that gets us to you have the
4 authority to make a decision on the declaratory judgment
5 issues and make a ruling.

6 THE COURT: Okay. All right. Do I have a
7 motion from the defendants?

8 MR. SMITH: Yes, sir, a motion to dismiss.

9 THE COURT: I know some of it. I've already
10 heard.

11 MR. SMITH: Yes, sir. Oh, oh, I see what you're
12 saying.

13 THE COURT: No, no, no. But I know mean I -- go
14 ahead.

15 MR. SMITH: Yes, sir, our motion to dismiss this
16 action based on the fact that this is primarily an
17 ecclesiastical matter. The Court should exercise the
18 abstention doctrine. We move for a directed verdict as
19 well on that issue. The issue of 12(b)(6) covers the issue
20 of the eleemosynary corporation in this state. And the
21 proper parties in an eleemosynary -- eleemosynary -- in --
22 in a lawsuit involving the individual members of a church
23 cannot stand because this church is an eleemosynary
24 corporation organized and existing under the laws of the
25 State of South Carolina as a nonprofit. It is deemed a

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1 nonprofit. It has to be named in the lawsuit personally.
2 It should have been Sylvester Jackson versus Enoree Fork
3 Baptist Church. That should have been the caption. That
4 is not the caption. It's not even -- it's not even -- the
5 caption is not even, like in Brightharp, Sylvester Jackson
6 as pastor of Enoree Fork Baptist Church against these
7 folks, or as a former pastor. There's none of that in
8 there.

9 So, he can't -- he can't -- he can't jump-start his
10 lawsuit by suing the wrong people, basically. He's got to
11 sue the entity, because if the Court orders -- so if the
12 Court says, okay, all of you folks have got to recognize
13 him as pastor of Enoree Baptist Church, we'll he's already
14 recognized. That's what he said. He's -- he's -- he's
15 got his faction somewhere. And I don't think the Court is
16 going to say, okay, I'm going to order you to go back into
17 the building at 100 Enoree Road in Greer, South Carolina.
18 I don't think that -- and then, you know -- so -- so
19 basically on that, where's the relief coming? If he is
20 sued in tort or if he is sued in some other -- I mean,
21 he's an equity court, right? If he is sued in tort, then
22 like in some of those cases where you have defamation or
23 something like that, then you can use neutral principles
24 in a tort action like -- like -- like judge -- Justice
25 Kittredge said in one of those cases. Yeah, you might get

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1 there with that, you know, wrongful termination, a law
2 action. He didn't file a wrongful termination law action.
3 He's saying he wasn't even terminated. That's what he's
4 saying. He's saying he's still on the job. Well, I don't
5 -- really, I don't understand the lawsuit, really. They
6 told you, Judge, this is not a reinstatement. He's not
7 asking to be reinstated. If he was asking to be
8 reinstated, then maybe Brightharp could colorably be
9 looked at, but not against these folks. It would still
10 have to be against Enoree Fork Baptist Church itself.
11 Thank you, Your Honor.

12 THE COURT: Thank you.

13 MR. DUNCAN: Again, Your Honor, just by
14 saying -- if you want me to go through it again, I will.

15 THE COURT: No. You can just say it would be my
16 same argument I've already made.

17 MR. SMITH: Yeah.

18 MR. DUNCAN: It would be my same arguments I've
19 already made.

20 THE COURT: All right. It's noted on the
21 record. I just want to make sure that you feel like you
22 had an adequate -- all right. Anything else?

23 MR. SMITH: That's it, Your Honor.

24 MR. DUNCAN: That's it, Your Honor.

25 THE COURT: Thank y'all, and I will be taking

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1 the South Carolina Court Tort Claims Act, they have to --
2 they have to sue the charitable organization itself.
3 That's why the defendant -- that's why the plaintiff is in
4 a dilemma.

5 He keeps considering himself the preacher of Enoree
6 Fork Baptist Church, so he couldn't bring it against the
7 proper party, but I don't understand why he brought the
8 lawsuit in the first place if he's still the preacher.
9 It's a contradiction on its face. So, we believe under
10 33-56-180 it should be dismissed on that basis. As I also
11 said, if he's not -- if he hasn't sued the proper party,
12 then he lacks standing with regard to the other
13 individuals that got sued in this matter, because they
14 disassociated themselves from the main Enoree Fork Baptist
15 Church in Greer. At the South Carolina Supreme Court
16 precedent states, quite specifically, if you disassociate
17 yourself from the main body of the church, all the assets
18 and everything that pertains stays with the original
19 church itself.

20 He decided to open up an online church with his
21 faction. He had, I guess, a First Amendment right to do
22 that. He's taken money, which demonstrates he
23 disassociated. They don't send the e-mails to 100 Greer
24 [sic]. They don't send any information over there
25 whatsoever. They don't send any money, they don't send

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1 any tithes, they don't send any offerings. They are a
2 completely independent organization. And he stated that
3 he didn't reincorporate. All he did was decided that he
4 was going to have what you call a registered agent. And
5 that registered agent, I guess, if she got a lawsuit, she
6 would report back it back to the one over there at 100 --
7 100 Greer [sic] Road where the original incorporation was
8 in the first place.

9 So, he is running an unincorporated church, but
10 trying to piggyback off that and say that he is still the
11 pastor -- I mean, he's already made his judicial decision
12 himself -- that he's still the pastor of Enoree Fork
13 Baptist Church. He's not trying to be reinstated, as I
14 understand it, and that's what I thought the basis of his
15 lawsuit was. He didn't sue -- he didn't sue for any
16 relief. And, okay.

17 So we have lack of standing, we have disassociation.
18 And then, we come to that case I passed out earlier -- I
19 think it was the Knotts case -- and, in that case, which
20 is similar to this one, they had a situation where the
21 constitution had bylaws that said you had to have
22 two-thirds. And the Court said when they had a majority
23 vote in there, if I'm reading it right, well, look, we're
24 not going to tell the congregation, which is the right way
25 to run their business inside the church. Now, if you've

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1 got two factions and you've got one split away, of course
2 he said he left in January of 2017. Well, they had a
3 right to run that church under different bylaws and under
4 a different constitution from then on. So he can't say --
5 he can't hold that church hostage. He can't hold that
6 faction hostage just because he left it.

7 And the Court said in these cases it is the -- and
8 you know this better than I do, Judge, because you're the
9 judge. All you have to -- all we have to prove is that
10 there was a meeting, that they weren't given notice of the
11 meeting. And when was that meeting? It was on April 15,
12 2017, pursuant to court order. And that's what's similar
13 to some of these cases too, because the Court notes in one
14 of them that it could undo what a judge had already
15 ordered because the parties had already changed position.
16 So, he got notice of a meeting, he went to the meeting,
17 but he never made any kind of attempt to remain as Enoree
18 Fork Baptist Church's pastor at 100 Enoree Road in Greer,
19 South Carolina.

20 What he did was, according to his testimony, they
21 decided they wasn't going to come back. They said
22 something about a cop. Well, a cop ain't the judge. A
23 cop couldn't keep people out of the church once the judge
24 said who are the active members. They didn't go back in
25 front of Judge Gravely and say, you know, they're trying

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1 to keep us out of the church, Judge, or they're trying to
2 fire me, Judge. They never did that. That case went on
3 for a good while, and then it was dismissed by our side.

4 THE COURT: At that -- at that meeting, didn't
5 y'all like refuse to do a receiver?

6 MR. SMITH: I think --

7 THE COURT: Are you talking about the Perry
8 Gravely requested meeting?

9 MR. SMITH: -- at first, we were trying to get a
10 receiver. And we were for the receiver, but I think they
11 were against the receiver. Because we -- our side wanted
12 a receiver, as I recall it, because I was handling the
13 lawsuit back in, and we wanted a freeze on the assets, and
14 we got the freeze on the assets. And then Judge Gravely
15 kind of like relaxed the freeze over time so that they
16 could handle the business. And so -- so, I don't want to
17 get into the other case, but that's what we're going to
18 show in the other case. So, but we raised -- we raised
19 the statutory defense in the -- in our -- in our summary
20 judgment saying that, you know, these people are the wrong
21 parties to be sued.

22 And I think the case of Beecham versus Casey stands
23 for that proposition. That's a Richland County case. And
24 then you've got Honorable Jocelyn Newman. And then you've
25 got Knotts, the Knotts case. And then you've got Morris

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1 Street Baptist Church versus Dart. In all those cases --
2 and the Court knows this better than I do, and I won't try
3 to presume I know the laws better than you, Your Honor --
4 but the key component is that we all kind of like got a
5 thin line into trying to decide who ought to be an
6 officer, who shouldn't be an officer. That's getting into
7 ecclesiastical matters.

8 Now, if he is sued in tort for wrongful discharge,
9 that may be a colorable claim under neutral principles.
10 But he said he's still the pastor by his own admission.
11 So, I was thinking they were trying to say they wanted to
12 be reinstated. He said, no, he don't want to be
13 reinstated, he's still the pastor, which doesn't make much
14 sense to me, so why are we here for this lawsuit?
15 But anyway, you know, a lot of stuff don't make sense to
16 me. But that's because I'm limited. But so here we go,
17 and I'm going to -- I'm going to -- I don't want to
18 prolong this.

19 The ecclesiastical abstention doctrine is involved
20 here, and we make a motion to dismiss on that basis. We
21 make a motion to dismiss on the basis that they don't have
22 standing to sue individual members of the church. The
23 dispute over reinstatement, according to the Court, Roman
24 Catholic Archdiocese of New York versus Sebelius 987 --
25 I'll get all of these to the Court and submit them, if the

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1 Court so desires -- seems to think that trying to put
2 people back in their positions and decide on who's this
3 and who's that in that position gets into ecclesiastical
4 matters. And so, there's an abstention principal there.
5 So we believe that, based upon the fact -- looking at the
6 evidence in the light -- or lack of evidence in the light
7 most favorable to the nonmoving party, and that would be
8 Mr. Jackson and all the rest of the people or the ones
9 that didn't show up and stuff who don't -- who are not
10 actually prosecuting because they ain't here. It's not a
11 class-action. Looking at the light, if they don't have
12 standing and it's an ecclesiastical matter, then we
13 request that the Court dismiss the case at this stage.

14 THE COURT: All right. Thank you. Any
15 response?

16 MR. DUNCAN: Yes. May it please the Court, Your
17 Honor. I'll start with what Mr. Smith said. This is a
18 directed verdict motion. Everything has to be viewed in
19 the light most favorable to the nonmoving party, which is
20 Sylvester Jackson and the parties named as plaintiffs in
21 this -- this case we're here today. In regard to the not
22 proper parties and saying have to sue the church, this is
23 the whole issue. There's an issue of who is actually able
24 to act on behalf of the church. This is a unique
25 situation. I'm not sure of any case law that has this set

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1 of facts that's been on appeal. I could be wrong, but I
2 haven't seen it.

3 THE COURT: Yeah, I think you're pretty close on
4 that.

5 MR. DUNCAN: Right. So, Pastor Jackson and Ms.
6 Brown and Ms. Robinson have been very clear that the
7 church has continued under the 2016 bylaws, that Pastor
8 Jackson has continued to act as the pastor, and they've
9 continued to follow those bylaws. So -- but he can't sue
10 saying he can't sue the church if he -- he is claiming he
11 is the church. And the folks he named are people that
12 signed letters purporting to oust him. And you've heard
13 about how those -- how those things went. They didn't
14 have authority under those bylaws. So, I believe -- and I
15 wasn't the attorney back then, so I wasn't privy to what
16 went on and why Attorney Phillips decided to do that, to
17 file it the way he did, but that's the way it was done.
18 And I think there's some reasoning behind that, again,
19 because these are the people that were acting to oust
20 Pastor Jackson and remove him from -- try to remove him
21 from the church.

22 So, I'm not sure that the 33-56-180 applies in this
23 particular case. He -- as far as the disassociation,
24 again, the testimony was consistent that they acted under
25 the constitution and bylaws and continued to act as Enoree

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1 Fork Baptist Church. They left the church building where
2 they were meeting, but they didn't stop being Enoree Fork
3 Baptist Church. They didn't disassociate from the church
4 itself. They left that building. No matter what the
5 police officer said or what authority they had, to avoid
6 conflict, they -- they left that building. They operated
7 on their own. They didn't form a new church. They --
8 with the Secretary of State, they changed the secretary --
9 the -- the registered agent in a further evidence that
10 they were acting as the proper church under the
11 constitution and bylaws.

12 As far as the ecclesiastical matter goes, I don't
13 believe the cases that were -- were cited by Mr. Smith
14 apply here. The -- you look at McCain versus Brightharp.
15 The court in that situation determined -- had to determine
16 whether a vote was actually taken. There's been a lot of
17 evidence -- or testimony here. All we've heard today is
18 that there wasn't a vote to oust Pastor Jackson or these
19 other officers. There's been no evidence presented that
20 there was a vote. And, in that case, the Court -- if I'm
21 recalling correctly -- reinstated all the members and the
22 officers to the date before the lawsuit started and -- and
23 left from there.

24 So that the Court does have authority to do that and
25 make that determination whether a vote was actually taken.

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1 And I would submit, especially if you view it in a light
2 most favorable to my clients, no vote was -- was taken or
3 had. And as far as the contentions about being
4 reinstated, the lawsuit is clear, they just want to- a
5 declaratory judgment action saying who it is under the
6 law, not reinstated. They -- again, they've acted under
7 the constitution and bylaws, and continue to act to this
8 day under those things. They just want the Court to make
9 the determination that that is, in fact, accurate.
10 They're not alleging they were ever ousted from those
11 positions.

12 THE COURT: What about that meeting and the
13 receiver?

14 MR. DUNCAN: That meeting was -- and I think the
15 Court can take judicial notice of that court file what
16 happened there -- that meeting, my understanding was that
17 there was a vote to approve a receivership. And then, for
18 whatever reason, that never actually came to fruition and
19 the lawsuit was dismissed, and I believe Form 4 order says
20 all orders in that case have been dismissed. So I don't
21 think the case is relevant --

22 THE COURT: Well, they were -- all orders
23 were -- this is Judge Gravely on March 15, 2018, "The
24 Court orders that this case be dismissed without
25 prejudice' -- I'm not sure which case -- 'and all prior

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1 orders in this matter will be voided."

2 MR. DUNCAN: Right.

3 THE COURT: This was Plaintiff Smith's emergency
4 motion to lift the freeze on the accounts, and there was a
5 hearing on March 15th. And the plaintiff -- and I guess
6 in that particular instance, the plaintiff was Mr. Smith's
7 client --

8 MR. SMITH: Yes, sir, Charles.

9 THE COURT: -- is that right?

10 MR. SMITH: Yes, sir, Your Honor.

11 THE COURT: There's been a lot of -- a lot of
12 cases.

13 MR. SMITH: Yes, sir.

14 THE COURT: There's still a lot of cases.

15 MR. SMITH: Yes, sir.

16 THE COURT: But that was on March 15th.

17 MR. DUNCAN: Right. And so, my position would
18 be that no matter what happened at that meeting, that
19 wasn't for -- he didn't have to raise the issue of whether
20 he was still the pastor or not. He was still acting as
21 the pastor. He didn't have to do that there. And, even
22 if he did, that's irrelevant. That order -- that case was
23 dismissed and anything that happened in that case is now
24 -- now gone. And then, new lawsuits were filed in 2017,
25 and that's why we're -- we're here today. So I don't

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1 think that's -- any of that would be any -- of any
2 relevance to -- to -- to my client's position in it.

3 THE COURT: So say the 2016 constitution and
4 bylaws was not properly -- just for purposes of argument,
5 and you go back to 1996. Same position?

6 MR. DUNCAN: That's the same position. He still
7 acted as the leader of the church. He hasn't wavered in
8 that.

9 THE COURT: Vote?

10 MR. DUNCAN: Right. There's no vote -- no
11 evidence of any vote happening at all under either
12 constitution.

13 THE COURT: Okay. And then, no vote. And then,
14 your position under Brightharp would be, if no vote, then
15 it's returned to the status quo?

16 MR. DUNCAN: Correct.

17 THE COURT: Okay. Anything else, sir?

18 MR. SMITH: Yes, sir, Your Honor.

19 THE COURT: Well, yeah, from him.

20 MR. SMITH: Okay.

21 THE COURT: I promise, Mr. Smith, I'm going to
22 hear from you.

23 MR. DUNCAN: No, Your Honor. That would be my
24 argument.

25 THE COURT: Okay.

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1 MR. SMITH: Okay.

2 THE COURT: Mr. Smith, do you have anything in
3 response?

4 MR. SMITH: Yes, sir. First of all, the Court
5 can't come back at the status quo.

6 THE COURT: And why not?

7 MR. SMITH: Because if you order them, it can't
8 be enforced, based on case law. If you issue an order
9 against these individuals, it's not enforceable against
10 Enoree Fork Baptist Church itself. That's the whole
11 point. That's why -- that's what the case law says. It's
12 not something I'm making up. Under South Carolina law, "A
13 declaratory action requires a justiciable controversy
14 defined as a real and substantial dispute appropriate for
15 judicial determination." This dispute does not meet that
16 standard, according to Sunset Cay versus City of Folly
17 Beach. "The civil courts may resolve disputes involving
18 civil, contract or property rights, but cannot adjudicate
19 ecclesiastical matters. The courts must defer to the
20 decisions of the highest religious judicatories on issues
21 of religious law, doctrine or governance."

22 That Knotts case is directly on-point here. And when
23 a church -- and the key is, when he left in January, they
24 had a right to govern themselves under whatever
25 constitution they want, and he doesn't know whether or not

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1 they complied with the constitution or not because he
2 wasn't present. He doesn't have personal knowledge of
3 that. He's just making an argument. And the property
4 rights, "When a church splits, courts determine property
5 rights in favor of the faction, maintaining the church
6 organization as it previously existed." And that's
7 Dillard versus Jackson, 304 South Carolina 79, and Fire
8 Baptist Holiness Church of God versus Greater Fuller
9 Tabernacle Fire, 323 South Carolina 418, "Title to the
10 church property does not follow a withdrawing faction."

11 Now, lack of standing, the pastor's faction lacks
12 standing to bring a declaratory judgment action because
13 there is no justiciable controversy, as I said. The
14 faction abandoned its own financial responsibilities and
15 split from the original church, undermining any claims to
16 the rights or status within the church. And the fact that
17 they did not -- they violated their own constitution by
18 not sending any money to the original church. So if they
19 -- their -- their constitution says if you're not
20 financial with so many months, well if you're inactive,
21 they're going to consider you inactive.

22 So, every one of the folks that went into that
23 faction became inactive on their own under their own
24 steam, because they had a right to come back to that
25 church after that meeting that Judge Gravely had ordered

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1 on 4/15/2017. And the claims for reinstatement as
2 officers involve ecclesiastical questions of church
3 governance and discipline, which are beyond the
4 jurisdiction of civil courts. The courts must defer to
5 the original church's internal governance and decisions,
6 as required by ecclesiastical abstention.

7 So, if the Court wants -- see, the courts -- I think
8 what the Supreme Court of the United States and your court
9 and my court and everybody else's court doesn't want us
10 sitting inside a congregation making a decision as to who
11 ought to be the officers and who ought to be the pastor.
12 And he ain't asking for no money. He ain't sued the
13 church. These folks can't come in and put him back in.
14 Even if the Court orders it, they can't. If they decided
15 to leave the church and go to another church, that order
16 cannot be enforced because the proper party in this case
17 is Enoree Fork Baptist Church itself.

18 THE COURT: What about the Brightharp case?

19 MR. SMITH: The Brightharp case is
20 distinguishable because, in that case -- isn't it in that
21 case the church was actually sued? Aren't they the proper
22 party? I don't have it in front of me. Here it is.
23 Let's see who the -- let's see.

24 THE COURT: It was McCain versus --

25 MR. SMITH: Yeah.

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1 THE COURT: -- Brightharp.

2 MR. SMITH: Right. And it says that -- okay.
3 And if you look, it's got up there McCain, Joseph Curry,
4 individually as trustees of Mount Canaan Baptist Church.
5 That church is named in there. The church is named right
6 up there. I brought a copy of it. So if the church is
7 named, I think, well, you know, Brightharp is
8 distinguishable, and it's distinguishable because the
9 proper party was named. In this case, it's totally
10 different. Ain't no proper party here. And I -- I --
11 I -- I -- I researched this thing because I was, like, how
12 do you enforce it? How can you -- and that's
13 (unintelligible) there. How can you enforce it? You
14 know, would be like if I sued -- if I sued under the tort
15 claims act. If I sued a police officer under the tort
16 claims act and I didn't sue, say, the city, that can't be
17 enforced because the Court is going to dismiss that
18 because, under the tort claims act, you've got to actually
19 name the police agency. And that's why, in the charitable
20 organization law, you've got to name the charitable
21 organization if you're going to sue them. You can't name
22 the people who are members of it. He already said they
23 ain't officers. He didn't sue them. He sued them because
24 they were members. So, that don't make logical sense
25 either.

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1 So, okay. Now, once I get to that point, once I get
2 to it and I show a lack of standing, and once I show the
3 fact that it was ecclesiastical matters and he's gone --
4 he don't know how they're operating when he's gone -- and
5 he wanted to go. So (unintelligible) the things after he
6 left. The Court can't come back and second-guess the
7 people now because he voluntarily left, and the people who
8 was with him voluntarily left. They already testified to
9 that. So, here we are in a dilemma, and we're making a
10 motion to dismiss at this stage. Thank you, Your Honor.

11 THE COURT: Okay. Anything in response?

12 MR. DUNCAN: Yes, Your Honor. I mean, Mr. Smith
13 is conflating acting as the church with being in the
14 physical church building that was 100 Enoree Road. Those
15 are completely distinguishable. Just because, you know, a
16 faction left that building does not mean they don't still
17 operate as the proper and true Enoree Fork Baptist Church,
18 which is the whole purpose of this lawsuit. And actually,
19 you know, on the McCain versus Brightharp issue as far as
20 naming the actual -- the church, again, there's no case
21 law on-point in this particular situation where a faction
22 tries to oust another part of the church. Again, that's a
23 novel issue, as far as I know.

24 And you heard Pastor Jackson testify that this was
25 brought on behalf -- you know, they're named individually,

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1 but he said they brought it on behalf of the officers and
2 the ministers and those things, and I believe the
3 allegations in the complaint would -- would bear that out.
4 So I think that -- that points to -- I think McCain versus
5 Brightharp is exactly the closest thing we have on-point
6 to the facts in this case and should still be, you know,
7 the precedent this Court should follow.

8 THE COURT: Okay. Anything else, Counsel?

9 MR. SMITH: Nothing further.

10 THE COURT: Okay. I'm going to deny your
11 directed verdict motion, and then we will move on to your
12 case.

13 MR. SMITH: Thank you, Your Honor. At this
14 time, we call --

15 THE COURT: You are definitely protected on the
16 record.

17 MR. SMITH: -- I appreciate it, Judge. I got my
18 thumbs up. Come on up, Reverend, and let's call you
19 first, Associate Pastor Larry Dawkins.

20 (The witness was sworn in.)

21 THE CLERK: Have a seat here, and state your
22 name for the record once you get seated.

23 THE COURT: Mr. Preston, would you get this kind
24 man some water?

25 THE BAILIFF: I will.

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1 THE COURT: You're all right?

2 THE WITNESS: Yes, sir.

3 THE COURT: Okay. I just want to take care of
4 my witnesses.

5 THE WITNESS: Larry Dawkins.

6 LARRY DAWKINS

7 was called as a witness, and having been first duly sworn,
8 testified as follows:

9 DIRECT EXAMINATION

10 BY MR. SMITH:

11 Q And, where do you live?

12 A Simpsonville.

13 Q Are you married?

14 A Yes, sir.

15 Q Who you married to?

16 A Mable Sullivan Dawkins.

17 Q And she's in the courtroom right here?

18 A Yes, sir.

19 Q How many children you got?

20 A One now.

21 Q Yes, sir, I understand. And how are you related to
22 Enoree Fork Baptist Church?

23 A Well, my parents is buried out there. My grandparents
24 is buried out there. I don't know how further back it go.

25 Q All right. And what position do you hold with Enoree

DECLARATORY JUDGMENT HEARING

1 Fork Baptist Church?

2 A I am now the associate minister. Well, actually, I'm
3 the active pastor until we get Reverend --

4 Q Another pastor?

5 A -- yeah, yeah.

6 Q All right. Have y'all had several pastors since
7 Reverend Jackson left?

8 A We have.

9 Q Okay. Do you recall their names? If you can't,
10 that's fine?

11 A Yeah, I won't even try to go through it.

12 Q So now -- so how many years you think you've been a
13 member of Enoree Fore Baptist Church?

14 A All my life.

15 Q All your life? Now, on or about August of 2015, y'all
16 all agreed to hire Reverend Jackson as your pastor?

17 A We did.

18 Q Okay. What did y'all see in him at the time?

19 A Well, there had to be a reason. I don't know.

20 Q Okay. Did you vote for him?

21 A Because it's personal.

22 Q Yeah, you voted for him?

23 A I did.

24 Q All right. And, in August '15, there came a time
25 where you wanted to part company with him?

DECLARATORY JUDGMENT HEARING

1 A Well -- well, I based my decision on hearsay. I
2 believed what I heard.

3 Q Okay. So anyway, let me just see how we can -- did
4 you vote on any occasion to terminate his contract?

5 A I did.

6 Q Okay. What constitution were you operating on --
7 under at the time you terminated his contract?

8 A The '96 constitution, '96.

9 Q Okay. Was there a time when -- when they passed out a
10 2016 contract in January of -- or so?

11 A Not to my knowledge.

12 Q Were you ever given a copy?

13 A No, sir.

14 Q Were you able to discuss the terms and condition of
15 that constitution?

16 A No, sir.

17 Q Okay. To your knowledge, was Reverend Jackson an
18 at-will employee?

19 A What you mean?

20 Q You could fire him anytime you want to for reason or
21 no reason?

22 A I really wasn't sure.

23 Q Okay. That would be a legal question?

24 A More than likely.

25 Q All right. Now, let me ask you this. But y'all

DECLARATORY JUDGMENT HEARING

1 didn't have any written contracts for pastors; right?

2 A Not to my knowledge.

3 Q Right. So, let me ask you this. And there was a
4 lawsuit filed by Charles Sims; correct?

5 A Charles Sims? Charles Smith.

6 Q Charles Smith. I get it all twisted. All right. So
7 Charles Smith filed a lawsuit, and y'all had a -- y'all
8 asked the Court for a receiver and for a freezing of the
9 funds, is that correct, at that church?

10 A Yes, sir.

11 Q All right. And then, Judge Gravely ordered that a
12 meeting be held on the 15th of --

13 MR. DUNCAN: Objection, Your Honor. I mean,
14 this is --

15 MR. SMITH: Well, it's --

16 MR. DUNCAN: -- I mean, this is going into the
17 previous case that --

18 MR. SMITH: -- no, I was just asking about the
19 meeting -- excuse me.

20 MR. DUNCAN: -- I mean, I guess if he's got
21 knowledge, I guess he could do that. But it's -- you
22 know.

23 THE COURT: As long as it's not leading.

24 MR. DUNCAN: Thank you, Your Honor.

25 BY MR. SMITH:

DECLARATORY JUDGMENT HEARING

1 Q Okay. So, was there a meeting? Did Judge Gravely
2 order a meeting, to your knowledge?

3 A Yes.

4 Q And was the meeting held?

5 A At the Enoree Center.

6 Q When, what date? The Court can take judicial notice
7 of it.

8 A I'm not sure.

9 Q Okay.

10 A But anyway, we had a meeting at the Enoree
11 Association.

12 Q All right. Okay. I'm going to show you what has been
13 marked as Plaintiffs' Exhibit No. 9. It has been offered
14 into evidence. Is that your signature down here?

15 A Yes, sir.

16 Q What does that letter say?

17 A Do you want me to read the whole thing?

18 Q You can read the pertinent parts about --

19 A Okay. "The purpose of this letter is to notify you
20 that your tenure as pastor at Enoree Fork Baptist Church
21 has been terminated, effective immediately, due to your
22 total disregard of church constitution and bylaws, the
23 fact that you have improperly terminated members from the
24 church, placed no-trespass orders against several members
25 as well, and the fact that you are in default with the

DECLARATORY JUDGMENT HEARING

1 current lawsuit against you for misappropriation of church
2 funds."

3 Q All right. So, at the time that you wrote the letter,
4 it was your position along -- it was your position with
5 the people who actually signed the letter that he was in
6 violation of the constitution himself; is that correct?

7 A Well, since he left and all that --

8 Q Just answer that question.

9 A -- yes, sir.

10 Q All right. Now, explain.

11 A Well, since he left and all the other associates left
12 with him, I was about the only minister left in the
13 church, so I guess they put me in that position to do
14 that.

15 Q Okay. How did he violate the terms and conditions of
16 the constitution?

17 A Well, he -- to be honest, we never had a meeting. He
18 wouldn't allow us to have a meeting, so we didn't discuss
19 nothing.

20 Q Okay. So let's parse that out.

21 A Okay.

22 Q Who is "he" wouldn't allow a meeting?

23 A Reverend Jackson.

24 Q Okay. He wouldn't allow you to have a meeting?

25 A No, sir.

DECLARATORY JUDGMENT HEARING

1 Q And what was his reasons for preventing you from
2 having a meeting?

3 A I'm not -- well, I'll let somebody else get into that
4 because it would be hearsay coming from me.

5 Q Okay. So you don't know of your own personal
6 knowledge?

7 A Not personal.

8 Q All right. But you state in here the church has not
9 had an official church meeting to remove any church leader
10 from their post since you were hired as pastor; is that
11 correct?

12 A That's correct.

13 Q Then you signed a no-trespass notice. Is that your
14 signature on that document?

15 A Yes, it is.

16 Q Against Reverend Jackson; is that correct?

17 A Yes, sir.

18 Q Did you sign one against a Ms. Robinson or Ms. Zelma
19 Brown?

20 A We only had one, and that's this one.

21 Q Okay. Why did you deem it necessary to put a trespass
22 notice on Reverend Jackson?

23 A Well, if -- do I need to go into it?

24 Q Well, I'm just asking a question.

25 A Well, misappropriation of funds.

DECLARATORY JUDGMENT HEARING

1 Q Okay. That's a different lawsuit, okay, but thank
2 you.

3 A Okay.

4 Q But that was one of the reasons?

5 A It was.

6 Q Why was the doors on the church locked? Did he ever
7 lock the doors on y'all?

8 A I think he was on his way to lock the door, but we
9 beat him to it.

10 Q Okay. And then what happened? Y'all didn't -- y'all
11 didn't tell -- did y'all -- let me -- did y'all tell any
12 of the members who left with him that they couldn't come
13 back to Enoree Fork Baptist Church?

14 A The doors were locked before all of that happened.
15 The doors were not locked when before that happened. They
16 was welcome back at any time.

17 Q Okay.

18 A Everybody except Reverend Jackson.

19 Q I'm going to show you what has been marked as
20 Plaintiffs' Exhibit No. 11. What is No. 11?

21 A You want me to read it?

22 Q Yeah.

23 A "This letter is to notify you that the --

24 Q What date is it? What's the date on the letter?

25 A The date?

DECLARATORY JUDGMENT HEARING

1 Q Yes, sir.

2 A April the 10th, 2017.

3 Q Okay.

4 A "This letter is to notify you that the chairperson of
5 Enoree Fork Baptist church deacon board held a special
6 meeting Sunday, April 9th, to inform you the church body
7 of their decision to terminate you as pastor, effective
8 April the 3rd, 2017. Please note that in this special
9 meeting of the church body, the Enoree Fork Baptist Church
10 family unanimously voted to approve and confirm the deacon
11 board chairperson's decision to terminate you as pastor of
12 Enoree Fork Baptist Church."

13 Q Okay.

14 A And it was all based on misappropriation of funds.

15 Q Now, did -- can you tell us whether or not y'all gave
16 Reverend Jackson or Ms. Robinson the authority to change
17 the -- the -- the person on the -- the registered agent on
18 the articles of incorporation?

19 A No, sir. I don't think they did. I'm not sure,
20 though.

21 Q Did you ever have a vote over it at Enoree Fork 100?

22 A No, we never did.

23 Q Have they ever provided y'all with any funds of
24 whatever nature?

25 A Not to my knowledge.

DECLARATORY JUDGMENT HEARING

1 Q Have they ever paid off the bills and mortgages of
2 Enoree Fork 100 where y'all are located?

3 A We did that. No, sir, they didn't.

4 Q When you say "we," you're talking about your --

5 A Those of us that was left.

6 Q -- and all y'all about debt free now?

7 A I'm not sure where we stand.

8 Q Okay. That's not -- that's above your pay grade?

9 A Yes, sir. I let them handle the money.

10 Q So, to your knowledge, did Judge Gravely make
11 everybody a member of the church at some point?

12 A Well, according to him, everybody was.

13 Q Okay. And y'all had the meeting because of that; is
14 that correct?

15 A Yes.

16 Q Was it -- Reverend, to your knowledge -- Reverend
17 Jackson, to your knowledge, now -- do you -- nevermind.
18 We already asked him that. Answer any questions of that
19 guy.

20 THE COURT: Cross-examination?

21 MR. DUNCAN: Yes, Your Honor.

22 CROSS-EXAMINATION

23 BY MR. DUNCAN:

24 Q And, Mr. Dawkins, I'm going to ask you about the --
25 the letter dated April the 10th. I believe that's number

DECLARATORY JUDGMENT HEARING

1 -- Plaintiffs' Exhibit 11. Do you have that in front of
2 you?

3 A I don't.

4 Q Do you have the April 10th, 2017, letter now?

5 A April 10th? I do.

6 Q Okay. All right. All right. And it says in -- in
7 here that -- that -- that the church -- somebody voted to
8 have -- to accept the decision of the board of deacons to
9 terminate Pastor Jackson; is that right?

10 A That's right.

11 Q All right. But you didn't give Pastor Jackson notice
12 of any meeting that you had; right?

13 A I didn't.

14 Q All right. And, to your knowledge, nobody gave Pastor
15 Jackson any notice of that meeting?

16 A I have no idea to that.

17 Q All right. And nobody gave Zelma Brown notice of that
18 meeting, did they?

19 A I don't know.

20 Q All right. And nobody gave Cynthia Robinson notice of
21 that meeting?

22 A I have no idea.

23 Q All right. And you don't know how many people were
24 there that day, do you?

25 A At the meeting?

DECLARATORY JUDGMENT HEARING

1 Q Yes.

2 A Which meeting are we talking about?

3 Q The meeting that you're referencing in your April 10th
4 letter that you signed.

5 A I don't know how many people was there.

6 Q Okay. All right. And you don't -- y'all didn't
7 follow either the '96 or the 2016 constitution and bylaws
8 related to the termination of Pastor Jackson, did you?

9 A I don't know if I need to answer that because it
10 probably -- you probably won't want to hear my answer.

11 Q I asked you the question and --

12 A Okay.

13 Q -- it's a yes or no, you did or you didn't?

14 A Because of what Reverend Jackson had done to the
15 church, we should have put him out of there long before
16 that.

17 Q That may very well be true, but I'm not arguing that
18 point. We're not -- that's not what we're here about
19 today. We're here about whether you followed the -- the
20 church bylaws and constitution in purporting to terminate
21 Pastor Jackson. And my question to you is, y'all did not
22 follow either the 2016 or the '96 bylaws in that action;
23 correct?

24 A I'm not sure.

25 Q All right.

DECLARATORY JUDGMENT HEARING

1 A Because I don't know if it's in the bylaws.

2 Q All right. And you testified that the only person
3 that -- that the church -- whoever's purporting to be the
4 church ousted was Pastor Jackson; right?

5 A As far as I know.

6 Q All right. All right. So, but you -- isn't it true
7 that you signed the trespass notice preventing Cynthia
8 Robinson from coming back to the church, to the church
9 location?

10 A I don't remember signing that.

11 Q All right. If I showed you a document that's
12 titled --

13 A I would like to see it.

14 Q -- all right.

15 THE COURT: Is this an exhibit, or are you
16 getting ready to make it one?

17 MR. DUNCAN: It's an exhibit, yes.

18 THE COURT: Okay.

19 MR. DUNCAN: I don't know what number we're up
20 to now for plaintiffs.

21 THE COURT: I think we're probably on No. 12 for
22 plaintiffs.

23 MR. DUNCAN: And I only have one copy, Your
24 Honor. I'm sorry.

25 //

DECLARATORY JUDGMENT HEARING

1 BY MR. DUNCAN:

2 Q All right. Mr. Dawkins, I'm showing you what's been
3 marked as Plaintiffs' Exhibit 12. Can you tell the Court
4 what that is?

5 A "This letter is to notify you that you are hereby,
6 placed on trespass notice at any and all properties which
7 are owned located at Enoree Fork Baptist Church."

8 Q All right. And is that dated 4/3/17? It would be
9 somewhere near the top.

10 A Is this where he -- I'm thinking this is the letter
11 where he gave me a no-trespass notice against the church.

12 Q Does it say Cynthia Robinson is trespassed from coming
13 to 100 Enoree Road?

14 A "Name of person on notice of no trespass."

15 Q And it says Cynthia Robinson; correct?

16 A It do.

17 Q And it's dated 4/3/2017; correct?

18 A It is.

19 Q And you signed it at the bottom, the first signature;
20 correct?

21 A No, I signed it second.

22 Q Okay. But you signed it?

23 A I did.

24 MR. DUNCAN: I'll move to introduce Plaintiffs'
25 Exhibit 12.

DECLARATORY JUDGMENT HEARING

1 (Plaintiffs' Exhibit 12 was moved
2 for admission into evidence.)

3 MR. SMITH: No objection.

4 THE COURT: Without objection, No. 12 comes into
5 evidence.

6 (Plaintiffs' Exhibit 12 was
7 admitted into evidence.)

8 THE WITNESS: This is the same day we...

9 MR. DUNCAN: Just one second, Your Honor.
10 That's all the questions I have, Your Honor.

11 THE COURT: Okay. Any redirect?

12 MR. SMITH: Nothing, Your Honor.

13 THE COURT: Okay. Pastor, you can step down.

14 THE WITNESS: Thank you, sir.

15 MR. SMITH: We call Mr. Jimmy Davis at this
16 point.

17 (The witness was sworn in.)

18 THE CLERK: If you'll have a seat, and just
19 state your name for the record once you get seated.

20 THE WITNESS: My name is Jimmy Davis.

21 THE COURT: Do you want some water, or are you
22 okay?

23 THE WITNESS: I'm okay.

24 THE COURT: All right.

25 THE WITNESS: May I correct one statement?

DECLARATORY JUDGMENT HEARING

1 MR. SMITH: No, you can't.

2 THE COURT: No, you may not, sir.

3 JIMMY DAVIS

4 was called as a witness, and having been first duly sworn,
5 testified as follows:

6 DIRECT EXAMINATION

7 BY MR. SMITH:

8 Q All right. Would you state your name?

9 A Jimmy Davis.

10 Q Where do you live, Mr. Davis?

11 A 103 Hammetts Glen Way in Greer, South Carolina.

12 Q Are you married?

13 A Yes.

14 Q How long have you been married?

15 A About 13 years.

16 Q What's your wife's name?

17 A Verna Brockman Davis.

18 Q What did you do as a profession?

19 A I was a fire marshal. I retired at 35 years, then I
20 went to with the city police department as a compliance
21 specialist for the City of Greenville.

22 Q All right. And, are you a member of Enoree Fork
23 Baptist Church?

24 A Yes.

25 Q How long have you been a member?

DECLARATORY JUDGMENT HEARING

1 A Since 2009.

2 Q All right. And, since 2009. So that means you were
3 there when Reverend Jackson was hired as a pastor?

4 A That's correct.

5 Q And so, the -- that was -- do you know exactly when
6 that happened, what year?

7 A I think it was 2015.

8 Q All right. In 2015, and when was he finally
9 terminated?

10 A I would say it was about -- it been maybe
11 (unintelligible). I can't think back, it's been so long.
12 I know he was terminated.

13 Q Okay. Excuse me. Okay. Sorry you couldn't hear me.
14 So, let me ask this question. Through the years, have
15 y'all had several votes to terminate Reverend Jackson?

16 A That's correct.

17 Q In order to reaffirm the -- what y'all did in -- in
18 2016?

19 A That's correct.

20 Q And, did you follow the constitution that y'all
21 decided to do and terms and conditions in 2019 when y'all
22 reconfirmed the firing of him?

23 A That's correct.

24 Q Was Reverend Jackson present?

25 A He wasn't.

DECLARATORY JUDGMENT HEARING

1 Q All right. Were any of the others in his faction
2 present?

3 A No, they wasn't.

4 Q So when -- the way the Baptist Church -- how does it
5 operate in giving notice to people about church meetings?

6 A It's two weeks ahead of time.

7 Q All right. And, do you do it from the pulpit, or do
8 you send out e-mails, or do you send out written notices?

9 A We do it in the congregation of the church, the body
10 of the church.

11 Q Okay. And how -- when you do in the body of the
12 church, how does that operate?

13 A We ask for a meeting. And we did ask for the meeting,
14 and the pastor denied us to have a meeting.

15 Q Okay. You're talking about Reverend Jackson. I'm not
16 talking about that now. I'm asking you generally about
17 how it operates that you notify people about the meetings.

18 A Oh. We notify people about the meetings by calling a
19 meeting of the body of the church.

20 Q Okay. Is that done by telephone, cell phone? Is it
21 done by e-mail, is it somebody stands in front of the
22 pulpit and say we're going to have this meeting?

23 A It's done in the church in the front of the pulpit.

24 Q Okay. Is it done during service or after service?

25 A During service.

DECLARATORY JUDGMENT HEARING

1 Q Okay. And the people who actually attend the service
2 are the ones who actually get the notice?

3 A That's correct.

4 Q All right. And that's how y'all give notice, and if
5 you're not there, you don't get notice?

6 A That's correct.

7 Q Now, when Reverend Jackson disassociated himself from
8 Enoree Fork Baptist Church where y'all placed him on
9 trespass notice, he wouldn't have gotten a notice at that
10 point; is that correct?

11 A That's correct.

12 Q But he got the notice from Judge Gravely, didn't he?

13 A That's correct.

14 MR. SMITH: Excuse me, Your Honor. Okay.

15 BY MR. SMITH:

16 Q Okay. So, when y'all went to the meeting on April 15,
17 2017, what transpired at that meeting? Let me ask this.

18 Who was present at that meeting, if you can recall?

19 A Which meeting is that?

20 Q The one that Judge Gravely ordered.

21 A I think, if I'm not mistaken, everybody was there.

22 Q Okay. When you say "everybody," are you talking about
23 all the members?

24 A All the members.

25 Q Reverend Jackson was there?

DECLARATORY JUDGMENT HEARING

1 A Yes.

2 Q All right. And, was there a moderator there?

3 A Yes.

4 Q Okay. Was anything decided with regard to Reverend
5 Jackson's fate at that meeting?

6 A Well, I can't recall. All I was told -- I was there,
7 and they said that we all go back to the original church
8 where it all started. And we all did go back ourself for
9 his side.

10 Q I understand. That's not my question. My question
11 was, was there any motions to reinstate him as pastor at
12 Enoree Fork Baptist Church?

13 A No.

14 Q Did anybody from his side of the faction make a
15 motion?

16 A No.

17 Q Okay. Did his -- okay. No further questions. Answer
18 any questions --

19 THE COURT: All right. Cross-examination,
20 Counsel.

21 CROSS-EXAMINATION

22 BY MR. DUNCAN:

23 Q All right. Mr. Davis, isn't it true you resigned from
24 the trustee board while Pastor Jackson was still there;
25 correct?

DECLARATORY JUDGMENT HEARING

1 A No, I didn't resign.

2 Q And, isn't it true that you also -- you threatened a
3 trustee, Ernest Murray, with physical violence, didn't
4 you?

5 A No, I didn't.

6 Q All right. And you talked about Pastor Jackson not
7 allowing a meeting to happen. But that's because your
8 attorney sent a letter to Mr. Jackson saying that there
9 shouldn't be any meetings until -- until the lawsuit was
10 resolved; isn't that correct?

11 A I don't think that that's what happened. I think what
12 happened is Jackson said that there would not be a meeting
13 in this church because he knows the condition that he was
14 in, and he was trying to hold everything in the process to
15 protect himself.

16 Q But you still testified that you had a meeting,
17 though; right?

18 A Yeah, we had a meeting. He -- he -- let me tell you
19 this. He wouldn't allow us to have a meeting, so we went
20 to the moderator and we had -- he -- we had a meeting
21 there.

22 Q Okay.

23 A Then we were told to go back and have a whole-body
24 church meeting, and his people did not show at that time.
25 We did have the meeting too.



DECLARATORY JUDGMENT HEARING

1 Q That's because you didn't give proper notice; right?

2 A If you don't show, how are you supposed to give -- I
3 don't have peoples' phone number.

4 Q And you don't know how many people were at this
5 purported meeting, do you?

6 A I say it was around 42 or 43. I counted them.

7 Q You counted them?

8 A And they were mostly our people.

9 Q Okay. What meeting are you talking about, just so
10 we're on the --

11 A Let me say this. We had -- we had a meeting. There
12 was no one on Jackson's side present at any meeting. I
13 was told by one of his people that he told them do not
14 show up.

15 MR. DUNCAN: Objection, Your Honor.

16 THE WITNESS: That's the truth.

17 THE COURT: Answer the question.

18 MR. DUNCAN: It was hearsay, is what I was -- he
19 testified to something that he heard somebody say
20 something, so I'm objecting on hearsay grounds.

21 THE COURT: Okay. I will strike that. It's is
22 the hearsay statement.

23 MR. DUNCAN: Thank you.

24 BY MR. DUNCAN:

25 Q But even if you purported to have a meeting, you

DECLARATORY JUDGMENT HEARING

1 didn't follow the church bylaws, did you?

2 A I always follow the church bylaws.

3 Q Okay. So tell me how you followed the bylaws for this
4 -- this meeting that you purported you had to terminate
5 Pastor Jackson?

6 A The bylaws say the -- the trustee and the deacon got
7 together, and we made a decision, and we brought it to the
8 body of the church for a vote, and they'll agreed upon it.

9 Q Right. But you didn't -- you don't know how many
10 people were there that day for that meeting, do you?

11 A I think it -- I mean, we probably had around 25 or 30,
12 because that was the only one we had. Our church doesn't
13 but about 30 (unintelligible) as a split.

14 Q Right. And you don't know for sure who were active or
15 inactive members there that day, do you?

16 A We were all active.

17 MR. DUNCAN: That's all I have, Your Honor.

18 THE COURT: Counsel?

19 MR. SMITH: No redirect, Your Honor.

20 THE COURT: You may step down.

21 THE WITNESS: Thank you.

22 MR. SMITH: We'll call L.C. Thomason.

23 (The witness was sworn in.)

24 THE WITNESS: L.C. Thomason.

25 //

DECLARATORY JUDGMENT HEARING

1

L. C. THOMASON

2

was called as a witness, and having been first duly sworn,

3

testified as follows:

4

DIRECT EXAMINATION

5

Q All right. Mr. Thomason, are you married?

6

A Yes.

7

Q Who are you married to?

8

A Cynthia Thomason.

9

Q Where do you live?

10

A Mauldin.

11

Q Mauldin?

12

A Yes.

13

Q And, how old are you now?

14

A 73.

15

Q 73? And you're a member of Enoree Fork Baptist

16

Church?

17

A Yes.

18

Q How long have you been a member?

19

A All my life.

20

Q All your life?

21

A Yes.

22

Q And what kind of job did you do? Are you retired?

23

A I still work some.

24

Q What you do in terms of a profession?

25

A Mechanic work, diesel mechanic.

DECLARATORY JUDGMENT HEARING

1 Q Diesel mechanic?

2 A Yes, sir.

3 Q And so, you were one of the persons -- you were one of
4 the persons to vote to hire Reverend Jackson; is that
5 correct?

6 A Yeah.

7 Q And that was somewhere around August 2015?

8 A Yeah, whenever that date was. Yes.

9 Q Do you recall whether or not there any meetings to
10 formulate a new constitution?

11 A To formulate a new -- I remember he brought in
12 somebody to change the constitution.

13 Q He brought and he said he was going to change the
14 constitution?

15 A Right.

16 Q Well, what happened?

17 A Well, we don't keep up on the same the constitution.
18 We didn't change it.

19 Q You didn't change it?

20 A No.

21 Q Okay. And, how do you know that?

22 A Well, I just knew about it.

23 Q All right.

24 A It didn't happen.

25 Q Were you given a copy of a proposed new constitution?

DECLARATORY JUDGMENT HEARING

1 A Yeah, I seen a copy of it.

2 Q You saw a copy of it? Did you ever discuss it?

3 A I think --

4 Q She can't pick up a nod. You've got to speak into it.

5 They can't pick up a nod.

6 A All right.

7 Q Did you ever discuss it in a business meeting?

8 A I can't remember --

9 Q All right.

10 A -- discussing it.

11 Q And, who's your sister?

12 A Clarissa --

13 Q Okay.

14 A -- Thomason --

15 Q And what role --

16 A -- or Robinson.

17 Q And what role does she play in the church?

18 A She's a secretary now, I believe, treasurer-secretary.

19 Q All right. Did there come a time when you decided
20 that you were going to cut ties with Reverend Jackson?

21 A Yes.

22 Q And what were your reasons for wanting to cut ties
23 with him?

24 A Because he stole the funds from the church.

25 Q And then, did y'all to try to have a meeting as a

DECLARATORY JUDGMENT HEARING

1 result of y'all's interest in that?

2 A Yes.

3 Q And did y'all present that to Reverend Jackson?

4 A Yes, he knew about it. Yes.

5 Q Okay. Did you ever ask him to -- to -- to -- to meet
6 on the issue?

7 A I'm sure he was told, yeah.

8 Q Okay. I'm not -- I am not asking for speculation.
9 I'm asking, do you know of your own knowledge whether or
10 not a meeting was requested of Reverend Jackson prior to
11 any lawsuits?

12 A There was a meeting. Was he told there was going to
13 be a meeting, is that what you're asking me? Ask me the
14 question again.

15 Q Okay. All right. Did y'all want to discuss with
16 Reverend Jackson whatever concerns y'all had about the
17 finances of the church at any point?

18 A I'm going to say yes to that.

19 Q Okay. Did y'all ever ask Reverend Jackson to -- to
20 call a meeting so y'all could discuss the matter with him?

21 A He wouldn't call the meeting.

22 Q I understand. But my question is, did you ever give
23 him the opportunity?

24 A I'm sure, yeah, he had the opportunity.

25 Q Well, okay. Did you -- yeah, did you ever --

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1 (Unintelligible cross-talk.)

2 BY MR. SMITH:

3 Q -- yourself?

4 A Personally, I didn't. No.

5 Q Okay. Did you have discussions with any of the
6 deacons about the matter who is part of this lawsuit?

7 A Did I have a meeting with the deacons?

8 Q No. Did you have any discussions with members who had
9 been sued in this case about asking for a meeting with the
10 pastor?

11 A Yes.

12 Q All right. And what -- and, let me ask -- let me see
13 -- see -- okay. You signed a letter to Reverend Jackson
14 on April the 3rd, 2017. Do you remember that?

15 A Yes.

16 Q Why did you sign that letter?

17 A Because of the funds that he took from the church --

18 Q All right.

19 A -- in order to get rid of him. Yes, that's why.

20 Q Okay. Now, at first, I think my brother over here, my
21 brother seated over there, he showed some of the witnesses
22 these petitions; is that correct? Do you know about these
23 petitions where people signed?

24 A I think I do.

25 Q Okay. If you can't remember --

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1 A I can't remember.

2 Q -- all right. I'll show you. Maybe this will refresh
3 your recollection. You've got to talk loud enough?

4 A Okay. All right. Okay. Yes.

5 Q What was --

6 A Yes.

7 Q -- what was the purpose of that petition?

8 A To get rid of Reverend Jackson.

9 Q What is this at the top?

10 A "Reasons to suspect the pastor. We, the members of
11 Enoree Fork Baptist Church, authorize the treasurer of the
12 institution to put the lawsuit together, the financial
13 records of Enoree Fork Baptist Church for purpose of the'
14 (unintelligible) 'denomination and investigation and the
15 individual organization that we authorize Attorney
16 Fletcher Smith to represent the church in this matter."
17 So, did this to get rid of Jackson.

18 Q And now, that was Plaintiffs' Exhibit No. 6. In
19 Plaintiffs' Exhibit No. 5, what does it say?

20 A "We, the members of Enoree Fork Baptist Church,
21 request Reverend Sylvester Jackson to be suspended from
22 the position of pastor of Enoree Fork without pay infinity
23 due to the pending lawsuit that has been filed against
24 him. The action is necessary to ensure that it is
25 confirmed that the interest while a full investigation is

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1 ongoing and complainant with the lawsuit."

2 Q All right. So, basically, y'all didn't outright fire
3 Reverend Jackson, is that correct, y'all suspended him?

4 A Suspended him.

5 Q All right. Because y'all had concerns about finances
6 of the church; is that correct?

7 A Correct.

8 Q So, what position did you hold in the church at that
9 time?

10 A I was a trustee.

11 Q Okay. Are you a trustee now?

12 A Yes.

13 Q All right. How long have you been a trustee, if you
14 can recall?

15 A I was a trustee before Jackson came, and I'm still a
16 trustee.

17 Q All right. Did there come a time when he tried to
18 keep you from being a trustee?

19 A No, he didn't try to. No.

20 Q Which constitution did you operate under from the
21 time --

22 A Well, the one that we -- we had before he came.
23 That's the one we operated under.

24 Q -- okay. And was there anything in the -- in the
25 minutes that said y'all rescinded that constitution?

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1 A Which one?

2 Q The first constitution.

3 A No, we didn't. No.

4 Q So that constitution was never rescinded; is that
5 correct?

6 A Correct.

7 Q And there was nothing in the minutes that said y'all
8 were all going to rescind that constitution; is that
9 correct?

10 A Not that I know of. That's correct, yeah.

11 MR. SMITH: Your witness.

12 THE COURT: Cross-examination?

13 MR. DUNCAN: All right.

14 CROSS-EXAMINATION

15 BY MR. DUNCAN:

16 Q Mr. Thomason, isn't it true that you resigned as a
17 trustee before Pastor Jackson became a pastor?

18 A No, that's not true.

19 Q So, it's not true that you -- you resigned and told
20 Pastor Jackson you didn't want to serve anymore because
21 you were traveling a lot with your trucking business?

22 A That's not true. I don't travel with my trucking
23 business. No way.

24 Q That you were busy with your trucking business?

25 A That's not true.

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1 Q You didn't tell him that?

2 A No.

3 Q All right. And you testified about those petitions.
4 You saw those; right?

5 A Yes.

6 Q All right. There's nothing in either constitution
7 that allows any kind of action by the church by a
8 petition, is there?

9 A I don't understand what you're saying.

10 Q You know -- you said you're operating under the 1996
11 bylaws; right?

12 A Right.

13 Q Is there any provision in the 1996 bylaws that says
14 that you can suspend the pastor by a petition of the
15 church of the members?

16 A Well, there could be. I -- I -- I got to look at it
17 again now.

18 Q But you don't know there's anything in there; right?

19 A I would say there probably is.

20 Q Okay. Well, I'm showing you Plaintiffs' Exhibit 1.
21 This is the 1996 bylaws. Look through there and show me
22 where it says a petition can suspend the pastor.

23 A It (unintelligible) says probably not in here, but --
24 because I hadn't read all of this, and I can't remember.

25 Q Okay.

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1 A I'm not sure --

2 MR. DUNCAN: I have no further questions.

3 THE WITNESS: -- if it's in here or not.

4 THE COURT: You can take your time.

5 BY MR. DUNCAN:

6 Q Yeah, if you want to look through it, go ahead.

7 A Let me see.

8 Q Was it your testimony you don't think it's in there,
9 or you still wanting to look? I just want to clarify.

10 THE COURT: I believe it's at the top.

11 THE WITNESS: I would say it's in here, but I --

12 I don't -- I don't know. I really don't know.

13 MR. SMITH: All right. That's fine.

14 THE COURT: And I believe earlier you said
15 "probably not in there," if I remember correctly.

16 MR. SMITH: So, let me ask this.

17 THE COURT: Are you finished now?

18 MR. DUNCAN: If he's not going to testify any
19 further about my question, I am.

20 MR. SMITH: Oh, okay.

21 MR. DUNCAN: Now, I'm done.

22 REDIRECT EXAMINATION

23 BY MR. SMITH:

24 Q So, let me ask this. If it's in the -- if it's not in
25 the constitution, if -- if -- if a member sexually

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1 assaults -- or a pastor sexually assaults a child, y'all
2 can't suspend because him because of your constitution?

3 MR. DUNCAN: Objection.

4 THE WITNESS: We would suspend him.

5 MR. SMITH: All right, then.

6 MR. DUNCAN: No further questions, Your Honor.

7 THE COURT: Okay. You may step down.

8 MR. SMITH: Okay. Ms. Robin Smith.

9 (The witness was sworn in.)

10 THE CLERK: Thank you, ma'am. If you would have
11 a seat, and when you get seated, state your name for the
12 record.

13 THE BAILIFF: Would you like some water?

14 THE WITNESS: I'm. Okay, thank you. Robin Joan
15 Smith.

16 ROBIN JOAN SMITH
17 was called as a witness, and having been first duly sworn,
18 testified as follows:

19 DIRECT EXAMINATION

20 BY MS. SMITH:

21 Q Where do you live, Ms. Smith?

22 A 67 Farrell Lane, Greenville, South Carolina.

23 Q How long have you lived there?

24 A For 35 years.

25 Q Okay. Are you married?

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- 1 A Yes.
- 2 Q Who are you married to?
- 3 A Charles Bennie Smith.
- 4 Q All right. And, he's in the courtroom today?
- 5 A Yes, he is.
- 6 Q Does he have any health problems?
- 7 A Yes.
- 8 Q What kind of health problems does he have?
- 9 A Well, he has COPD and he's a diabetic.
- 10 Q And, did he serve in the military?
- 11 A Yes, he did. He was in Vietnam.
- 12 Q Does he suffer from PS --
- 13 A Yes. Yes, he does.
- 14 Q -- okay. Posttraumatic stress syndrome?
- 15 A That's correct.
- 16 Q All right. Now, how long have you been a member of
- 17 Enoree Fork Baptist Church?
- 18 A Since November of 1985.
- 19 Q Okay. And, are you an officer in the church?
- 20 A Yes. I serve several positions in the church.
- 21 Q Okay. Even right now?
- 22 A Yes.
- 23 Q All right. And, you were you present when Reverend
- 24 Jackson and did you vote for Reverend Jackson to be hired
- 25 as a pastor of that church?

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1 A Yes, I did.

2 Q All right. And when was that, do you recall?

3 A That was actually in 2015.

4 Q Around August?

5 A It was around August of 2015, yes.

6 Q Okay. From August until January, were you apprised of
7 any meetings about a constitution?

8 A There was. You know, because I traveled a lot with my
9 job, he actually passed it out to some of the members, but
10 because of my travel, I didn't get to vote on that.

11 Q Okay. So, let me ask this. How do you know he passed
12 it out some of the members?

13 A Because my husband showed me a copy of it.

14 Q Now, how far did you go in school?

15 A I graduated from Baptist College of Charleston with a
16 bachelors degree, and then I furthered my education a
17 little bit at Greenville Tech.

18 Q All right. And, what profession are you in?

19 A I semi-retired. I actually worked for the Department
20 of Labor years ago, and I was in research for over so many
21 years and I traveled throughout the United States. And
22 now, because I'm semi-retired, I do a little medical -- I
23 work for Acro Courier, so I do medical courier, picking up
24 labs and delivering labs.

25 Q Did you -- did there come a time when you decided to

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1 part company, church company, with Reverend Jackson?

2 A No.

3 Q Okay. So, you didn't want him fired?

4 A Well, when you say "part," I thought you meant to
5 leave, you know, my current church. But there was a time
6 that I no longer wanted Reverend Jackson to be our pastor.

7 Q And why is that?

8 A That's because of misappropriation of funds, and also
9 because of a lot of his actions that occurred within our
10 church family.

11 Q Okay. What kind of actions?

12 A Just like, for instance, when he was first hired,
13 maybe three months later, he gave us this list of items
14 that the church needed to purchase, which was over
15 \$16,000. It put a red flag in my mind at that time.

16 MR. DUNCAN: I'm going to object to the
17 relevance of this for this particular case.

18 THE COURT: I'm going to allow it.

19 MR. SMITH: Thank you.

20 THE WITNESS: And then, there was a time that he
21 mentioned that we needed another church van, and he kept
22 making comments about oh, it was going to help. And we
23 had a church meeting. I did not agree with that --

24 BY MR. SMITH:

25 Q Okay.

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1 A -- for the simple reason that we could not afford it.
2 And we didn't need a van, if we had a van that was sitting
3 out there. I felt that it was something for his
4 Steppingstone Company --

5 Q Okay.

6 A -- that he was a part of.

7 Q All right. So -- so -- but that was all church
8 governance?

9 A It was all church governance. And then he also talked
10 about actually having some type of plan to -- to upgrade
11 the church where we were to pay a certain amount of money
12 to buy a brick. And then, he had church members starting
13 to pay money on that.

14 Q Okay.

15 A I didn't --

16 Q You just didn't agree with that?

17 A -- I did not even start that, because I said you're
18 not going to take my money.

19 Q Right.

20 A Yeah, exactly.

21 Q Okay.

22 A So it's kind of like a precedent was set.

23 Q Okay. So, did you participate in any meetings to
24 terminate his contract -- suspend him first?

25 A Yes.

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1 Q And why did you want to suspend him?

2 A Well, because of his actions and, unfortunately, the
3 way things were going for our church family.

4 Q All right.

5 A Okay? Yes.

6 Q And so, at some point over certain matters -- we're
7 not going to go out into all of it but I want to just
8 touch on it a little bit -- the sheriff's department got
9 involved a little bit, and then they didn't get involved,
10 is that correct --

11 A That's correct.

12 Q -- with regard to it? And that's what y'all were
13 looking at, y'all wanted to find out what was going on
14 with the money?

15 A Exactly.

16 Q Okay. Y'all hadn't made any accusations against him
17 specifically at that time, had you?

18 A No.

19 Q All right. So then, the -- he was suspended based on
20 these documents up here; is that correct? You signed one
21 of them?

22 A Yes. When we had the meeting. But may I back up for
23 a moment?

24 Q Yes, ma'am.

25 A We tried to have a church meeting. We passed out a

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1 document. And this was in October of 2000 -- I know we
2 tried to have a meeting in October of 2016. He would not
3 allow us to have that church meeting.

4 Q And how would he prevent y'all from having a church
5 meeting if y'all wanted to have one?

6 A Well, we pass out the documents, and with him being
7 the pastor, you know, unfortunately, you know, it was what
8 it was at that time. So, it was like there's not going to
9 be a meeting, you know, that's what was said. I remember
10 being at church that Sunday, and it was like there's not
11 going to be a meeting.

12 Q So, in following the terms and conditions of the
13 constitution, y'all could have asked the pastor to set a
14 meeting?

15 A Yes.

16 Q And y'all were expecting -- you had the expectation he
17 would?

18 A Exactly.

19 Q But that never occurred?

20 A It never occurred.

21 Q And y'all wanted to discuss a personnel matter, is
22 that what it was?

23 A We wanted to discuss personnel matters, and also other
24 items that was happening within our church family.

25 Q So, what did y'all have to do when he wouldn't call

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1 the meeting?

2 A Well, what we had to reach out.

3 Q And, who did you reach out to?

4 A We reached out to Moderator Brantley asking him if he
5 could possibly have a meeting over at the Enoree
6 Association Center that's located on Dallas Road in
7 Greenville --

8 Q Okay.

9 A -- and he agreed to that.

10 Q And what was Reverend Jackson's response when y'all
11 decided to try to use other means to have a meeting?

12 A Well, unfortunately, I got kicked out of the church,
13 and there were others. So I feel that that was like a
14 rebuttal, but we still had the meeting, yeah.

15 Q Okay. So, you get kicked out of the church, and then
16 you -- you get kicked out, and then you become an active
17 member at that point?

18 A That's correct.

19 Q And, what happened to your husband?

20 A He got kicked out. I mean, he just started kicking
21 members out of the church. I remember being on traveling
22 and one of my church members called and said, Robin, he
23 had a meeting and he kicked you out --

24 Q Right.

25 A -- you know. So, unfortunately, it happened to quite

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1 a few of us.

2 Q So, how can you comply with the constitution when he
3 starts kicking you out of the church and you want to have
4 a meeting?

5 A I don't see how we were able to do it at the church,
6 that's why we went to the Enoree Association.

7 Q All right.

8 A And we also reached out to the moderator and even the
9 state --

10 Q Okay.

11 A -- in Columbia. That's where the main office is, in
12 Columbia.

13 Q And then, as a last resort, y'all come to me?

14 A Yes.

15 Q And your husband files a lawsuit?

16 A Yes, that's correct.

17 Q But all of that could have been avoided if there was
18 just a meeting?

19 A Just a meeting.

20 Q Okay. So, Judge Gravely issues an order and y'all get
21 to come to a meeting on April the 15th, 2017; is that
22 correct?

23 A Yes.

24 Q And, before that meeting, there were some officers of
25 the church decided to terminate or make a recommendation

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1 that Jackson be terminated?

2 A Yes.

3 Q Did they bring their recommendation of termination to
4 the body of the church to have it acted upon?

5 A They did when we had that meeting at the Enoree
6 Association Center on Dallas Road. We confirmed had voted
7 that he was to be no longer our pastor.

8 Q Okay. So that happened on April the 15th, 2017?

9 A Well, it happened -- we actually had our meeting prior
10 to that date --

11 Q Okay.

12 A -- okay, at the Enoree Association where we signed the
13 sheet confirming that we no longer wanted him to be our
14 pastor --

15 Q All right.

16 A -- okay?

17 Q And once that happened, y'all went to the meeting on
18 the 15th?

19 A Yes.

20 Q That was the day before he --

21 A And the judge ordered that meeting --

22 Q -- all right.

23 A -- about our constitution, and also for us to handle
24 that.

25 Q And if a majority vote had happened at that meeting

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1 and they wanted to have him back as pastor y'all would
2 have accepted that, wouldn't you?

3 A Yes, we would. We would have, you know, if we voted
4 to do that --

5 Q Right.

6 A -- yes.

7 Q But that never came up, did it?

8 A No, it did not.

9 Q And then, the meeting was disbanded?

10 A On -- on the -- on April the 15th, 2017, is when we
11 all were reinstated because, you know, we were all
12 reinstated in order for us to vote in order to confirm
13 that we were to go back to the previous constitution. So
14 we were reinstated, yes.

15 Q All right. So that meant the trespass notices and all
16 that stuff went out the window?

17 A That's correct.

18 Q And so, the people who had trespass notices could
19 actually come back to Enoree Ford at 100 Greer [sic] Road;
20 is that correct?

21 A Yes. They were welcome to come back.

22 Q Did they ever come back?

23 A No.

24 Q All right. Were you ever mean to Zelma Brown?

25 A No. She's an AKA and I'm a Delta but, other than

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1 that, you know, we go back and forth on that.

2 Q Right.

3 A We have a little fun. You know, you try to have some
4 fun.

5 Q Yeah. My wife's a Delta.

6 A Yeah.

7 Q And the -- what about Ms. Cynthia Robinson, she can
8 come back to the church anytime?

9 A Yes, she can come back. I've seen her over at
10 Reverend Williams' church in Anderson a few times. I've
11 gone over to that church --

12 Q Okay.

13 A -- and she attends at times.

14 Q All right.

15 A Yeah.

16 Q Did you to terminate him for any ill will?

17 A No.

18 Q All right. Do you want him to come back and be the
19 pastor at your church at 100 Greer [sic] Road?

20 A No, I do not.

21 Q You don't have a problem with him calling himself
22 Enoree Fork somewhere else, do you?

23 A That's a conflict of interest.

24 Q You think that's a conflict of interest?

25 A Yes, mm-hmm. Yes.

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1 Q All right. Thank you.

2 THE COURT: Finished?

3 MR. SMITH: Yes, sir, finished. I'm sorry.

4 Your witness, brother.

5 THE COURT: Cross-examination?

6 CROSS-EXAMINATION

7 BY MR. DUNCAN:

8 Q All right. Ms. Smith, you talked about going to a
9 moderator and going to the state convention, right, about
10 -- about the issues that the church was having; correct?

11 A We made contact with the main office in Columbia, and
12 then the moderator for the Enoree Association, and also
13 Reverend Simmons, which is over to Upstate.

14 Q Right. And no action was taken by any of those
15 boards, were they?

16 A Will you elaborate on that, please?

17 Q They didn't say Pastor Jackson has to go, did they?

18 A No, they did not, because our meeting was based on
19 what Judge Gravely had instructed us to do, which was to
20 have that meeting on April the 15th, and we scheduled it
21 over at the Enoree Association.

22 Q Okay. But you also talked about a different meeting
23 with Moderator Brantley. Is that --

24 A Yes, uh-huh, that's correct.

25 Q -- all right. And he didn't do anything, did he?

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- 1 A He allowed us to have that meeting, mm-hmm.
- 2 Q But he didn't say that you were right and Pastor
3 Jackson had to go, did he?
- 4 A We didn't ask him that question.
- 5 Q Okay. Didn't Moderator Brantley send you a letter
6 after that meeting?
- 7 A You know, he did send me a letter.
- 8 Q Okay.
- 9 A And that letter, because I was missionary president,
10 the letter said that I was no longer missionary president
11 because Reverend Jackson had kicked me out of the church.
12 The letter didn't specifically was worded that way, so
13 Reverend Brantley did give me a copy of that letter
14 because Sylvester Jackson made him aware that Robin Smith
15 is no longer a member of Enoree Fork Baptist Church, so
16 she's no longer the missionary president. However, the
17 letter was given to me, but I continued to be missionary
18 president within the association rules, not within
19 Reverend Sylvester Jackson's rules or thoughts.
- 20 Q But he also sent you a letter stating that the meeting
21 that you tried to have with -- with -- with Moderator
22 Brantley was improper, didn't he?
- 23 A Well, we all, as a church family. I wasn't an
24 individual person at that meeting.
- 25 Q But --

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1 A The church that signed -- all of the church members
2 that was present at that meeting. We had that meeting,
3 and Moderator Brantley did not say we could not, or else
4 we would not have been there.

5 Q -- right. But after the meeting, he said that was an
6 unofficial meeting and wasn't --

7 A I don't remember.

8 MR. DUNCAN: That's all I have, Your Honor.

9 MR. SMITH: Let me ask one question.

10 THE COURT: Any redirect?

11 MR. SMITH: Yes, sir.

12 REDIRECT EXAMINATION

13 BY MR. SMITH:

14 Q When -- when Judge Gravely gave that order you were
15 responding to, he follow the constitution. He didn't say
16 which constitution to follow, did he?

17 A No, he did not.

18 MR. DUNCAN: No questions, Your Honor.

19 THE COURT: All right. You may step down,
20 ma'am.

21 THE WITNESS: Thank you.

22 THE COURT: Mr. Smith?

23 MR. SMITH: Yes, sir. Yeah, I'm calling
24 Ms. Brenda Davis.

25 (The witness was sworn in.)

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1 THE CLERK: Thank you, ma'am. If you'll have a
2 seat. Once you get seated, just state your name for the
3 record.

4 THE WITNESS: My name is Brenda Brockman-Davis.

5 BRENDA BROCKMAN-DAVIS
6 was called as a witness, and having been first duly sworn,
7 testified as follows:

8 DIRECT EXAMINATION

9 BY MR. SMITH:

10 Q And, are you married to Jimmy Davis?

11 A Yes.

12 Q And, where do you live?

13 A At 103 Hammetts Glen Way in Greer, South Carolina
14 29650.

15 Q Okay. How far did you go in school?

16 A My voice just messes up all the time.

17 THE COURT: Would a little water help?

18 THE WITNESS: Not really --

19 THE COURT: Okay.

20 THE WITNESS: -- unless you've got mints or
21 something. Have you got some mints?

22 MR. SMITH: No, I don't have any mints.

23 THE WITNESS: I asked him.

24 MR. SMITH: Oh.

25 THE WITNESS: Do you got any peppermints?

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1 THE COURT: No.

2 THE WITNESS: Okay. That's okay, then.

3 MR. SMITH: Oh, she's got mints.

4 THE WITNESS: Oh, thanks.

5 THE COURT: I figured Ms. Kimberly might have
6 some.

7 THE WITNESS: That is real good. My daughter
8 told me to get these. Thanks.

9 BY MR. SMITH:

10 Q So, did there come a time when you got kicked out of
11 the church too?

12 A Yes.

13 Q All right. You had a close relationship with Reverend
14 Jackson for a good while, didn't you?

15 A Yes. I really did like him. I thought he was really
16 nice and everything.

17 Q Okay. And were you his secretary?

18 A I was the clerk. I believe I was the clerk.

19 Q And you worked closely with him while you were the
20 clerk?

21 A Yes.

22 Q Okay. What caused the two of y'all to have a
23 kerfuffle, or whatever they call that?

24 A Because he started lying about things, and he asked me
25 -- I'm sorry, Your Honor, I get real- I'm even about to

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1 cry when I think about the things he did because I really
2 did like him, and I thought he was a good person and
3 everything. And so, he had told me to go and get this CD
4 from --

5 Q Okay. And we may get to that point. Let's --

6 A Okay.

7 Q -- let's go somewhere else.

8 A Okay.

9 Q Let's transition to -- to you -- you voted to hire
10 him, didn't you?

11 A Yes.

12 Q Okay. Were there any meetings about the constitution
13 between the time he was hired to January 23rd, 2016?

14 A Not that I know of.

15 Q Were you provided a copy of the constitution?

16 A If I was, I do not remember getting it. But we never
17 wanted that because we didn't get to see it, to read it,
18 and to have a meeting about it. You can't vote on
19 something you don't know about.

20 Q Okay. So, the -- when were you actually kicked out of
21 the church?

22 A After he kicked Jimmy out, then he kicked me out.

23 Q Do you recall at what -- what time period? He put
24 y'all on trespass notice, didn't he?

25 A Yes.

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- 1 Q All right.
- 2 A So I put them put him on one as well.
- 3 Q Everybody's doing trespass?
- 4 A Yes.
- 5 Q I heard y'all split up?
- 6 A Yes.
- 7 Q Okay. But you weren't splitting because of Cynthia
8 Robinson, were you?
- 9 A Oh, no. Cynthia sang on the church -- the choir, and
10 we liked her. I still like her.
- 11 Q And you weren't splitting because of Zelma Brown; is
12 that correct?
- 13 A Oh, no, I like Zelma too. I even like Jackson too,
14 but it just hurt what happened.
- 15 Q Right. But -- so, you didn't try to kick Zelma Brown
16 -- let me put it this way -- Ms. Zelma Brown or
17 Ms. Cynthia Robinson out of the church?
- 18 A Oh, no. Mm-mm.
- 19 Q All right. So, what -- what -- did you attend any
20 meetings -- which constitution were you operating under?
- 21 A 1996.
- 22 Q Okay. And while you were operating under the 1996
23 constitution, did there come a time when you decided to
24 suspend Jackson for some reason?
- 25 A Yes, for the reason I was talking about beforehand.

DECLARATORY JUDGMENT HEARING

1 Q Okay. And part of the reason was on these petitions
2 that y'all signed?

3 A Yes.

4 Q Okay. And do you recall -- or do you know whether or
5 not a lawsuit was filed in order to get some of those
6 matters cleared up that were in the petitions?

7 A Yes.

8 Q And did you come to court with Reverend Jackson and
9 the rest and appear before Judge Gravely?

10 A Yes.

11 Q At a certain point, Judge Gravely froze the accounts
12 to make sure nothing could be spent one way or the other;
13 is that correct?

14 A Yes.

15 Q And then, he lifted the suspension of the accounts at
16 some point, didn't he?

17 A Yes.

18 Q Did he order a meeting to be held on -- because y'all
19 got control of the process at a certain point, didn't you,
20 y'all got control of it?

21 A Yes.

22 Q When y'all -- was there a meeting on -- did you attend
23 a meeting on April the 15th, 2017?

24 A Yes.

25 Q Okay. What transpired at that meeting?

DECLARATORY JUDGMENT HEARING

- 1 A They said --
- 2 Q Okay. Let me ask it this way --
- 3 A -- okay.
- 4 Q I'll speed this up.
- 5 A Okay.
- 6 Q Was there a moderator?
- 7 A Yes.
- 8 Q Were there everybody who Judge Gravely said could be
9 members are members, the active and inactive, prior
10 inactive and active are now all in the same building;
11 right?
- 12 A Yes.
- 13 Q Did anybody move to rehire Jackson after the letter
14 y'all sent?
- 15 A Oh, no.
- 16 Q Nobody from his side and nobody from y'all's side?
- 17 A No.
- 18 Q So, let me get this straight. And y'all read this
19 order. Judge -- Judge said follow the constitution;
20 right?
- 21 A Mm-hmm.
- 22 Q He didn't get involved in deciding which constitution
23 y'all were going to follow; is that correct?
- 24 A No.
- 25 Q All right. No further questions.

DECLARATORY JUDGMENT HEARING

1 THE COURT: Cross-examination?

2 CROSS-EXAMINATION

3 BY MR. TOOMEY:

4 Q Ms. Davis, you were actually the assistant clerk to
5 Pastor Jackson at the time; is that correct?

6 A Yes.

7 Q The actual clerk, that was Cynthia Robinson?

8 A Yes, mm-hmm.

9 Q And you said you weren't aware of any of the meetings
10 that were held -- purported to be held concerning the
11 constitution and adoption of the new bylaws? You just --
12 those meetings didn't happen, according to you; is that
13 correct?

14 A No. Now, we did have a meeting, but we could not vote
15 on it because no one knew anything about it. We didn't
16 have a chance to look over it, to read it, to study it.
17 You don't vote on anything in the blind. I mean, you
18 wouldn't have anybody to come to your house and just fix
19 your house and then want an amount of money and you didn't
20 know nothing about it. We couldn't vote on it.

21 Q Did you receive an advance copy of the bylaws or the
22 constitution?

23 A No. He talked to us about it when he came that
24 morning. He talked about the constitution and everything,
25 and he wanted us to vote on it, but we couldn't.

DECLARATORY JUDGMENT HEARING

1 Q As an assistant clerk, you sat in on a few meetings of
2 the leadership of the church; is that correct?

3 A Yes.

4 Q Any other officers receive that you saw an advance
5 copy of the constitution or bylaws?

6 A Now, that I don't know. But from just what I know any
7 of us saying that we couldn't vote on it, then no one had
8 -- must not have had a chance to go over it, to read it,
9 to understand it, or anything like that.

10 Q And your -- your notice of this, this was just sort of
11 an introduction that they were proposing to do, so it was
12 before they purported to adopt it; is that correct? So,
13 you became aware of the constitution and bylaws by an
14 announcement by Pastor Jackson?

15 A Yes.

16 Q Was that at a congregational meeting or a church
17 service?

18 A It was a meeting at the church.

19 Q When was that?

20 A I think it -- it had to be on a Saturday or something,
21 I would think. But I do remember him talking about the
22 constitution. I remember people saying that no, we can't
23 vote on it, we don't know all of this and everything. But
24 Jackson was telling us what was in it, but we didn't have
25 the paper right in front of us to read it and study it.

DECLARATORY JUDGMENT HEARING

1 Q Approximately what month was this? Was this was in
2 October, November in 2015 or --

3 A I don't know. You could probably ask Jackson. He'll
4 probably know.

5 Q Do you attend church every Sunday?

6 A I tried to until Jackson kicked me out. But, like I
7 told him, it's God's house. You're not supposed to kick
8 us out of God's house. You're there to save souls, not to
9 kick them out.

10 Q So, you did -- you have missed some prior to being
11 kicked out of the church, as you put it?

12 A Not really. I used to be there.

13 Q Every single Sunday? You didn't miss a single --

14 A I almost said every Sunday because mama made us go to
15 church, and you had to put your money in church, and you
16 had to go to church.

17 Q I love it, but I guess the question is, did you miss a
18 single church service ever?

19 A I mean, I probably could have. I'm not going to lie
20 and say I didn't because I don't know, but I know most of
21 the time I was at church. If you don't go to church, you
22 don't feel good during the week.

23 Q Is it possible you might have missed a church service
24 where they actually did introduce the bylaws and the
25 constitution?

DECLARATORY JUDGMENT HEARING

1 A Oh, no, because that would have been on a Saturday or
2 something when they did it during church service.

3 MR. DUNCAN: Nothing further.

4 THE WITNESS: Okey-doke. Bye.

5 MR. SMITH: Nothing from me, Your Honor.

6 THE COURT: You may step down, ma'am.

7 (The witness was sworn in.)

8 THE CLERK: If you could have a seat. Once you
9 get seated, just state your name for the record.

10 THE WITNESS: Larissa Thomason Robinson.

11 LARISSA THOMASON ROBINSON

12 was called as a witness, and having been first duly sworn,
13 testified as follows:

14 DIRECT EXAMINATION

15 BY MR. SMITH:

16 Q Ms. Robinson, have you ever been in court before, I
17 mean, testified?

18 A Well, unfortunately, yes.

19 Q Okay. So, are you married?

20 A I am.

21 Q How many children you got?

22 A I have two daughters. We have two daughters.

23 Q Have you got grandchildren?

24 A Grandchildren, I have four.

25 Q Four. Great-grandchildren?

DECLARATORY JUDGMENT HEARING

- 1 A No greats. They're too little. The oldest is 5.
- 2 Q I hear you. So anyway, is your brother L.C. Thomason?
- 3 A Yes.
- 4 Q All right. And how long have you been a member of
- 5 Enoree Fork Baptist Church?
- 6 A All my life. I mean, I've been going there -- I think
- 7 I joined the church when I was 10, 9 or 10.
- 8 Q And have you served in a number of positions in the
- 9 church?
- 10 A I have.
- 11 Q What --
- 12 A I remember my dad was a Sunday school superintendent.
- 13 I was a secretary of the Sunday school. I was assistant
- 14 treasurer. And now, personally, I am the treasurer of the
- 15 church.
- 16 Q All right. So, you -- you voted to hire Reverend
- 17 Jackson?
- 18 A I did not. I didn't vote for him, no.
- 19 Q Oh, okay.
- 20 A I was back and forth at that time when they were
- 21 searching for a pastor, and I was in New York. But I did
- 22 hear him twice, and I chose not to vote. I didn't want do
- 23 absentee because I just didn't feel like that with him
- 24 being my pastor.
- 25 Q Okay.

DECLARATORY JUDGMENT HEARING

1 A No, I did not vote for him.

2 Q Did there come a time when -- did -- did he do
3 anything that made you feel bad about him over time?

4 A No --

5 Q All right. So --

6 A -- not during the time I was going back and forth to
7 New York.

8 Q -- all right. Did you decide to join with other
9 members and terminate his -- terminate him from the
10 pulpit?

11 A Mm-hmm.

12 Q And, why is that?

13 A Because I saw what was happening. It was about that
14 time when I was moving back here. And, yes, I went to the
15 meeting that was held at the center. I was at that
16 meeting.

17 Q When you say the center --

18 A The Enoree River Association, the one on Dallas Drive.
19 Yes, I was at that meeting, and I was able to be here to
20 go to that. And once I found out about what he was doing
21 with funds of the church, yes, and I was in agreement to
22 go with that.

23 Q All right. And so, did you sign -- sign any -- did
24 the deacons to bring you a document that said they were
25 going to fire him -- make a proposal to fire him and get

DECLARATORY JUDGMENT HEARING

1 y'all's authorization to do it?

2 A Well, the deacons didn't come to me, but yes.

3 Q I mean, not come to you, but did y'all have a meeting?

4 A Yes, there was a meeting, but I was not at that
5 meeting.

6 Q Okay.

7 A I wasn't at that meeting.

8 Q Did you ever sign any documents at any point to
9 terminate him?

10 A I signed that petition that was -- the members did.

11 Q Okay.

12 A I was here to do that.

13 Q Why were y'all forced to sign petitions rather than
14 just meet as a church body to do it?

15 A Well, my understanding, like it's been said, they
16 wasn't given a meeting, but of course, we would like to
17 have had a meeting with the whole church. But once we was
18 able to at least get a meeting at the Enoree River Center,
19 that was --

20 Q Okay. So let's -- let's --

21 A -- that's what got us started there.

22 Q -- yes, ma'am. I apologize for cutting in. All
23 right. So, as I understand it, he left in January 2017;
24 is that correct?

25 A I'm thinking -- well, I just remembered that for sure

EXHIBIT S

Email Record (Transcript Request and December 16, 2025 Letter Correspondence)

September 2025 – February 2026

Sylvester Jackson v. Charles "Bennie" Smith

S.C. Supreme Court – Appellate Case No. 2025-001623

Petition for Writ of Certiorari – Filed May 21, 2026

Fletcher Smith

From: Velvet Mills <vmills@LegalEagleInc.com>
Sent: Monday, September 15, 2025 5:21 PM
To: Fletcher Smith
Subject: RE: Transcript Request: Jackson vs Smith

Sylvester Jackson vs Charles Bennie Smith



Velvet Mills
Transcript Manager | Legal Eagle

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Sent: Monday, September 15, 2025 5:18 PM
To: Velvet Mills <vmills@LegalEagleInc.com>
Cc: Fletcher Smith <fsmith@bellsouth.net>; Transcripts <transcripts@sccourts.org>; Info <Info@LegalEagleInc.com>
Subject: Re: Transcript Request: Jackson vs Smith

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On Sep 15, 2025, at 4:58 PM, Velvet Mills <vmills@legaleagleinc.com> wrote:

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Subject: Transcript Request: Jackson vs Smith

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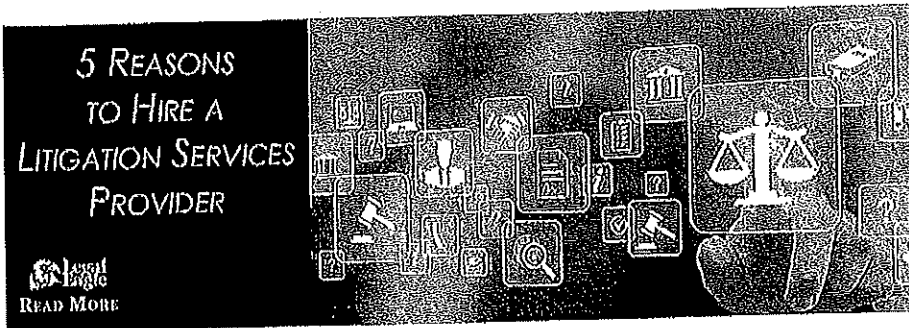


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From: Velvet Mills <vmills@LegalEagleInc.com>
Sent: Wednesday, December 17, 2025 3:50 PM
To: Loretta Maddox; Fletcher Smith
Cc: Fletcher Smith; Transcripts; info
Subject: RE: Transcript Request: Jackson vs Smith

Loretta,

Thank you for your call earlier. I'm glad we were able to get to the bottom of it. I have put it into production.



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Sent: Wednesday, December 17, 2025 3:15 PM
To: Fletcher Smith <fsmith@pedmontlegal.com>; Velvet Mills <vmills@LegalEagleInc.com>
Cc: Fletcher Smith <fsmith@bellsouth.net>; Transcripts <transcripts@sccourts.org>; Info <info@LegalEagleInc.com>
Subject: Re: Transcript Request: Jackson vs Smith

Yes! Confirmed

Thank you,

Loretta Maddox

Legal Administrator to Fletcher N. Smith, Jr., Esq.

112 Wakefield St. (29601)

PO BOX 10496

Greenville, SC 29603

loretta@pedmontlegal.com

From: Fletcher Smith <fsmith@pedmontlegal.com>

Sent: Monday, September 15, 2025 5:18 PM

To: Velvet Mills <vmills@legaleagleinc.com>

Cc: Fletcher Smith <fsmith@bellsouth.net>; Transcripts <transcripts@sccourts.org>; Info <info@legaleagleinc.com>

Subject: Re: Transcript Request: Jackson vs Smith

What case is this?

Fletcher

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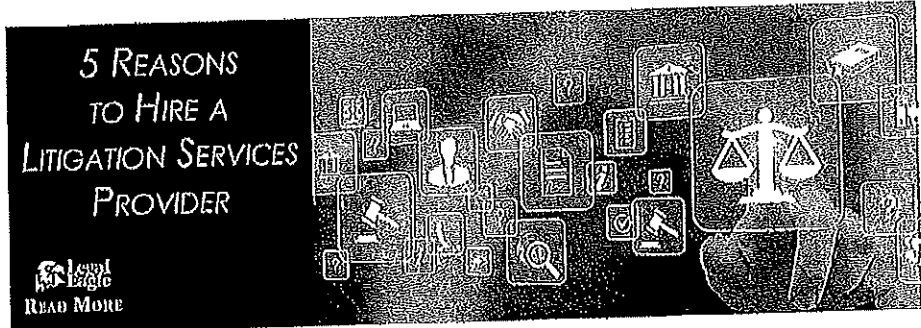
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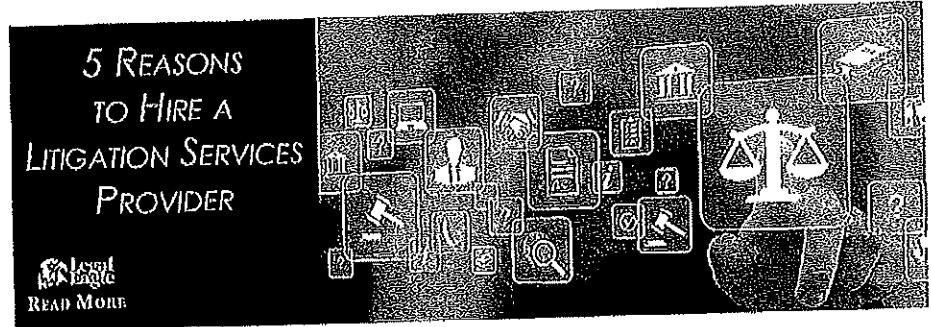
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From: Fletcher Smith <fsmith@pedmontlegal.com>
Sent: Monday, September 15, 2025 5:18 PM
To: Velvet Mills <vmills@legaleagleinc.com>
Cc: Fletcher Smith <fsmith@bellsouth.net>; Transcripts <transcripts@sccourts.org>; info <info@legaleagleinc.com>
Subject: Re: Transcript Request: Jackson vs Smith

What case is this?
Fletcher
Sent from my iPhone

On Sep 15, 2025, at 4:58 PM, Velvet Mills <vmills@legaleagleinc.com> wrote:

Fletcher,

Today, Legal Eagle was assigned your transcript request in the above referenced matter. Based upon our review of the records, it appears this transcript will be approximately 120 pages long. The following was indicated on the request from:

- Standard Delivery (60 Days)
- PDF/Email Requested

The estimated standard delivery cost for this transcript is \$510.00.

Please note that the page estimate is not guaranteed. The price indicated above is an approximation based on the audio length. The actual cost and page count may vary due to

several factors including but not limited to speech rate, side bars, Q&A v Colloquy, and hearing type. A final invoice will be sent when the transcript is completed.
Please include any attorneys who were present at each hearing and who they represented with your confirmation as the attorneys are not always introduced in the audio.

Once you have authorized us to proceed by responding to this email, we will place your transcript inline for production with a 60-day due date, although transcripts are usually completed much earlier. If you have any questions, please let us know.
Thank you,

<image001.png> **Velvet Mills**
Transcript Manager | Legal Eagle

M (864) 325-5486 | P (864) 467-1373
E vmills@legaleagleinc.com

107 LeGrand Blvd., Greenville, SC
29607
www.LegalEagleInc.com

<image002.png>
<image003.png>

<image004.png>

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compliance and other essential capabilities. Mimecast helps protect large and small organizations from malicious activity, human error and technology failure; and to lead the movement toward building a more resilient world. To find out more, visit our website.

Fletcher Smith

From: Velvet Mills <vmills@LegalEagleInc.com>
Sent: Monday, January 5, 2026 8:47 AM
To: fnsmith@bellsouth.net
Cc: info; Transcripts
Subject: Completed Transcript: Jackson vs Smith
Attachments: 6.20.25_2019-CP-23-06363 SYLVESTER JACKSON, ET AL v CHARLES BENNIE SMITH, ET AL.pdf; Invoice 109076.pdf

Fletcher,

Attached are the transcript and invoice for the above referenced matter. If you have any questions after the review of the transcript, please let us know. We would be happy to revisit any concerns.

Thank you,



Velvet Mills
Transcript Manager | Legal Eagle

M (864) 325-5486 | P (864) 467-1373
E vmills@legaleagleinc.com

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Disclaimer

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

Appeal From Greenville County
In The Court Of Common Pleas

Patrick C. Fant III Circuit Court Judge

Docket No.: 202110318 CASE ID. NUMBER 3049442

Appellate Case No. 2025-001623

ENOREE FORK BAPTIST CHURCH

Plaintiff,

vs.

Sylvester Jackson, Stepping-Stone Ministries, Inc., William M. Landreth, Landreth Properties, LLC, Cordell Porter, Donald Cox, Ernest Murray, Crescom Bank/Formerly Greer State Bank, and Rodney Butler

Defendants.

AND

SYLVESTER JACKSON, KAREN ROBINSON, MICHAEL ROBINSON, DOROTHY WILLIAMS, JOHN WOODFOLK, ERNEST "TERRY" MURRAY, DONALD COX, TIMOTHY MCBEE, DERRICK COX, REGINALD JACKSON, WILLIE FOSTER, CYNTHIA ROBINSON, ZELMA BROWN, TELEK COBB, SARAH THOMASON, and THURSHIA JAMISON-JACKSON,

Respondents,

v.

CHARLES "BENNIE" SMITH, ROBIN SMITH, LARRY DAWKINS, MABLE DAWKINS, JIMMY DAVIS, BRENDA DAVIS, DOROTHY THOMASON, L.C. THOMASON, and JAMES SIMS,

Appellants.

Fletcher Smith

From: Loretta Maddox
Sent: Thursday, February 12, 2026 3:33 PM
To: Info; Fletcher Smith
Cc: Fletcher Smith; Transcripts; Adam Shirley
Subject: Re: Transcript Request: Jackson vs Smith

Kevin,

Could I please get the date of this deposition?

Thank you,

Loretta Maddox
Legal Administrator to Fletcher N. Smith, Jr., Esq.
112 Wakefield St. (29601)
PO BOX 10496
Greenville, SC 29603
loretta@piedmontlegal.com

From: info <Info@LegalEagleInc.com>
Sent: Thursday, February 12, 2026 10:19 AM
To: Loretta Maddox <Loretta@piedmontlegal.com>; Fletcher Smith <fsmith@piedmontlegal.com>
Cc: Fletcher Smith <fsmith@bellsouth.net>; Transcripts <transcripts@sccourts.org>; Adam Shirley <AShirley@LegalEagleInc.com>
Subject: RE: Transcript Request: Jackson vs Smith

Loretta,

Hope you are doing well. We have not yet received payment for this invoice. Could you look into it for us and when it might be paid? Thank you.



Kevin Döhlinger
Director of Operations

M (864) 444-4219 | P (864) 467-1373
E kdehlinger@legaleagleinc.com

107 LeGrand Blvd., Greenville, SC 29607
www.LegalEagleInc.com

