

MCNAIR
ATTORNEYS

January 17, 2014

Henrietta U. Golding

hgolding@mcnair.net

**Via U.S. Mail and
Facsimile: (803) 734-1839**

The Honorable Jenny Abbott Kitchings
Clerk of Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

JAN 21 2014

Court of Appeals

Re: The Protestant Episcopal Church in the Diocese of South Carolina, et al.
v. The Episcopal Church, et al.; Case No.: 2013-CP-18-00013

Dear Ms. Kitchings:

On January 13, 2014, Appellants, The Episcopal Church in South Carolina, filed an interlocutory appeal of two discovery orders. On January 15, 2014, Respondents moved to dismiss the appeal on the grounds that the discovery orders are interlocutory and not immediately appealable. See e.g. Tucker v. Honda of South Carolina Mfg., Inc., 354 S.C. 574, 577, 582 S.E.2d 405, 406 (2003) (rejecting the argument that a discovery order affecting attorney client privilege touched upon the merits of the case and finding it was not immediately appealable). This letter is to request the Court expedite the Motion to Dismiss the Notice of Appeal.

This declaratory judgment case is pending in Dorchester County, involves more than forty (40) named parties, and has been assigned as a complex case to Judge Diane S. Goodstein. Following the Respondent's Motion to Dismiss the Notice of Appeal, the Honorable Diane S. Goodstein held a telephone conference on January 17, 2014 with all of the parties to discuss the effect of the appeal on discovery and the trial date. Specifically, the parties sought guidance as to the effect of the appeal on numerous depositions noticed by the Respondents set to begin on January 20, 2014 through February 5, 2015. The scheduling order requires the parties identify all witnesses by January 21, 2013 and complete depositions by May 2, 2014.

Judge Goodstein informed the parties that discovery would be stayed. Notwithstanding, Judge Goodstein cautioned the parties that the trial date, which she scheduled with Court Administration for the first two weeks of July 2014, would not be continued.

As a result of the approaching depositions and impending trial date, the

McNair Law Firm, P. A.
Founders Centre
2411 Oak Street, Suite 206
Myrtle Beach, SC 29577

Mailing Address
Post Office Box 336
Myrtle Beach, SC 29578

mcnair.net

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Respondents respectfully request the Court of Appeals expedite Respondent's January 15, 2014 Motion to Dismiss. Please advise if a formal motion is required for this request. Attached is a Proof of Service and the \$25.00 motion fee has been forwarded by U.S. Mail.

Thank you in advance for the consideration.

Yours truly,

McNAIR LAW FIRM, P.A.



Henrietta J. Golding
Amanda A. Bailey

HUG/ck
Enclosure

cc: All Counsel of Record (*via email*)

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

Diane S. Goodstein, Circuit Court Judge

Case No.: 2013-CP-18-00013

The Protestant Episcopal Church in The Diocese
of South Carolina, et al., Respondents,

vs.

The Episcopal Church, et al., Appellants.

PROOF OF SERVICE

I, Carole Koerner, an employee of McNair Law Firm, P.A., attorneys for the Respondents, The Protestant Episcopal Church in the Diocese of South Carolina, The Trustees of the Protestant Episcopal Church in South Carolina, do hereby certify that I have served a copy of the Letter to The Honorable Jenny Abbott Kitchings dated January 17, 2014 from Henrietta U. Golding and Amanda A. Bailey, via Electronic Mail, to counsel of record, on this the 17th day of January, 2014, as indicated below:

Addressee(s): Counsel of Record

Counsel for Appellants:

Thomas S. Tisdale, Jr., Esquire
Jason S. Smith, Esquire
Hellman Yates & Tisdale
King & Queen Building
145 King Street, Suite 102
Charleston, SC 29401

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JAN 21 2014
Ct. Court of Appeals

tst@hellmanyates.com
js@hellmanyates.com

David Booth Beers, Esquire
Mary E. Kostel, Esquire
Goodwin Procter LLP
901 New York Avenue N.W.
Washington, D.C. 20001

Attorneys for The Episcopal Church; and The
Episcopal Church in South Carolina

dbeers@goodwinprocter.com
mkostel@goodwinprocter.com

Allan R. Holmes, Esquire
Timothy Lewis, Esquire
Gills & Holmes
Post Office Box 938
Charleston, SC 29402-0938

Attorneys for The Episcopal Church

aholmes@gibbs-holmes.com
timolewis@gibbs-holmes.com

Counsel of Record:
(Via Email)

C. Alan Runyan, Esquire
Andrew S. Platte, Esquire
Speights & Runyan
2015 Boundary Street, Suite 239
Beaufort, South Carolina 29902
(803) 943-4444
Email: arunyan@speightsrunyan.com
aplatte@speightsrunyan.com

Church of The Cross, Inc. and Church of
the Cross Declaration of Trust

The Church of Our Saviour, of the Diocese
of South Carolina

The Protestant Episcopal Church, of the
Parish of Saint Philip, in Charleston South
Carolina

The Protestant Episcopal Church, The
Parish of Saint Michael in Charleston, in
the State of South Carolina and St.
Michael's Church Declaration of Trust

The Vestry and Church Wardens of the
Episcopal Church of the Parish of St.

Helena and the Parish Church of St.
Helena Trust

Trinity Episcopal Church, Edisto Island

Vestry and Church Wardens of the
Episcopal Church of the Parish of St.
John's Charleston County

Vestry and Church Wardens of St. Jude's
Church of Walterboro

Charles H. Williams, Esquire
Williams & Williams
P.O. Box 1084
Orangeburg, S C 29116-1084
(803) 534-5218
Email: chwilliams@williamsattys.com

David Cox, Esquire
Womble, Carlyle, Sandridge & Rice, LLP
P. O. Box 999
Charleston, South Carolina 29402
(843) 722-3400
Email: dcox@wcsr.com

Thomas Davis, Esquire
Harvey & Battey, PA
1001 Craven Street
Beaufort, South Carolina 29901
(843) 524-3109
Email: tadavis@harveyandbattey.com

C. Pierce Campbell, Esquire
Turner, Padgett, Graham & Laney
319 South Irby Street
P.O. Box 5478
Florence, South Carolina 29501
(843) 662-9008
Email: pcampbell@turnerpadgett.com

I. Keith McCarty, Esquire

The Protestant Episcopal Church in the
Diocese of South Carolina
AND
The Trustees of The Protestant Episcopal
Church in South Carolina, A South
Carolina Corporate Body

The Protestant Episcopal Church in the
Diocese of South Carolina
AND
The Trustees of The Protestant Episcopal
Church in South Carolina, A South
Carolina Corporate Body

The Protestant Episcopal Church in the
Diocese of South Carolina AND

The Trustees of The Protestant Episcopal
Church in South Carolina, A South
Carolina Corporate Body

All Saints Protestant Episcopal Church,
Inc.

St. Bartholomews Episcopal Church

The Church of the Holy Cross

Christ St. Paul's Episcopal Church

McCarty Law Firm, LLC
1212 Wappoo Road
P. O. Box 30055
Charleston, South Carolina 29417
(843) 793-1272
Email: ikeithmccarty@gmail.com

Harry A. Oxner, Esquire
Oxner & Stacy
235 Church Street
Georgetown, South Carolina 29440
(843) 527-8020
Email: oxhat@aol.com

Thornwell F. Sowell, III (Biff)
Bess J. DuRant (803) 231-7832
Sowell Gray Stepp & Laffitte, LLC
P. O. Box 11449
Columbia, South Carolina 29211
(803) 929-1400
Email: bsowell@sowellgray.com
bdurant@sowellgray.com

Robert R. Horger, Esquire
Horger, Barnwell & Reid, LLP
P. O. Drawer 329
1459 Amelia Street
Orangeburg, South Carolina 29115
(803) 531-3000
Email: rhorger@hbrllp.com

William A. Scott, Esquire
Rogers Townsend & Thomas PC
775 St. Andrews Blvd.
Charleston, SC 29407
(843) 556-5656
Email: bill.cscott@rtt-law.com;
bscott@rtt-law.com

Dane Sowinski, Esquire
Rogers Townsend & Thomas PC
775 St. Andrews Blvd.
Charleston, SC 29407
Email: dane.sowinski@rtt-law.com

Christ the King Waccamaw

The Vestry and Church Wardens of The
Episcopal Church of the Parish Of Prince
George Winyah

Church of the Holy Comforter

Church of The Redeemer

Holy Trinity Episcopal Church

Lawrence B. Orr, Esquire
Orr Elmore & Ervin, LLC
P. O. Box 2527
Florence, South Carolina 29503
(843) 667-6613
Fax: (843) 667-0340
Email: lbo@orrfirm.com

Saunders M. Bridges, Jr., Esquire
Aiken Bridges Elliott Tyler & Saleeby
P. O. Drawer 1931
181 E. Evans Street, Suite 409
Florence, South Carolina 29503
(843) 669-8787
Email: smb@aikenbridges.com

Harry Easterling Jr., Esquire
Goldberg & Easterling, P.A.
116 North Liberty Street
Bennettsville, South Carolina 29512
(843) 479-2878
Email: gandelaw@bellsouth.net

Mark Evans, Esquire
147 Wappoo Creek Dr., Ste. 202
Charleston, South Carolina 29412
(843) 762-6640
Email: mevans14@bellsouth.net

Stephen S. McKenzie, Esquire
Coffey, Chandler & Kent, P.A.
8 South Brooks Street
Manning, South Carolina 29102
(803) 435-8847
Fax: (803) 435-8915
Email: steve@cckmlaw.com

Robert S. Shelton, Esquire
Bellamy Law Firm
1000 29th Avenue North
Myrtle Beach, South Carolina 29577
(843) 448-2400
Email: rshelton@bellamylaw.com

David B. Marvel, Esquire

Saint Matthews Church

St. John's Episcopal Church of Florence,
South Carolina

St. John's Episcopal Church of Florence,
South Carolina

St. David's Church

St. Paul's Episcopal Church of
Bennettsville, Inc.

St. James Church James Island, South
Carolina

St. Matthias Episcopal Church, Inc.

The Church of the Epiphany (Episcopal)

St. Paul's Episcopal Church of Conway

The Church of St. Luke and St. Paul,

Prenner Marvel, P.A.
636 King Street
Charleston, South Carolina 29403
(843) 722-7250
Email: dave@prennermarvel.com

Radcliffeboro

David L. DeVane, Esquire
110 N. Main Street
Summerville, South Carolina 29483
(843) 285-7100
Email: david@attorneyscharleston.com

John Furman Wall, III, Esquire
140 Wando Reach Court
Mount Pleasant, SC 29462
(843) 408-3411
Email: walljohn@bellsouth.net

The Church of the Good Shepherd,
Charleston, South Carolina

William A. Bryan, Esquire
Bryan & Haar
508 Highway 17 Business South
Suite B
Surfside Beach, South Carolina 29587
(843) 288-3461
Email: billbryan@bryanandhaar.net

The Church of the Resurrection, Surfside

G. Mark Phillips, Esquire
Nelson Mullins Riley & Scarborough, LLP
Liberty Center, Suite 600
151 Meeting Street
Charleston, South Carolina 29401-2239
(843) 720-4383
Email: mark.phillips@nelsonmullins.com

The Protestant Episcopal Church, of the
Parish of Saint Philip, in Charleston South
Carolina

W. Foster Gaillard, Esquire
Womble, Carlyle, Sandridge & Rice, LLP
P. O. Box 999
Charleston, South Carolina 29402
(843) 722-3400
Email: fgaillard@wcsr.com

The Protestant Episcopal Church, of the
Parish of Saint Philip, in Charleston South
Carolina

Francis M. Mack, Esquire
Emily R. Gifford, Esquire
Richardson, Plowden & Robinson, P.A.
1900 Barnwell Street

The Vestry and Church Wardens of the
Episcopal Church of the Parish of St.
Matthew

Columbia, South Carolina 29201
(803) 576-3717
Email: fmack@richardsonplowden.com
egifford@richardsonplowden.com

Brandt Shelbourne, Esquire
E. Hope Lumpkin, Esquire
Shelbourne Law Firm
131 E. Richardson Ave.
Summerville, SC 29483
Phone: (843) 871-2210
Email: brandt@shelbournelaw.com
hope@shelbournelaw.com

The Vestry and Wardens of St. Paul's
Church, Summerville

Susan MacDonald, Esquire
Nelson, Mullins, Riley & Scarborough, LLP
BNC Bank Corporate Center, Suite 300
3751 Robert M. Grissom Parkway
Myrtle Beach, South Carolina 29577
(843) 448-3500
Email: susan.macdonald@nelsonmullins.com

Trinity Church of Myrtle Beach

Jim Lehman, Esquire
Nelson, Mullins, Riley & Scarborough, LLP
P. O. Box 11070
Columbia, South Carolina 29211
(803) 255-5564
Email:
Jim.lehman@nelsonmullins.com

Allan P. Sloan, III, Esquire
Joseph C. Wilson IV, Esquire
Pierce, Hems, Sloan & Wilson
321 East Bay Street
P.O. Box 22437
Charleston, South Carolina 29413
(843) 722-7733
Email: chipsloan@phsm.net
joewilson@phsm.net

Vestry and Church-Wardens of the
Episcopal Church of the Parish of Christ
Church

Edward P. Guerard, Jr., Esquire
1106 Port Harbor Court
Mt. Pleasant, SC 29464
(843) 852-4530
Email: tguerardjr@gmail.com

John B. Williams, Esquire
WILLIAMS & HULST, LLC
209 East Main Street
Moncks Corner, SC 29461
(843) 761-8232
Email: jbw@williamsandhulst.com

Trinity Episcopal Church, Pinopolis

George J. Kefalos, Esquire
Oana D. Johnson, Esquire
GEORGE J. KEFALOS, P.A.
46A State Street
Charleston, SC 29401
(843) 722-6612
Email: george@kefaloslaw.com
oana@kefaloslaw.com

The Vestry and Church Wardens of the
Episcopal Church of the Parish of St.
Andrew's Church, Mount Pleasant

Stephen Spitz, Esquire
P. O. Box 535
Charleston, SC 29401

Albert A. Lacour, III, Esquire
Clawson & Staubes
126 Seven Farms Drive, Suite 200
Charleston, SC 29492
Phone: (843) 577-2026
Email: alacour@clawsonandstaubes.com

Old Saint Andrews Parish Church

Henry Grimball, Esquire
WOMBLE, CARLYLE, SANDRIDGE & RICE,
LLP.
P.O. Box 999
Charleston, SC 29402
(843) 722-3400
Email: hgrimball@wcsr.com

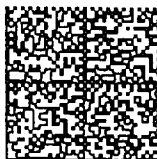
The Protestant Episcopal Church, The
Parish of Saint Michael in Charleston, in
the State of South Carolina and St.
Michael's church Declaration of Trust


Carole Koerner

M C N A I R
ATTORNEYS

Post Office Box 336
Myrtle Beach, SC 29578

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The Honorable Jenny Abbott Kitchings
Clerk of Court of Appeals
1015 Sumter Street
Columbia, South Carolina 29201

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