



Wardens Of The Episcopal Church Of The	)
Parish Of St. Matthew; The Vestry and	)
Church Wardens Of The Episcopal Church	)
Of The Parish Of St. Andrew's Church,	)
Mount Pleasant; The Vestry and Wardens	)
Of St. Paul's Church, Summerville;	)
Trinity Church of Myrtle Beach; Trinity	)
Episcopal Church; Trinity Episcopal Church,	)
Pinopolis; Vestry and Church-Wardens Of	)
The Episcopal Church Of The Parish Of	)
Christ Church; Vestry and Church Wardens	)
Of The Episcopal Church Of The Parish Of	)
St. John's Charleston County,	)
	)
PLAINTIFFS,	)
	)
v.	)
	)
The Episcopal Church (a/k/a, The	)
Protestant Episcopal Church in the	)
United States of America); and The	)
Episcopal Church in South Carolina,	)
	)
DEFENDANTS.	)
	)

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**DEFENDANT-COUNTERCLAIM PLAINTIFF'S FIRST REQUEST  
FOR PRODUCTION OF DOCUMENTS**

COMES NOW Defendant-Counterclaim Plaintiff The Episcopal Church in South Carolina, in the above-styled cause, and requests that Plaintiffs produce for inspection and copying by said Defendant the following documents and things in accordance with South Carolina Rule of Civil Procedure 34.

Defendant further requests that Plaintiffs make such production at the offices of Thomas S. Tisdale, Hellman, Yates & Tisdale, Suite 102, King & Queen Building, 145 King Street, Charleston, South Carolina 29401 within 30 days following service of this request.

## DEFINITIONS AND INSTRUCTIONS

The following definitions and instructions shall apply, except as otherwise indicated by word or context:

A. "Individual" means all natural and legal persons and entities, including, but not limited to, individuals, corporations, joint ventures, partnerships, trusts, estates, sole proprietorships, unincorporated associations, and any agency, branch, or department of any local, state, or federal government.

B. "Communication" means (1) any oral statement, dialogue, telephone conversation, colloquy, discussion, or conversation, and (2) any written transfer of thoughts or ideas between individuals by means of documents, such as correspondence, notes, messages, or facsimile transmissions, including any transfer of data from one location to another by computer, electronic, or similar means.

C. "Identify" or "identification," when used with reference to an individual, means to state the full name, home and business addresses (or, if current addresses are not known, the last known addresses), and telephone number(s) of the individual.

D. "Employee" includes a past or present employee, officer, or agent.

E. Terms in the singular include the plural, and terms in the plural include the singular.

F. "And" and "or" shall include the conjunctive as well as the disjunctive.

G. "You" and "Your" shall mean each and all of the Plaintiffs and any entity related to or affiliated with any of the Plaintiffs, and all persons and agents acting for, with, or on behalf of any Plaintiff, including its Standing Committee, board of directors or trustees and all members

of any such board(s), employees, attorneys, vestry, clergy, financial and other agents, accountants, and other representatives.

H. "Complaint" refers to the Complaint, and all amendments thereto, filed by Plaintiffs in this action.

I. "Document" refers to all writings and records of any type or description that are or have been in your possession, custody, or control, or of which you have any knowledge, including, but not limited to, papers, pamphlets, CD-ROMs, calendars, contracts, charts, diagrams, diaries, drawings, e-mail, files, computer hard drives, computerized data and/or databases, correspondence, inventories, ledgers, letters, magnetic disks, magnetic tapes, memoranda, studies, records, books, manuals, handwritten notes, computer printouts, facsimile transmissions, photographs, receipts, tape-recordings, videotape or motion picture recordings, working papers, notations of any sort of conversation, or any other computerized, archived, electronic, reported, recorded, stored, printed, written, or graphic material in whatever form, including originals and all non-identical copies, whether different from the original by reason of any notation made on such copies or otherwise, however produced or reproduced.

J. "Identify" or "identification," when used with reference to a document, shall mean to state (1) its date; (2) the author, signor, or sender thereof, and his or her address; (3) the recipients, if any, of the document including all copies thereof, and his, her, its, or their address(es); (4) the type of document or communication, and all other means of identifying it; and (5) its present or last known location or custodian. If any document was, but no longer is, in your possession, custody or control, state what disposition was made of it and the reason for such disposition.

K. The Diocese of South Carolina means that certain South Carolina nonprofit corporation commonly known by names that include “The Diocese of South Carolina,” “The Protestant Episcopal Diocese of South Carolina,” and “The Protestant Episcopal Church in the Diocese of South Carolina.”

L. “Personal property” refers to tangible personal property belonging or otherwise pertaining to the Diocese of South Carolina.

M. “Real property” refers to the land and improvements on property belonging to the Diocese of South Carolina, to any parish or mission that is now or claims that at any time it formerly was, within such Diocese or a part of the Diocese, or to any entity affiliated with it.

N. If privilege is asserted as an objection to the production of any document, please identify the document by author, date, all recipients of such document and any copies thereof, and general subject matter, and state the privilege that is claimed and where the document is, or to the best of your knowledge, last was, located and stored.

#### **DEFENDANT’S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

1. Produce all correspondence and other communications, including e-mails, referring or relating to purported quitclaim deeds from the Diocese of South Carolina, as purported grantor, to one or more of the plaintiff parishes.

2. Produce all correspondence and other communications, including e-mails, relating to amendments or changes purportedly made to the Constitution and Canons, or the corporate charter, of the Diocese of South Carolina which were voted upon at any time in 2010 or 2011.

3. Produce all correspondence and other communications, including e-mails, between Bishop Mark J. Lawrence and any one or more of Bishops C. Fitzsimmons Allison, Jack Iker, Edward Salmon, John-David Schofield, and/or Robert Duncan, or other Bishops in The

Episcopal Church, referring, relating to, concerning, or discussing in any way the possible departure or separation of the Diocese of South Carolina from The Episcopal Church.

4. Produce all correspondence and other communications, including e-mails, between Bishop Mark J. Lawrence and Wade Logan, referring, relating to, concerning, or discussing in any way the possible departure or separation of the Diocese of South Carolina from The Episcopal Church, including, but not limited to, the resolution taken up by the Standing Committee in October, 2012.

5. Produce all correspondence and other communications, including e-mails, between Bishop Mark J. Lawrence and Wade Logan, referring, relating to, concerning, or discussing in any way the preparation, execution, delivery, of quitclaim deeds executed or to be executed by the Diocese of South Carolina to parishes within the Diocese.

6. Produce all correspondence and other communications, including e-mails, between Bishop Mark J. Lawrence and Wade Logan, referring, relating to, concerning, or discussing in any way amendments or changes purportedly made, or to be made, to the Diocese of South Carolina's Constitution and Canons, or to its corporate charter.

7. Produce all correspondence and other communications, including e-mails, between Bishop Mark J. Lawrence and Wade Logan, referring, relating to, concerning, or discussing in any way real or personal property, or interests in such property, held by the Diocese, or real or personal property, or interests therein, held by the Trustees of the Diocese.

8. Produce all correspondence and other communications, including e-mails, between Bishop Mark J. Lawrence and Wade Logan during the period from July 1, 2012, through and including November 17, 2012, relating to parish property and the affiliation of the Diocese and its parishes with The Episcopal Church.

9. Produce all correspondence and other communications, including e-mails, between Mark J. Lawrence and any Bishop or Bishops of The Episcopal Church, or between Mark J. Lawrence and any Standing Committee of any other diocese, or dioceses, of The Episcopal Church, at any time during 2006 or 2007 and relating to the consideration by any such Bishop or Standing Committee of consenting to his installation as Bishop of South Carolina.

10. Produce all correspondence and other communications, including e-mails, between Bishop Mark J. Lawrence and any one or more of the Trustees of the Diocese of South Carolina, during the period from January 1, 2010, through and including November 17, 2012, relating to the affiliation of the Diocese with The Episcopal Church.

11. Produce all correspondence and other communications, including e-mails, prior to November 17, 2012, between Bishop Mark J. Lawrence and C. Alan Runyan, referring, relating to, concerning, or discussing the relationship between the Diocese of South Carolina and The Episcopal Church.

12. Produce all documents that you contend support each and every response in which you deny, in whole or in part, any of the Counterclaim-Plaintiff Continuing Diocese's Requests for Admission.

13. Each Counterclaim-Defendant parish is requested to produce all minutes of its vestry for the years 1886, 1887, 1888, 1889, 1890, and 2006-2012

14. Each Counterclaim-Defendant parish is requested to produce its original articles of incorporation and bylaws, and all amendments thereto and changes therein from inception.

15. Each Counterclaim-Defendant parish is requested to produce all documents, including, but not limited to, vestry minutes and parish minutes, that refer in any way to the parish's incorporation or to amendments or changes to that parish's articles of incorporation or by-

laws.

16. Each Counterclaim-Defendant parish that was in existence in 1780 is requested to produce all vestry minutes for the years 1780-1791, inclusive, as well as copies of all correspondence dated during this time period that relates to the legal and ecclesiastical status of each such parish.

17. Each Counterclaim-Defendant parish is requested to produce all of its vestry minutes from 1979, and to produce any and all documents relating to the election of such parish's representatives to the Diocesan Convention of 1979.

18. All Counterclaim Defendants are requested to produce any and all documents related to or discussing the Dennis Canon, including, but not limited to, correspondence with counsel relating to the Dennis Canon's application to property in South Carolina.

19. Produce all documents and communications, including communications with counsel, to which the Rev. Edward Kelaheer or any vestry member of the All Saints vestry recognized by the Diocese at the time as the vestry of All Saints, was a party, including any such documents or communications that were sent to the Rev. Kelaheer or any such vestry member, relating to the litigation involving All Saints Pawleys Island and the appeals in that case.

20. Produce all documents prepared by counsel for Bishop Mark J. Lawrence or for the Diocese relating to the purported 2010-2011 changes in the Diocesan Constitution, Canons, or corporate charter that are referenced in the Plaintiffs' complaint.

21. Produce all quitclaim deeds executed by or on behalf of the Diocese during the period 2010-2012.

22. Produce all documents that you contend provided authority for the execution and delivery of such deeds.

23. Produce all records of or referring or relating to any transfer of assets, property, cash, or cash-equivalents having a value in excess of \$10,000 from the Diocese, or from the Trustees, to any person or entity, including any attorney or law firm, between January 1, 2010, and December 31, 2012.

24. Produce the "first constitution of the Diocese of South Carolina," which, according to Paragraph 8 of your Second Amended Complaint, "was adopted at its 4th convention on May 31, 1786." In doing so, do not simply produce a journal relating to this document, but produce the document.

25. Produce all correspondence and other communications between any of Plaintiffs, or any officer or agent thereof, and Canterbury House, or any officer, director, or agent thereof, during the period from January 1, 2008, through the date of service of your response, relating to the endowment of or for Canterbury House, or to the affiliation of the Diocese with The Episcopal Church.

26. Produce statements of all bank accounts, and securities, brokerage, or other investment accounts of each Plaintiff, and of all individuals affiliated with or related to any Plaintiff, including any individual under the management or control of any Plaintiff, for the period from January 1, 2008, through the date of the service of your response.

27. Produce all communications to or from clergy with any of the Plaintiff-Counterclaim Defendant Parishes that relates to the participation by any of such parishes in the Church Pension Fund of The Episcopal Church.

28. Produce all communications to or from Bishop Mark J. Lawrence or the Diocese addressed to or from St. Andrews Parish dated from January 1, 2008 to November 17, 2012, re-

lating to the property in the name of St. Andrews Parish and the parish's affiliation with the Diocese and The Episcopal Church.

29. Produce all documents, relating to the Articles of Incorporation, bylaws, declarations of trust, and other trust instruments, that serve as governing documents of the Trustees of the Diocese, and copies of all amendments to or changes in any of such governing documents.

30. Produce all documents received from, or addressed to, the Trustees during the period from January 1, 2008 to December 31, 2012.

31. Produce the Minutes of the Standing Committee of the Diocese of South Carolina for all meetings of the committee from January 1, 2005 to November 17, 2012.

32. Produce all minutes of the Plaintiff Trustees of the Protestant Episcopal Church in South Carolina, including, without limitation, minutes of the Board of Directors of the Trustees, for the period from January 1, 2005 to November 17, 2012.

33. Produce the Articles of Incorporation referenced in Paragraph 1 of your Complaint, and all amendments to such Articles, as well as any Articles of Incorporation or Articles of Association preceding the Articles referenced in Paragraph 1.

34. Produce copies of any amendments or changes to the Constitution and Canons of the Diocese of South Carolina that were made subsequent to July 1, 1979, as well as any documents and minutes related to such amendments or changes.

35. Produce all documents related to any request made to the Diocese by any parish for permission to sell, transfer, lease, consecrate, encumber or alienate property held by such parish or for permission to remove or take down any dedicated or consecrated building.

36. Produce all Constitutions and Canons of the Diocese of South Carolina from its formation to November 17, 2012.

37. Produce all documents relating to the sale, transfer, or other liquidation of properties held by dormant or former parishes in the Diocese of South Carolina.

38. Produce all documents relating to the adoption, and consideration, and compliance with, the Canon headed "Prohibiting the Desecration of Consecrated Buildings and the Alienation of Church Property Without Consent of the Ecclesiastical Authority and the Standing Committee" of the Canons of the Diocese of South Carolina.

39. Produce all documents referring, relating to, concerning or discussing actions taken or to be taken by the Diocese of South Carolina to ensure compliance by parishes of the Diocese with Sections 5, 6 and 7 of the Canon headed "Of Business Methods in Church Affairs" of the Canons of the Diocese of South Carolina.

40. Produce copies of all deeds and any other conveyances to or from any of the Counterclaim-Defendant parishes from July 1, 1979 to present.

41. Produce the notice that the Diocese of South Carolina filed in the Georgetown public records on September 19, 2000, along with all correspondence and communications related to the reasons for filing that notice.

42. Produce all documents, other than documents produced in response to any of the foregoing Requests for Production, that you contend support the allegations in your Second Amended Complaint.


[Signature page to follow]

Dated: March 27, 2013

*OF COUNSEL*

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Respectfully submitted,



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