

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

RECEIVED  
MAR 28 2014  
SC Court of Appeals

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

v.

The Episcopal Church, et al., .....Appellant.

RETURN OF THE PROTESTANT EPISCOPAL CHURCH  
IN THE DIOCESE OF SOUTH CAROLINA AND TRUSTEES TO THE APPELLANT'S  
PETITION FOR REHEARING OF THE ORDER DISMISSING APPEAL

The Appellant petitions this Court for rehearing of the March 18, 2014 Order dismissing its Appeal as interlocutory. The Appellant's Petition reasserts the same arguments, nearly word for word, as presented in its' Return to Motion to Dismiss Appeal.<sup>1</sup> Appellant does not cite to nor argue any particular points that have been overlooked or misapprehended by the Court. See Rule 221 (a) SCACR ("petition ...shall state with particularity the points supposed to have been overlooked or misapprehended by the Court); Kennedy v. South Carolina Retirement System, 349 S.C. 531, 532, 564 S.E.2d 322, 322 (2001) ("In order to prevail on a petition for rehearing, appellants must demonstrate the Court overlooked or misapprehended their argument.") Rather,

<sup>1</sup> Excerpt for the first two paragraphs on page 1, eight words in the conclusion on page 21, and the date on page 22, the words are identical in the present motion with the Return to the Motion to Dismiss, including the spelling errors.

the Appellant appears to assert that the Court overlooked its entire argument because it did not decide in its favor.

“The purpose of a petition for rehearing is . . . not to have the case tried in the appellate court a second time.” Herron v. Century BMW, 395 S.C. 461, 466, 719 S.E.2d 640, 643 (2011). Appellant’s arguments are literally a “rehash of what the losing party has said before, matters which the Court has already considered well and disposed of.” Arnold v. Carolina Power & Light Co., 168 S.C. 163, 167 S.E. 234, 238 (1933).<sup>2</sup>

As a result, and pursuant to the March 19, 2014 Order and the arguments set forth in Respondent’s Motion to Dismiss, this Court should deny Appellant’s Petition for Rehearing.

*(Signature to Follow)*

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<sup>2</sup> Eighty-one years ago, the Supreme Court of South Carolina, in commenting on the practice that is demonstrated by this Petition for Relevancy stated as follows:

We regard this as an opportune time to say some things regarding petitions for rehearings, which, perhaps, we should have said a long time ago....The petition must show, according to the rule, “the points supposed to have been overlooked or misapprehended by the Court.” The purpose of a petition for rehearing is not to have presented points for which lawyers for the losing parties have overlooked or misapprehended, and the purpose of a petition for rehearing is not just to have the case tried in this Court a second time.


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Many of them, we fear, some time are filed just for delay. It is a rare thing when the Court grants such a petition. Usually they are dismissed with a simple order to that effect, for the reason that they contain nothing but a “rehash” of what the losing party has said before, matters which the Court has already considered well and disposed of.

*Id.* Time has not changed this pattern. Here, Appellant’s arguments are more than a rehash, they are a “cut and paste” of what this Court has already considered. See note 1 *Supra*.

Respectfully submitted by,

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March 27, 2014

THE STATE OF SOUTH CAROLINA  
In the Supreme Court

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APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas

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Diane S. Goodstein, Circuit Court Judge

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Case No.: 2013-CP-18-00013

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

v.

The Episcopal Church, et al., .....Appellant.

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PROOF OF SERVICE

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I, Denise Boyd, an employee of McNair Law Firm, P.A., attorneys for the Plaintiffs/Respondents The Protestant Episcopal Church in the Diocese of South Carolina, and The Trustees, do hereby certify that I have served a copy of Plaintiffs//Respondents' Return to the Appellant's Petition for Rehearing of the Order Dismissing Appeal to counsel of record, on this the 27th day of March, 2014, via U.S. Mail first class postage prepaid and/or via email communication as indicated below:

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*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*

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*The Protestant Episcopal Church, The Parish of  
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\_\_\_\_\_  
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March 27, 2014

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The Honorable Jenny Abbott Kitchings  
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RECEIVED

MAR 28 2014

SC 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:


With regard to the above subject matter, enclosed for filing with the Court, please find original and seven copies of Respondents' The Protestant Episcopal Church in the Diocese of South Carolina and The Trustees of the Protestant Episcopal Church in South Carolina's Return to the Appellant's Petition for Rehearing of the Order Dismissing Appeal.

Please provide a filed copy of the Return and Proof of Service in the enclosed self-addressed stamped envelope.

With kind regards,

Sincerely,

McNAIR LAW FIRM, P.A.

  
Henrietta U. Golding

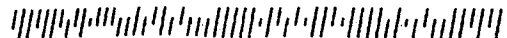
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