



October 23, 2013

Henrietta U. Golding

hgolding@mcnair.net

**VIA EMAIL COMMUNICATION**

The Honorable Diane Schafer Goodstein  
5200 East Jim Bilton Blvd.  
Post Office Box 234  
St. George, SC 29477

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 Judge Goodstein:

This letter is in response to Mr. Tisdale's letter that was emailed to you yesterday, October 22, 2013. Mr. Tisdale's letter adds nothing except confusion and unfortunately, it is disingenuous.

First, the Standing Committee is not a separate entity. It is nothing more than another name for the Plaintiff Diocese's Board of Directors. The Board of Directors, as recognized by All Saints, acts in matters of civil law: "...the majority vestry, acting as the corporation's Board of Directors, approved the Articles of Incorporation at issue today." 385 S.C. 428, 450, 685 S.E.2d 163, 175.

Second, the Court cannot choose between ecclesiastical entities on any issue, including this one. Mr. Runyan's representation is of the organization in its entirety. Civil law does not recognize different parts; it recognizes only that which it can – the civil entity. To do otherwise, would involve the Court in "establishing" a religion between disputing belief systems. Mr. Tisdale's argument makes the point; his representation is of an unincorporated association, "an airy nothing" whose only civil status is so that its members are not required to be individually sued. The statute allowing such "does not alter the substantive rule that an unincorporated association has no legal capacity as such." Gardner v. Lloyd's of London, 296 S.C. 249, 255, 371 S.E.2d 801, 804 (1988). It is, as represented to the Court, solely an ecclesiastical entity.

In order to prevail on this claim, TECSC asks this Court to make a decision that they are the continuing ecclesiastical portion of the Plaintiff, the Protestant Episcopal Church in the Diocese of South Carolina. This position is not correct. To decide this issue as TECSC proposes, this Court must decide who is

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

MYRTLEBEACH 175742v1

The Honorable Diane Schafer Goodstein  
October 23, 2013  
Page 2

**MCNAIR**  
ATTORNEYS

---

the ecclesiastical side of the Diocese of South Carolina. The Court would have to wade into the ecclesiastical quagmire on TECSC's invitation to favor one ecclesiastical entity's interpretation of doctrine and polity over another's. That it cannot do.

The Diocese of South Carolina has structured itself to allow Courts to decide these issues using neutral principles of law. The ecclesiastical side is not and cannot be in front of this Court, but what is in front of this Court is the corporation and the corporation's right not to waive the corporation's claim of privilege over communications of counsel with corporate employees.

Respectfully,

McNAIR LAW FIRM, P.A.



Henrietta U. Golding

HUG:ck

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