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October 22, 2013

Via E-Mail

Honorable Judge Diane Goodstein
Dorchester County Court of Common Pleas
5200 East Jim Bilton Boulevard
St George, S.C. 29477

RE: The Protestant Episcopal Church in the Diocese of South Carolina, et al. v. The Episcopal Church, et al.
Dorchester County Court of Common Pleas
Case No. 2013-CP-18-00013

Dear Judge Goodstein,

Yesterday, during our ongoing review of the voluminous production from the many Plaintiffs in this case, we discovered evidence related to Mr. Runyan's representation of the Diocese prior to November 17, 2012. This evidence conflicts with the Plaintiffs' argument and affidavit that Mr. Runyan only represented the Diocese's corporate entities on corporate issues. We have amended our proposed order granting TECSC's motion to compel accordingly and attached it hereto for your consideration.

In particular, the Minutes of the Standing Committee produced by Plaintiffs explicitly provide that Mr. Runyan was engaged by and represented the "Standing Committee" of the Diocese, both as an ecclesiastical body and as the Board of Directors of the corporation, on both ecclesiastical and corporate issues. For example:

- 2/9/2010 "The Rev. Miller read a letter of agreement and recommended that the **Standing Committee** consider engage **Mr. Alan Runyan** as counsel. The Rev. Gaillard moved same, Mr. Drakeford seconded the motion, and it passed." DSC-313-01475.
- 7/16/2010 "**Mr. Runyan** and Mr. Logan reviewed recent legal and **canonical issues.**" DSC-313-01476.
- 3/1/2011 "Mr. Wade Logan, Chancellor, explained that he, the Bishop, Canon Lewis had the right to seat and voice, but no vote, at meetings of the Committee and also that the **members of the Standing Committee are simultaneously the members of the Board of Directors** for The Protestant Episcopal Church in the Diocese of South Carolina. Mr. Logan described some of the formalities required under corporate law. **Bishop Lawrence explained Mr. Logan's role and that Alan Runyan had**

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been retained by the Standing Committee to give advice as its lawyer." DSC-313-01482.

5/1/2012 "Alan Runyan informed the SC [Standing Committee] that the blue book issued to General Convention 2012 deputies contains resolutions pertaining to changing disciplinary canons of the Episcopal Church." DSC-313-01509.

In light of these Minutes, it is notable that the words "Standing Committee" do not appear anywhere in Mr. Runyan's affidavit describing his representation. Not only did the Standing Committee clearly believe Mr. Runyan was its lawyer, Mr. Runyan attended most if not all of the Standing Committee meetings during the period in question.

In sum, this evidence clearly demonstrates that Mr. Runyan's representation was not restricted to the Diocese's corporate entities; rather, he jointly represented the Standing Committee as a part of the larger ecclesiastical organization of the Diocese. As such, for the reasons set forth in TECSC's proposed order, namely the law pertaining to joint representation and organizational clients, no communications from or to Mr. Runyan are privileged as to TECSC during the period in question.

The above referenced Minutes are enclosed for your review together with TECSC's amended proposed order granting its motion to compel.

With kindest regards, I am

Very truly yours,



Thomas S. Tisdale

Enclosures

cc: All counsel of record

**Minutes of the Standing Committee
The Diocese of South Carolina
February 9, 2010**

Present: The Rev. Jeffrey Miller, The Rev. Shay Gaillard, The Rev. David Thurlow, The Rev. Patrick Allen, The Rev. Jennie Olbrych, Mrs. Lydia Evans, Dr. William Clarkson, Mr. Drak Drakeford, Mr. Johnnie Corbett, and Mrs. Frenchie Richards. Bishop Lawrence and the Rev. James Lewis were also in attendance.

Absent: The Rev. Anthony Kowbeidu and Mrs. Ann Dennis.

The meeting was called to order and opened with prayer at 10:30 a.m. at The Church of the Good Shepherd, Charleston.

The Standing Committee discussed the recent requests for consent in a number of Episcopal elections. In the matter of consent for election of Dr. Michael Joseph Hanley as the 10th Bishop of the Diocese of Oregon, the Rev. Olbrych moved that consent be declined. Mr. Drakeford seconded the motion. The motion was set aside.

In the matter of consent for election of the Rev. Canon Mary D. Glasspool as Suffragan Bishop of the Diocese of Los Angeles, the Rev. Gaillard moved that consent be declined. The Rev. Allen seconded the motion, and it passed.

In the matter of consent for election of the Rev. Canon Diane M. Jardine Brucel as Suffragan Bishop of the Diocese of Los Angeles, the Rev. Gaillard moved that consent be declined. Dr. Clarkson seconded the motion, and it passed.

In the matter of consent for election of the Rev. W. Andrew Waldo as Bishop of the Diocese of Upper South Carolina, the Rev. Allen moved that consent be declined. The Rev. Gaillard seconded the motion, and it passed.

In the matter of consent for election of the Very Rev. Morris K. Thompson as Bishop of the Diocese of Louisiana, Dr. Clarkson moved that consent be declined. Mr. Drakeford seconded the motion, and it passed.

The Rev. Olbrych moved the question on the Hanley motion, and the motion to decline consent passed.

In further business, a report was given on the progress on construction at the Church of the Holy Cross in Stateburg. Due to structural difficulties, the parish has not had use of the church for some time. Construction finally began on May 2009. The \$2.7 million budget for the project has been funded in part by a \$250,000 grant from the Park Service, but funds have been delayed and construction bills are coming due. \$150,000 is needed at this point, and the Vestry has asked for permission to place a lien on the rectory in order to obtain a line of credit. The Rev. Gaillard moved that Holy Cross, Stateburg, be permitted to place a lien on the rectory in order to satisfy construction costs. The Rev. Olbrych seconded the motion, and it passed.

Dr. Clarkson moved that the Standing Committee go into Executive Session. The Rev. Olbrych seconded the motion, and it passed.

The Rev. Thurlow moved that the minutes from the Executive Session on December 29, 2009 be approved as read by Lydia Evans. Dr. Clarkson seconded, and the motion passed.

Mr. Corbett moved that Executive Session be suspended for the purposes of eating lunch. The Rev. Olbrych seconded the motion, and it passed.

After lunch, the Rev. Thurlow moved that the Standing Committee reconvene in Executive Session. The Rev. Allen seconded the motion, and it passed.

The Rev. Thurlow moved that the Standing Committee leave Executive Session at 3:30 p.m. Mr. Drakeford seconded the motion, and it passed.

The clerical members of the Standing Committee were asked to accept the renunciation of diaconal ministry from The Episcopal Church of the Rev. Craig Stephans. The Rev. Gaillard moved acceptance. The Rev. Olbrych seconded the motion, and it passed.

It was reported that Mr. Ed Holt will be resigning as Diocesan Treasurer. The Rev. Gaillard moved that the Standing Committee appoint Mr. John Wallace as Treasurer. The Rev. Allen seconded the motion, and it passed.

The Rev. Miller read a letter of agreement and recommended that the Standing Committee consider engage Mr. Alan Runyan as counsel. The Rev. Gaillard moved same, Mr. Drakeford seconded the motion, and it passed.

Dr. Clarkson moved that the minutes of the Standing Committee meeting on December 29, 2009 be approved as distributed and read. The Rev. Gaillard seconded the motion, and it passed.

There being no further business, the meeting was adjourned at 4 p.m.

Respectfully submitted,

Lydia Evans
Secretary

**Minutes of the Standing Committee
The Diocese of South Carolina
July 16, 2010**

Present: The Rev. Jeff Miller, The Rev. David Thurlow, Mrs. Lydia Evans, Mrs. Ann Dennis, Dr. William Clarkson, Mr. Drak Drakeford, Mr. Johnnie Corbett, and Mrs. Frenchie Richards. The Rev. Paul Feuner, Mrs. Ann Hester Willis, The Rev. James Lewis, Mr. Wade Logan, and Mr. Alan Runyan were also in attendance.

Absent: The Rev. Shay Gaillard, The Rev. Patrick Allen, The Rev. Jennie Olbrych, and Mr. Reid Boylston.

The meeting was called to order and opened with prayer at 10:30 a.m. at The Cathedral of St. Luke and St. Paul.

Mr. Runyan and Mr. Logan reviewed recent legal and canonical issues.

The committee considered a request from the Diocese of Kentucky for consent of their bishop-elect, The Rev. Terry Allen White. After a short discussion, Mr. Drakeford moved that the Standing Committee decline consent. The Rev. Thurlow seconded the motion, and it passed.

At 12:15 p.m., Mr. Drakeford moved that the Standing Committee go into Executive Session. Mr. Clarkson seconded the motion, and it passed.

At 1:45 p.m., Mr. Drakeford moved that the Standing Committee come out of Executive Session. The Rev. Thurlow seconded the motion, and it passed. No action was taken in Executive Session.

The consecration of Mary Glasspool in the Diocese of Los Angeles was discussed. The Rev. Jeff Miller will draft a statement noting that the Standing Committee in South Carolina voted to decline consent in the Glasspool election and does not recognize her as a bishop of the Episcopal Church.

There being no further business, the meeting was adjourned with prayer at 2 p.m. The next meeting will be held jointly with the COM on Thursday, August 12th in order to meet with candidates for the Vocational Diaconate.

Respectfully submitted,

Lydia Evans
Secretary

Minutes of the Meeting of the Diocese of South Carolina Standing Committee

March 1, 2011

The meeting began at 10:30 a.m. with an opening prayer given by Rev. David Thurlow. The Committee members present were Rev. Paul Fuener, President, Rev. Patrick Allen, Mr. Reid Boylston, Mrs. Ann Dennis, Very Rev. Ed Kelaher, Mr. Ed Mitman, Mrs. Lynda Richards, Rev. Dow Sanderson, Mrs. Suzanne Schwank, Rev. Greg Snyder, Rev. David Thurlow and Mrs. Ann Hester Willis. Also present were: Bishop Mark Lawrence, Canon Jim Lewis and Mr. Wade Logan. The Committee members and others present introduced themselves and identified their parishes.

The minutes from the Committee's February 1st and February 19th meetings were reviewed and Rev. Fuener pointed out a misspelling of his name. A motion was made by Rev. Allen to approve the minutes with the spelling correction. The motion was seconded and passed unanimously, with the abstention by Ed Kelaher on the vote to approve the minutes of the February 1st meeting because he was not present at the meeting.

Mr. Wade Logan, Chancellor, explained that he, the Bishop, Canon Lewis had the right to seat and voice, but no vote, at meetings of the Committee and also that the members of the Standing Committee are simultaneously the members of the Board of Directors for The Protestant Episcopal Church in the Diocese of South Carolina. Mr. Logan described some of the formalities required under corporate law.

Bishop Lawrence explained Mr. Logan's role and that Alan Runyan had been retained by the Standing Committee to give advice as its lawyer. The Bishop added that Mr. Runyan is a parishioner at St. Helena's Parish.

Rev. Paul Fuener read a short devotional about a passage referring to the disciples being filled with joy following the persecution of Paul and Barnabas. He noted 6 things for which we should be thankful even in times of persecution. Rev. Fuener stated that he hopes all of us are on our knees in prayer for the Diocese.

Bishop Lawrence gave a report on the 220th Diocesan Convention held on February 18-19, 2011 in Beaufort, SC. He reported that the primary feedback he has received is that people were very encouraged by the Convention.

The Bishop brought to the attention of the Committee the full page ad published in the Post & Courier today by the Episcopal Forum for their event planned for March 12, 2011. Concern was expressed about the false statements and misrepresentations contained in the ad. The Bishop pointed out the irony that the ad refers to the group as "Enthusiastically Episcopalian," when all of the speakers who are being presented at the event are from Dioceses which are ranked among the Dioceses in greatest decline within the Episcopal Church. In a recent article a study of all of the statistics from Episcopal churches between 2002 and 2009 found that the Diocese of South Carolina was ranked number one in growth in all categories (e.g., membership, marriages, and confirmations).

Minutes of the Meeting of the Diocese of South Carolina Standing Committee

May 1, 2012

The meeting of the Standing Committee of the Diocese of South Carolina ("SC") was brought to order at 10:38 a.m. and began with a prayer given by Bishop Lawrence. The SC members present were the Very Rev. Paul Fuener, President; Mr. Reid Boylston, the Rev. Tripp Jeffords; Mr. Ed Mitman; the Rev. Andrew O'Dell, Mrs. Boo Pennewill, the Rev. Greg Snyder, Mrs. Suzanne Schwank, the Rev. Ken Weldon and Mrs. Ann Hester Willis, Secretary, which constituted a quorum. Bishop Mark Lawrence, Canon Jim Lewis, Mr. Wade Logan and Mr. Alan Runyan were also present. Mr. Bill Lyles was absent.

A motion was made by the Rev. Andrew O'Dell to approve the minutes of the SC meeting held on March 27, 2012. The motion was seconded by Tripp Jeffords and passed unanimously.

I. Reports—Bishop Lawrence

The Bishop stated that he attended the meeting of The Episcopal Forum. At the meeting the Bishop said that they stated that the SC Diocese has all but left TEC and that the Diocese "wants our cake and to eat it too." The Bishop sensed a less acrimonious spirit in Melinda Lucka than in the other leadership. They seem to be at a loss about what to do since they have been unsuccessful at taking out Bishop Lawrence. The Bishop estimated that about 50 people were present. At the meeting, Steve Skardon gave a report on his journalistic activities and in contrast to how he writes his blog, he came across as reasonable. In response to Ken Weldon's question about the clergy involved in The Episcopal Forum, the Bishop stated that the only clergy involved appear to be inactive or retired clergy.

A motion was made by the Very Rev. John Barr to enter into Executive Session. The motion was seconded by Mr. Reid Boylston and passed unanimously.

The SC emerged from Executive Session.

II. Canonical matters:

The first canonical matter before the SC was the resignation of the Rev. Rob Sturdy from the Diocese of SC. Canon Lewis presented a Notice of Declaration of Removal of Priests of The Episcopal Church for Rob Sturdy. A copy of the Notice is attached hereto as Exhibit "A" and incorporated herein by reference. Discussion ensued about the technicality of the removal of a priest. A motion was made to approve the Bishop's execution of the notice as presented which formally removes Rev. Rob Sturdy as a priest within the Diocese of SC.

In response to a question by the Rev. Greg Snyder, the Bishop gave a report on the status of Terrell Glenn's joining the Diocese of SC and working with the Rev. Chuck Owens. The Bishop reported that the Bishop with oversight over Terrell Glenn is still considering the matter.

The second canonical matter before the SC was the request for the SC's consent to hold a Suffragan Bishop election in the Diocese of N.C. A motion was made by the Rev. Andrew O'Dell to consent to such an election. The motion was seconded by the Rev. Greg Snyder and passed unanimously.

The third canonical matter before the SC was the request for a \$50,000 line of credit by Trinity, Edisto which will be secured by the church's property. A motion was made by the Rev. Greg Snyder to consent to the request; the motion was seconded by Mr. Reid Boylston and passed unanimously.

III. Unfinished Business

Mrs. Suzanne Schwank presented to the SC a proposed amendment to the by-laws of the Diocese of SC broadening the current indemnification provisions to cover "representatives," which term is defined within the amended provision. A copy of the proposed amendment is attached as Exhibit "B" and incorporated herein. Mrs. Schwank moved to approve the amendment as proposed. The motion was seconded and passed unanimously.

Mrs. Ann Hester Willis moved to enter Executive Session. The motion was seconded by the Rev. Ken Weldon and passed unanimously.

The SC came out of Executive Session.

The SC discussed at length its suggestions for the South Carolina Diocesan delegation's participation in General Convention 2012 and the delegation's response to a vote on the adoption for Rites of Same Sex Blessings. A motion was made by President Fuener summarizing the mind of the SC about possible responses:

1. File a minority report;
2. Refrain from worship at the Convention as a reflection of the actions taken by the Standing Committee and the Diocesan Convention in recognition of its broken communion with the Episcopal Church; and
3. Leave General Convention 2012 immediately following the passage of the same sex blessing rites.

The motion was seconded and passed.

VI. New Business

The Bishop asked the SC for its advice about a request to license several non-canonical clergy who are members of ACNA and who were deposed by the Episcopal Church. There was an extensive discussion about taking that action. The SC recommended that the Bishop prepare a specific temporary licensure for those clergy.

Alan Runyan informed the SC that the blue book issued to General Convention 2012 deputies contains resolutions pertaining to changing disciplinary canons of the Episcopal Church. Those resolutions are

attached hereto as Exhibit "C" and incorporated herein. The SC discussed how the Diocese might respond to those resolutions.

The SC then discussed the "When Should We Divide" booklet distributed to the SC by Greg Snyder and related issues.

VII. Next Meetings

The next meeting of the SC will be on May 29, 2012 at Church of the Good Shepherd, Charleston. At that meeting the SC will be considering approval of Reggie Corfield's ordination to the diaconate.

Future SC meetings are scheduled for July 17, Aug. 7, Sept. 4 and the first Tuesday of each month thereafter.

Having completed its business, the meeting of the SC was closed with a prayer by Canon Lewis and adjourned at 2:55 p.m.

Respectfully submitted,

Mrs. Ann Hester Willis, Secretary