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MAY 16 2014

**SC Court of Appeals**

Attorneys and Counselors at Law

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**Watson Law Firm**

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May 14, 2014

Certified Mail - Faxed

Ms. Amelia Smith  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

RE: Samuel L. McPherson, as Presiding Elder of the Abbeville-Greenwood District of the African Methodist Episcopal (A.M.E.) Church, Appellant-Respondent, v Henry Banks, Mary Robinson, Delois Phillips, Naomi Mattison, and Frank Mattison Respondents-Appellants. Case No: 2013-002236

Dear Ms. Smith,

Pursuant to our telephone conversations this date I am filing this letter as a Return to the Motion for an Extension of Time to File His Initial Brief, Designation of Matter to Be Included in the Record on Appeal, Appellant-Respondent's Memorandum in Support of Motion Correspondence, Affidavit of Elder Samuel L. McPherson and Certification of Service. Filed by attorney Randall Rosel Williams May 13, 2014. My clients have limited funds. I understand that you will accept this letter as a Return to Motion and it will be given to the Court as a proper Return to his Motion.

My clients oppose and object to the Motion for the following reasons:

(1) Appellant-Respondent filed his Initial Brief on April 22, 2014 after a long delay due to the transcript problems. Pursuant to the SC Rules of Appellate Procedure, Respondents-Appellants' response brief and initial brief on the cross appeal must be filed on later than May 21, 2014. That

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brief has already been prepared and is being finalized for filing. Respondents-Appellants have followed closely the requirements of the South Carolina Rules of Appellate Procedure for multiple appeals, as well as the requirements sent by the Clerk of Court regarding this particular appeal. Respondents-Appellants will be extremely prejudiced by having to start all over and prepare a second response to a new and very untimely Initial Brief by the Appellant-Respondent.

If the Appellant-Respondent needed an extension of time to file his Initial Brief under SCRAP 207 and 208, he should have sought the extension before his Initial Brief was due. The South Carolina Appeals Court very generously extended the time for Appellant-Respondent's brief until April 22, 2014, but was firm on the due date when the court sent the scheduling notice out in the early spring. Appellant-Respondent should not be permitted to file a second Initial Brief. SCRAP Rule 208 allows a party to file a Reply Brief after the Initial Brief is filed and the Response Brief is filed. Any additional argument Appellant-Respondent has may be directed in his Reply Brief.

In light of the years and years of litigious behavior on the party of the Appellant-Respondent, which has been extremely costly and demoralizing to the Respondents-Appellants, it is nothing less than bad faith on his part at this time to attempt to lull the Respondents-Appellants into expending valuable resources into digesting, researching and responding to Appellant-Respondent's Initial Brief, as per the court's scheduling order, and then attempt to file a completely different second Initial Brief which will require a completely different response.

(2) The South Carolina Rules of Appellate Procedure are detailed and unambiguous and have been respectfully followed by South Carolina lawyers for decades. Appellant-Respondent's Motion for An Extension of Time to File His Initial Brief fails to state any reasonable basis for the Court to grant the motion. The motion blatantly ignores the fact that the Appellant-Respondent has already filed his Initial Brief. The motion fails to explain why additional counsel is needed at this time and/or why additional counsel could not have been retained at the time the Notice of Appeal was filed in October, 2013. The motion simply does not provide any explanation as to why the Appellant-Respondent should be permitted to proceed under a different set of rules and a different scheduling order.

(3) The motion fails to explain what constitutional implications require that the motion be granted, particularly when the parties have thoroughly briefed the material constitutional implications in this case. Further, the decisions which both parties have briefed and cited throughout the history of this case, *Pearson v. Church of God*, 325 S.C. 45, 478 S.E. 2d 849 (1996), *Banks v. St. Matthew Baptist Church*, 391 S.C. 475, 706 S.E. 2d 30 (2011) and *All Saints Parish Waccamaw v. Protestant Episcopal Church in the Diocese of S.C.*, 385 S.C. 428, 685 S.E.2d 163 (2009) remain the law in South Carolina on the constitutional implications of church property disputes.

*Handwritten initials*

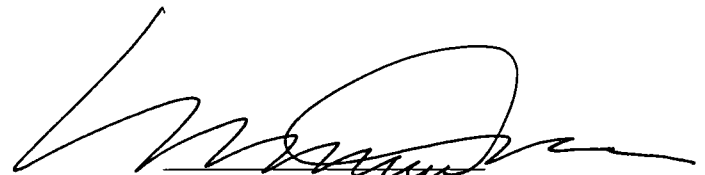
(4) The motion fails to give an explanation as to the material content of transcript for a Rule to Show Cause and why that transcript is relevant to the issues on appeal such that Appellant-Respondent should be permitted to file a second Initial Brief.

The Appellant-Respondent's motion is entirely unsupportable and misleading. The Appellant-Respondent should be required to follow the plain rules of Appellate Procedure and delegate any additional arguments he may have to Reply Brief. He should not be permitted to file a second Initial Brief at this late date. Respondents-Appellants have acted in good faith reliance on both the South Carolina Appellate Rules, as well as the Court's scheduling order. They will be severely prejudiced if this motion is granted.

With Kind Regards, I am yours very truly,

Watson Law Firm , P.A.

By:

A handwritten signature in black ink, appearing to read 'Marvin R. Watson', written over a horizontal line.

Marvin R. Watson

cc: Randall R. Williams, Esquire  
(Mailed and Hand Delivery  
Respondents

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