

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM MCCORMICK COUNTY
Court of Common Pleas

Judge Frank Addy, Jr., Circuit Court Judge

Case No. 2013-002236

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.

**APPELLANT-RESPONDENT'S REPLY TO RESPONDENTS'-APPELLANTS'
RETURN TO MOTION**

I.

a. That Respondents-Appellants allegation that they will be prejudiced by the
grant of the Motion For An Extension of Time as they will have to file an second initial
brief and response brief is not true because Respondents-Appellants time to file an Initial
brief has expired.

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b. That Respondent-Appellants will not be prejudiced by the grant of the Motion For An Extension of Time as they can file a response to Appellant-respondent's Initial Brief and their claims have not been diminished.

c. That Appellant-Respondent filing of the Initial Brief and Designation of Matters To Be Included on The Record On Appeal was an attempt to comply with the Rules of Appellate Procedure.

d. That Appellant-Respondent did not attempt to lull Respondents-Appellants into expending resources as Appellant-Respondent has had to expend funds also.

II.

That the Motion For An Extension should be granted to give additional co-counsel time to review the file so that they can meaningfully assist with the Appeal

III.

That the Motion For An Extension should be granted due to the importance of the issues herein. This case will determine the role of church canons in hierarchical denominations involving church property disputes.

IV.

That the transcript from the Rule To Show Cause hearing is necessary. The Trial Court awarded monies found in a Rockford Church account that was previously held in an account for Rockford A.M.E. Church. That Respondents-Appellants testimony pursuant to the Rule To Show Cause hearing states where the funds came from and what was done with monies.

The Appellant-Respondent having Replied to Respondents-Appellants' Return to Motion respectfully asks this court to grant his motion for an Extension of Time to File An Initial Brief and Designation of Matters To Be Included On The Record On Appeal.



Randall R. Williams

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Greenwood, SC 29648

(864) 227-9156

Attorney for Appellant-Respondent

Greenwood, South Carolina,
May 19, 2014

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**APPELLANT-RESPONDENT’S MEMORANDUM IN SUPPORT OF HIS REPLY AND IN
OPPOSITION TO RESPONDENTS’-APPELLANTS’ RETURN TO MOTION**

I. The Respondents-Appellants will not be prejudiced by Appellant-Respondent’s motion for an extension of time to file an Initial Brief and Designation of Matter To be Included on the Record on Appeal. Respondents-Appellants allege that they would be prejudiced by this courts grant of Appellant-Respondent’s Motion For An Extension of Time because they have already expended resources to prepare an initial brief and response to Appellant-Respondent’s Initial Brief before May 21, 2014.

Respondents-Appellants are in error that his Initial Brief and Response Brief must be filed by May 21, 2014. Respondents-Appellants were required to file their Initial brief on or before April 22, 2014 and their Reply Brief on or before May 21, 2014. They cannot be prejudiced by redoing their Initial Brief, because unless this court allows them to time to file their Initial Brief, their time has expired.

Also, the basis of Respondents-Appellants claim will not be diminished by the grant of Appellant-Respondent's motion. They can file a Reply Brief even if Appellant-Respondent's motion is granted.

Further, Appellant-Respondent's motion should not be dismissed due to its subsequent filing after the filing of his Initial Brief and Designation of Matter on April 22, 2014. The Initial Brief filing on April 22, 2014 was an attempt to comply with the Rules of Appellate Procedure. Courts have granted the Motion For An Extension of Time in circumstances where the party making such a motion has substantially complied with the Appellate Rule of Procedure without any flagrant violations. *Haimbaugh Landscaping, Inc. v. Jergen* 653 N. E. 2nd 95, 99 (C Ind. App. 1995).

In addition Appellant-Respondent's Motion was not made in bad faith to force Respondents-Appellants to expend resources. Appellant-Respondent is not immune from expending time and resources in this matter as he has expended resources as well in preparing this appeal.

Further, Respondents-Appellants is not prejudiced by the grant of the Motion For An Extension as they were aware of the motion. Appellant-Respondent advised

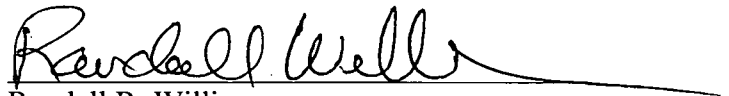
Respondents-Appellants on April 25, 2014 that a motion for an Extension of Time was forthcoming.

II. It is clear from the face of the Motion and Memorandum In Support of The Motion the addition of co-counsel is a reasonable basis in itself to grant the motion. Newly retained counsel should have the time and opportunity to digest the facts and law and offer their expertise in the meaningful prosecution of this appeal. Surely, additional time is required to do so.

III. The importance of the issues before this court requires the court to grant the motion. The United States Supreme Court in *Knickerbocker Printing Corporation v. United States of America* 75 S. Ct. 212, 213 (1954) granted a Motion For An Extension of Time because of the public importance of the issues before the court. Church property disputes have the same indicia of public importance considering this case will determine whether the canons of a hierarchical denomination sufficiently create a trust. This is an issue that speaks directly to the separation of church and state.

IV. The Rule To Show Cause transcript is relevant to the issues on appeal. One of the main issues is ownership of approximately \$117,000.00 of Rockford A.M.E. Church funds. The Respondents-Appellants Henry Banks testified pursuant to deposition that the funds were removed from an account titled as Rockford Church AM.E. Church into an account titled as Rockford Church, Deposition pg. 42, line 5. The Rule to Show Cause hearing testimony goes into how and who removed the funds and from what account they were removed.

This court should grant the motion for an Extension of Time to File his Initial Brief and Designation of Matters To Be Included In The Record On Appeal. The grant of this motion will not prejudice the Respondents-Appellants case. The motion should be granted not only because of the importance of the issue, but also to allow co-counsel sufficient time to assist in the appeal and obtain the Rule To Show Cause transcript.

A handwritten signature in black ink, appearing to read "Randall R. Williams", with a long horizontal line extending to the right.

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Attorney for Appellant-Respondent

Greenwood, South Carolina,
May 19, 2014

1 A. If it was given as a gift, yes.

2 Q. Were the bank statements changed? The name of the
3 account changed from Rockford AME to Rockford
4 Church?

5 A. It was.

6 Q. You and the members met under the name Rockford
7 Church, is that correct?

8 A. We met under Rockford AME. Nobody said Rockford
9 only. Whenever we met, we met as Rockford. We
10 probably didn't say AME because we don't normally
11 call out the whole name. We just said Rockford.
12 I mean, years ago that's all we said. We said
13 Rockford. We haven't said Rockford AME is going
14 to meet. We said Rockford is going to meet.

15 Q. When you moved the funds from the account, was
16 that ever authorized by a church conference?

17 A. Yes.

18 Q. The local church conference?

19 A. Yes.

20 Q. Was it ever approved by the quarterly conference
21 or the annual conference?

22 A. No.

23 Q. That's all I have.

24 EXAMINATION BY MR. WATSON:

25 Q. Mr. Banks, I'm going to ask you a couple of

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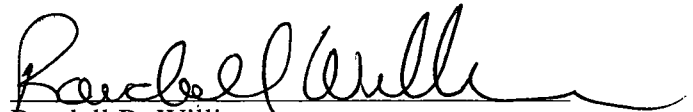
v.

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.....Respondents-Appellants.

CERTIFICATE OF SERVICE

I certify that I have served the **Appellant-Respondent's Reply to Respondents-Appellants Return to Motion, Appellant-Respondent's Memorandum in Support of his Reply and in Opposition to Respondents-Appellants' Return to Motion, transcript page and Certification of Service** on Henry Banks, Mary Robinson, Delois Phillips, Naomi Mattison, and Frank Mattison by U.S. Postal Service on May 19, 2014 addressed to their attorney of record, Marvin Watson at 333 Main Street, P.O. Box 799, Greenwood, South Carolina, 29648.

May 19, 2014



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May 19, 2014

The Honorable Jenny Kitchings
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. Kitchings:

Please find enclosed an original and six copies of **Appellant-Respondent's Reply to Respondents-Appellants' Return to Motion, Appellant-Respondent's Memorandum in Support of his Reply and in Opposition to Respondents-Appellants' Return to Motion, transcript page and Certification of Service** regarding the above referenced matter.

I remain,

Sincerely,

A handwritten signature in black ink that reads "Randall R. Williams". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Randall R. Williams, Esquire
RRW/mre

cc: Marvin Watson, Esquire (*Mailed*)

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