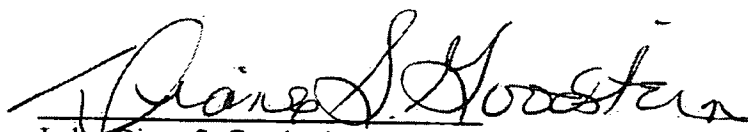


Defendants' motion asserts that the Plaintiff Diocese took the following positions in this proceeding that are inconsistent with the positions in All Saints (All Saints Parish Waccamaw, et al. v. The Protestant Episcopal Church in the Diocese of South Carolina, et. al., 285 S.C. 428, 685 S.E.2d 163 (2009)): (1) the nature and existence as part of a hierarchical church; (2) governance under the Constitution and Canons of the Church; (3) limited authority of the Bishop and his duty to fully adhere to that governance; (4) the unlawful, fraudulent, and null and void nature of any attempt to do away with governance by amending the corporate charter; (5) the enforceability of the Diocese's trust interest in parish property; and (6) the great value of benefits conferred in the Diocese and its parishes by The Episcopal Church over many years.

The All Saints matter is a separate and distinct matter from the current litigation. Further, the positions of the Diocese in All Saints were found to be incorrect. If the Defendants' argument in the instant action was correct no party previously adjudicated to be wrong would be able to correct their conduct in compliance with a court's holding. Such a result would be contrary to all sense of justice and order. Further, there is no evidence that the inconsistent positions were part of an intentional effort to mislead the court. The Doctrine of Judicial Estoppel does not apply.

With regards all other matters presented in Defendants' Motion for Reconsideration, they are hereby **DENIED**.

AND IT IS SO ORDERED!


Judge Diane S. Goodstein
First Judicial Circuit

February 23, 2015
Summerville, South Carolina