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SC SUPREME COURT

April 6, 2016

VIA HAND DELIVERY

The Honorable Daniel E. Shearouse
Clerk of Court
Supreme Court of South Carolina
Post Office Box 11330
Columbia, South Carolina 29211

Re: The Diocese of South Carolina et al. v. The Episcopal Church
Case Tracking No.: 2015-000626

Dear Mr. Shearouse:

Your letter yesterday sought Request for Admissions dated October 8, 2013, referenced on Record page 630.

I have attached the complete request as well as The Episcopal Church's answers. The dialogue on page 630 of the Record refers to The Church's answer to the second request.

I feel obligated to inform the Court of *Diocese of San Joaquin v. Gunner*, a decision issued yesterday by the California Court of Appeal. See No. F070264 (Cal. Ct. App. Apr. 5, 2016) available at <http://www.courts.ca.gov/opinions/documents/F070264.PDF>. The reason for the supplemental citation is that the decision involves a dispute between The Episcopal Church and a Diocese that attempted to take property and disaffiliate.

Yours sincerely,

Blake A. Hewitt

Enclosures

cc: All counsel of record, by e-mail only.

STATE OF SOUTH CAROLINA)
)
COUNTY OF DORCHESTER)

IN THE COURT OF COMMON PLEAS
FOR THE FIRST JUDICIAL CIRCUIT
Case No. 2013-CP-18-00013

The Protestant Episcopal Church In The)
Diocese Of South Carolina; The Trustees of)
The Protestant Episcopal Church in South)
Carolina; a South Carolina Corporate Body;)
et al.,)

PLAINTIFFS,)

v.)

The Episcopal Church (a/k/a, The)
Protestant Episcopal Church in the)
United States of America); and The)
Episcopal Church in South Carolina,)

DEFENDANTS.)

**PLAINTIFFS' FIRST REQUEST
FOR ADMISSION TO DEFENDANT
THE EPISCOPAL CHURCH (A/K/A,
THE PROTESTANT EPISCOPAL
CHURCH IN THE UNITED STATES
OF AMERICA)**

Church of our Saviour of the Diocese of SC; Church of the Cross, Inc. and Church of the Cross Declaration of Trust; The Church of the Epiphany; St. Davids Church; The Vestry and Church Wardens of the Episcopal Church of the Parish of St. Helena and the Parish Church of St. Helena Trust; Vestry and Church Wardens of the Episcopal Church of the Parish of St. John's, Charleston County; The Vestry and Church Wardens of St. Jude's Church of Walterboro; The Protestant Episcopal Church, The Parish of Saint Michael, In Charleston, In The State of South Carolina and St. Michael's Church Declaration of Trust; Trinity Episcopal Church, Edisto Island First Request for Admission to The Episcopal Church

To: Thomas S. Tisdale, Counsel for Defendant:

Pursuant to Rules 26, 33, 34 and 36 of the South Carolina Rules of Civil Procedure, The Protestant Episcopal Church in the Diocese of South Carolina ("Diocese") through the undersigned counsel hereby propounds this first Request For Admissions to The Episcopal Church (a/k/a/, The Protestant Episcopal Church in the United States of America) ("The Episcopal Church" or Defendant). Each request shall be answered within thirty days or shall be deemed admitted.

The response may be in the form of an admission, specific denial and objection with

reasons clearly stated or that the matter cannot be admitted or denied. You may give lack of information or knowledge as the reason for failure to admit or deny unless you state you have made reasonable inquiry and the information known or readily available to you was insufficient to enable you to admit or deny. Where your answer is a denial, in whole or in part, you may be asked to state the basis for your denial and produce the documents that provide the basis for your denial.

You are requested to admit the truth of the following matters of fact:

1. The Episcopal Church did not exist as a civil entity in 1778.
2. Parish churches are not members of The Episcopal Church.
 - a. If this request is denied in whole or in part, state the basis for your denial and produce the documents that provide the basis for your denial.
3. There is no document giving notice of the purported assertion of a trust by The Episcopal Church filed in in any South Carolina county in which the real property of the Parish Plaintiffs is located.
 - a. If this request is denied in whole or in part, state the basis for your denial and produce the documents that provide the basis for your denial.
4. The Episcopal Church has never communicated directly in writing with any Parish Plaintiff stating that it claimed an interest in the parish's property.
 - a. If you deny this request, in whole or in part provide a copy of the written communication sent to any of the Plaintiff parishes.
5. The Episcopal Church has never insured, or purchased insurance for, any of the real property of the Parish Plaintiffs over which it asserts a trust interest.
 - a. If this request is denied in whole or in part, state the basis for your denial and

produce the documents that provide the basis for your denial.

6. The Episcopal Church does not carry any of the Parish Plaintiffs' real property in which it claims a trust interest on its books as an asset, contingent or otherwise.

- a. If this request is denied in whole or in part, state the basis for your denial and produce the documents that provide the basis for your denial.

7. Resolution D-24, offered at the 1979 General Convention of The Episcopal Church by Canon Walter Dennis, was not distributed in advance of the 1979 General Convention.

- a. If this request is denied in whole or in part, state the basis for your denial and produce the documents that provide the basis for your denial.

8. The Episcopal Church did not publish the purported passage of the Dennis Canon.

- a. If this request is denied in whole or in part, produce the documents that provide the basis for your denial.

9. Resolution D-24, offered by Canon Walter Dennis at the 1979 General Convention stated in its third paragraph the following:

Whereas, The Supreme Court of the United States, in the case of *Jones v. Wolf*, _____ U.S._____, 99 S.Ct. 3020 (1979) has suggested that such alienation might be legally possible, in the absence of an explicit recitation in the Constitution that an express trust exists in favor of the general church, concerning covering the property of local parishes.

10. Neither the 1979 General Convention nor any succeeding General Convention of The Episcopal Church voted to amend the Constitution of The Episcopal Church to provide for the express trust set forth in Resolution D-24.

- a. If this request is denied in whole or in part, state the basis for your denial and produce the documents that provide the basis for your denial.

11. The unincorporated association known as The Episcopal Church does not hold legal title

to any real property in the name of The Episcopal Church.

- a. If this request is denied in whole or in part, state the basis for your denial and produce the documents that provide the basis for your denial.

12. The Domestic and Foreign Missionary Society of The Protestant Episcopal Church in the United States of America has no legal or beneficial ownership interest in the real property of any of the Plaintiffs.

- a. If this request is denied in whole or in part, state the basis for your denial and produce the documents that provide the basis for your denial.

13. There is no written instrument executed by these Plaintiffs, manifesting or establishing an intention that these Plaintiffs' real property is, or that it be, held in trust for the benefit of The Episcopal Church.

- a. If this request is denied in whole or in part, state the basis for your denial and produce the documents that provide the basis for your denial.

This 3rd day of September, 2013

By: _____


C. Alan Runyan, Esq.

Andrew S. Platte, Esq.

SPEIGHTS & RUNYAN

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STATE OF SOUTH CAROLINA

COUNTY OF DORCHESTER

THE PROTESTANT EPISCOPAL CHURCH IN THE DIOCESE OF SOUTH CAROLINA ET AL.,

Plaintiffs,

v.

THE EPISCOPAL CHURCH ET AL.,

Defendants.

IN THE COURT OF COMMON PLEAS FOR THE FIRST JUDICIAL CIRCUIT

Case No.: 2013-CP-18-00013

THE EPISCOPAL CHURCH,

Counterclaim Plaintiff,

v.

THE PROTESTANT EPISCOPAL CHURCH IN THE DIOCESE OF SOUTH CAROLINA ET AL.,

Counterclaim Defendants

and

IVAN V. ANDERSON, JR. ET AL.,

Additional Counterclaim Defendants.

THE EPISCOPAL CHURCH'S RESPONSE TO CHURCH OF OUR SAVIOUR OF THE DIOCESE OF SC; CHURCH OF THE CROSS, INC. AND CHURCH OF THE CROSS DECLARATION OF TRUST; THE CHURCH OF THE EPIPHANY; ST. DAVIDS CHURCH; THE VESTRY AND CHURCH WARDENS OF THE EPISCOPAL CHURCH OF THE PARISH OF ST. HELENA AND THE PARISH CHURCH OF ST. HELENA TRUST; VESTRY AND CHURCH WARDENS OF THE EPISCOPAL CHURCH OF THE PARISH OF ST. JOHN'S, CHARLESTON COUNTY; THE VESTRY AND CHURCH WARDENS OF ST. JUDE'S CHURCH OF WALTERBORO; THE PROTESTANT EPISCOPAL CHURCH, THE PARISH OF SAINT MICHAEL, IN CHARLESTON, IN THE STATE OF SOUTH CAROLINA AND ST. MICHAEL'S CHURCH DECLARATION OF TRUST; AND TRINITY EPISCOPAL CHURCH, EDISTO ISLAND'S FIRST REQUEST FOR ADMISSION

The Episcopal Church (the "Church") responds to Church of Our Saviour of the Diocese of SC; Church of the Cross, Inc. and Church of the Cross Declaration of Trust; The Church of the Epiphany; St. Davids Church; The Vestry and Church Wardens of The Episcopal Church of the Parish of St. Helena and The Parish Church of St. Helena Trust; Vestry and Church Wardens of The Episcopal Church of the Parish of St. John's, Charleston County; The Vestry and Church Wardens of St. Jude's Church of Walterboro; The Protestant Episcopal Church, The Parish of Saint Michael, In Charleston, In the State of South Carolina and St. Michael's Church Declaration of Trust; and Trinity Episcopal Church, Edisto Island's First Request for Admission as follows:

REQUEST FOR ADMISSION NO. 1:

The Episcopal Church did not exist as a civil entity in 1778.

RESPONSE TO REQUEST FOR ADMISSION NO. 1:

Admitted.

REQUEST FOR ADMISSION NO. 2:

Parish churches are not members of The Episcopal Church.

- a. If this request is denied in whole or in part, state the basis for your denial and produce the documents that provide the basis for your denial.

RESPONSE TO REQUEST FOR ADMISSION NO. 2:

Admitted.

REQUEST FOR ADMISSION NO. 3:

There is no document giving notice of the purported assertion of a trust by The Episcopal Church filed in any South Carolina county in which the real property of the Parish Plaintiffs is located.

- a. If this request is denied in whole or in part, state the basis for your denial and produce the documents that provide the basis for your denial.

RESPONSE TO REQUEST FOR ADMISSION NO. 3:

Denied. The Church objects to the second sentence of this request on the ground that it does not constitute a Request for Admission authorized by South Carolina Rule 36(a), and therefore a response is not compelled.

REQUEST FOR ADMISSION NO. 4:

The Episcopal Church has never communicated directly in writing with any Parish Plaintiff stating that it claimed an interest in the parish's property.

- a. If you deny this request, in whole or in part provide a copy of the written communication sent to any of the Plaintiff parishes.

RESPONSE TO REQUEST FOR ADMISSION NO. 4:

Denied. The Church objects to the second sentence of this request on the ground that it does not constitute a Request for Admission authorized by South Carolina Rule 36(a), and therefore a response is not compelled.

REQUEST FOR ADMISSION NO. 5:

The Episcopal Church has never insured, or purchased insurance for, any of the real property of the Parish Plaintiffs over which it asserts a trust interest.

- a. If this request is denied in whole or in part, state the basis for your denial and produce the documents that provide the basis for your denial.

RESPONSE TO REQUEST FOR ADMISSION NO. 5:

Admitted.

REQUEST FOR ADMISSION NO. 6:

The Episcopal Church does not carry any of the Parish Plaintiffs' real property in which it claims a trust interest on its books as an asset, contingent or otherwise.

- a. If this request is denied in whole or in part, state the basis for your denial and produce the documents that provide the basis for your denial.

RESPONSE TO REQUEST FOR ADMISSION NO. 6:

Admitted.

REQUEST FOR ADMISSION NO. 7:

Resolution D-24, offered at the 1979 General Convention of The Episcopal Church by Canon Walter Dennis, was not distributed in advance of the 1979 General Convention.

- a. If this request is denied in whole or in part, state the basis for your denial and produce the documents that provide the basis for your denial.

RESPONSE TO REQUEST FOR ADMISSION NO. 7:

Admitted.

REQUEST FOR ADMISSION NO. 8:

The Episcopal Church did not publish the purported passage of the Dennis Canon.

- a. If this request is denied in whole or in part, produce the documents that provide the basis for your denial.

RESPONSE TO REQUEST FOR ADMISSION NO. 8:

Denied. The Church objects to the second sentence of this request on the ground that it does not constitute a Request for Admission authorized by South Carolina Rule 36(a), and therefore a response is not compelled.

REQUEST FOR ADMISSION NO. 9:

Resolution D-24, offered by Canon Walter Dennis at the 1979 General Convention stated in its third paragraph the following:

Whereas, The Supreme Court of the United States, in the case of *Jones v. Wolf*, _____ U.S. _____, 99 S.Ct. 3020 (1979) has suggested that such alienation might be legally possible, in the absence of an explicit recitation in the Constitution that an express trust exists in favor of the general church, concerning covering the property of local parishes.

RESPONSE TO REQUEST FOR ADMISSION NO. 9:

Admitted with the exception that the word "covering" was not included in the last line of the quoted language.

REQUEST FOR ADMISSION NO. 10:

Neither the 1979 General Convention nor any succeeding General Convention of The Episcopal Church voted to amend the Constitution of The Episcopal Church to provide for the express trust set forth in Resolution D-24.

- a. If this request is denied in whole or in part, state the basis for your denial and produce the documents that provide the basis for your denial.

RESPONSE TO REQUEST FOR ADMISSION NO. 10:

Admitted.

REQUEST FOR ADMISSION NO. 11:

The unincorporated association known as The Episcopal Church does not hold legal title to any real property in the name of The Episcopal Church.

- a. If this request is denied in whole or in part, state the basis for your denial and produce the documents that provide the basis for your denial.

RESPONSE TO REQUEST FOR ADMISSION NO. 11:

After a reasonable inquiry, the information known or readily obtainable by the Church is insufficient to enable it to admit or deny this request, therefore the Church denies it.

REQUEST FOR ADMISSION NO. 12:

The Domestic and Foreign Missionary Society of The Protestant Episcopal Church in the United States of America has no legal or beneficial ownership interest in the real property of any of the Plaintiffs.

- a. If this request is denied in whole or in part, state the basis for your denial and produce the documents that provide the basis for your denial.

RESPONSE TO REQUEST FOR ADMISSION NO. 12:

Denied. The Church objects to the second sentence of this request on the ground that it does not constitute a Request for Admission authorized by South Carolina Rule 36(a), and therefore a response is not compelled.

REQUEST FOR ADMISSION NO. 13:

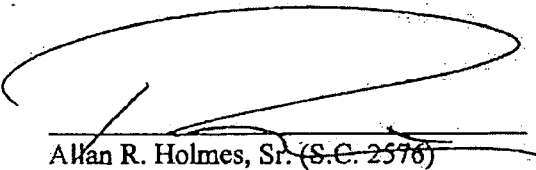
There is no written instrument executed by these Plaintiffs, manifesting or establishing an intention that these Plaintiffs' real property is, or that it be, held in trust for the benefit of The Episcopal Church.

- a. If this request is denied in whole or in part, state the basis for your denial and produce the documents that provide the basis for your denial.

RESPONSE TO REQUEST FOR ADMISSION NO. 13:

After a reasonable inquiry, the information known or readily obtainable by the Church is insufficient to enable it to admit or deny this request, therefore the Church denies it.

Dated: October 8, 2013



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