

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
G. Thomas Cooper, Jr., Circuit Court Judge

RECEIVED

OCT 19 2016

Case No. 2014-CP-40-6224
Appellate Case No.: 2016-000989

SC Court of Appeals

Carol Goodson-Eaddy.....Appellant,

v.

Travien L. Capers, Gregory A. Brown, Robert Davis, Herbert Bell, James Randolph, Jr.,
Harry Thompson, James Brown, Frank M. Jones, Edwin L. Rivers, Sr., Lever Thompson,
Jr., Fred Davis, Harry L. Jones, Sr., David J. Clarkson, Larry B. Brown, Grady Wilson, and
Dorothy B. Adams.....Respondents.

RECORD ON APPEAL

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MAY 11 2016

APPEAL FROM RICHLAND COUNTY
G. Thomas Cooper, Jr., Circuit Court Judge

SC Court of Appeals

Case No. 2014-CP-40-6224

Carol Goodson-Eaddy.....Appellant,

v.

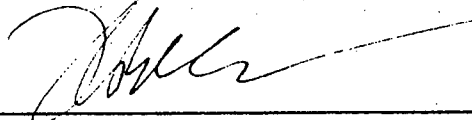
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and Dorothy B. Adams.....Respondents.

NOTICE OF APPEAL

Carol Goodson-Eaddy appeals the Order Granting Defendants' Motion to Dismiss or in
the Alternative for Summary Judgment dated April 13, 2016, the Order having been executed by
The Honorable G. Thomas Cooper, Jr.

Undersigned received a copy of the Order on April 15, 2016. A copy of the Order is
attached.

PALMETTO LAW CENTER, P.C.



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May 11, 2016

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
G. Thomas Cooper, Jr., Circuit Court Judge

Case No. 2014-CP-40-6224

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MAY 11 2016

SC Court of Appeals

Carol Goodson-Eaddy.....Appellant,

v.

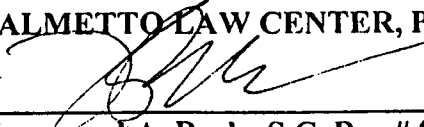
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Jr., Fred Davis, Harry L. Jones, Sr., David J. Clarkson, Larry B. Brown, Grady Wilson,
and Dorothy B. Adams.....Respondents.

PROOF OF SERVICE

I certify that I have filed the Notice of Appeal with the Clerk of Court for Richland
County and served opposing counsel by depositing a copy of it in the United States Mail, postage
prepaid, on May 11, 2016 addressed as follows:

Peter E. Farr, Esq.
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STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 2014CP4006224

Carol Goodson Eaddy

Travien L Capers

Gregory A Brown

DEFENDANT(S)

PLAINTIFF(S)

Submitted by: _____

Attorney for : ☐ Plaintiff ☐ Defendant or ☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☐ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC; ☐ Vol. 1, Insults
☐ Rule 43(k), SCRPC (Settled); ☐ Other _____
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRPC; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other _____
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☒ See attached order (formal order to follow) ☐ Statement of Judgment by the Court:

ORDER INFORMATION

This order ☐ ends ☐ does not end the case.

Additional Information for the Clerk : _____

INFORMATION FOR THE PUBLIC INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge _____ Judge Code _____ Date _____

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this 13 April 2016 to attorneys of record or to parties (when appearing pro se) as follows:

Hammond A. Beale Jr.

Peter E. Farr

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter _____

Clerk of Court _____

Francette W. McBride

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
CIVIL ACTION NO: 2014-CP-40-6224

Carol Goodson-Eaddy,

Plaintiffs,

v.

Travien L. Capers, Gregory A. Brown, Robert Davis, Herbert Bell, James Randolph, Jr., Harry Thompson, James Brown, Frank M. Jones, Edwin L. Rivers, Sr., Lever Thompson, Jr., Fred Davis, Harry L. Jones, Sr., David J. Clarkson, Larry B. Brown, Grady Wilson, and Dorothy B. Adams,

Defendants.

ORDER

RICHLAND COUNTY
FILED
2016 APR 12 AM 8:35
JEANETTE W. MCENIDE
C.C.P. & G.S.

A hearing was conducted in this Court on April 6, 2016 on Defendants' Motion to Dismiss under Rules 12(b)(1) and 12(b)(6) or in the alternative for Summary Judgment. After hearing able argument of counsel and reviewing the submitted exhibits, memoranda, and testimony, the Court grants Defendants' motion.

On July 22, 2014, Travien L. Capers (hereinafter "Pastor Capers"), sent an email to Plaintiff, and to no one else, requesting to meet with Plaintiff privately to address Plaintiff's prior conduct during the church's formal meetings. Thereafter, on August 30, 2014, a disciplinary letter to Plaintiff was drafted and signed by Pastor Capers as well as by the additional Defendants in this action, all of whom were either trustees or deacons of Zion Benevolent Baptist Church at the time of the letter's execution. In relevant part, the letter informed Plaintiff that her disruptions in church meetings, disrespect shown to church officials, and desire to turn church affairs into legal matters were not in accordance with the church leadership's view of proper Biblical conduct. The letter cited numerous passages of scripture and communicated the decision to discipline Plaintiff for her

actions by rescinding Plaintiff's membership at Zion Benevolent Baptist Church, to include removing Plaintiff from the church record and revoking all privileges of church membership.

While dated August 30, 2014, this letter was not mailed to Plaintiff until September 10, 2014. In the interim, on September 8, 2014, a special business meeting was held at Zion Benevolent Baptist Church. At this special business meeting, Pastor Capers addressed the issue of church discipline. Plaintiff testified that Pastor Capers called Plaintiff a "troublemaker" and told the church members present at the meeting that Plaintiff would potentially be excommunicated from the church if she did not "repent" and "apologize" for her actions. Plaintiff chose not to apologize during the meeting. Following the meeting, Plaintiff received via mail the church discipline letter dated August 30, 2014 excommunicating Plaintiff from the church.

On October 10, 2014, Plaintiff filed the instant lawsuit. On November 3, 2014, Defendants filed a Motion to Dismiss the lawsuit in its entirety. Judge Barber granted in part and denied in part Defendants' Motion to Dismiss, dismissing Plaintiff's civil conspiracy claim and allowing Plaintiff "to amend her Complaint to cure certain deficiencies." Judge Barber's Order recognized that the Court was unable to determine at the initial stages of the proceeding whether the lawsuit involves ecclesiastical matters outside of the subject matter jurisdiction of the Circuit Court. Any church discipline matters would not be within the jurisdiction of the court and would be dismissed. The Order also allowed Plaintiff to amend her Complaint to include "facts to support allegations that the statements were not qualifiedly privileged if made in a church meeting." Finally, the Order clarified that the Defendants have been named in their individual capacity, and to the extent any Defendant is shown to have been acting as an agent of the church at the time he or she engaged in any tortious conduct, the suit must be dismissed as to that Defendant. Ultimately, Judge Barber

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denied Defendants' Motion to Dismiss as premature and provided Plaintiff with an opportunity to cure the deficiencies detailed above.

Plaintiff subsequently filed an Amended Complaint and has testified in a deposition to clarify her causes of action and her evidence to support her claims. She testified that the only alleged defamation is the email, the letter, and the statements by Pastor Capers in the church meeting. The outrage claim relates to how the church disciplinary process worked. Defendants have filed the instant Motion to Dismiss or, in the alternative, Motion for Summary Judgment on the basis that Plaintiff has been unable to cure the deficiencies detailed by Judge Barber in his previously filed Order and has failed to show any publishing of alleged libel, and Defendants are entitled to dismissal under Rule 12(b)(1) and 12(b)(6) and/or summary judgment under Rule 56.

According to the United States Supreme Court, the First Amendment of the U.S. Constitution limits the circumstances under which a civil court can intrude into a church's internal affairs:

[W]here resolution of the disputes cannot be made without extensive inquiry by civil courts into religious law and polity, the First and Fourteenth Amendments mandate that civil courts shall not disturb the decisions of the highest ecclesiastical tribunal within a church of hierarchical polity, but must accept such decisions as binding on them, in their application to the religious issues of doctrine or polity before them.

Pearson v. Church of God, 325 S.C. 45, 49, 478 S.E.2d 849, 851 (1996) (quoting Serbian Eastern Orthodox Diocese v. Milivojevich, 426 U.S. 696 (1976)). The South Carolina Supreme Court has adopted similar principles:

- 1) Courts may not engage in resolving disputes as to religious law, principle, doctrine, discipline, custom, or administration;
- 2) Courts cannot avoid adjudicating rights growing out of civil law;

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- 3) In resolving such civil law disputes, courts must accept as final and binding the decisions of the highest religious judicatories as to religious law, principle, doctrine, discipline, custom, and administration.

Pearson, at 52-53, 478 S.E.2d at 853. The South Carolina Supreme Court has stated that it “is not the function of the courts to dictate procedures for a church to follow,” and “we limit our inquiry into church affairs and respect the boundaries of church self-governance.” Williams v. Wilson, 349 S.C. 336, 340, 563 S.E.2d 320, 322 (2002).

For example, “[i]n Pearson v. Church of God, 325 S.C. 45, 53, 478 S.E.2d 849, 853 (1996), our supreme court held it was not proper for this court to ‘determine whether the Church acted consistently with its religious laws and doctrines, its system of discipline and administration in revoking [the minister’s] ministry . . . [because that] would be a quintessentially ecclesiastical matter over which a court could not exercise jurisdiction.’” McCain v. Brightharp, 730 S.E.2d 916, 920 (S.C. Ct. App. 2012). Thus, the areas of church administration and church discipline are specifically outside the jurisdiction of civil courts.

The only instances of alleged defamation identified by Plaintiff in her deposition are the July 22, 2014 email from Pastor Capers to Plaintiff, the August 30, 2014 letter from Pastor Capers and other church officials to Plaintiff, and the September 8, 2014 special business meeting. However, the allegedly defamatory statements made within these two letters as well as during the special business meeting were limited to the context of church administration and church discipline and were thus official church business over which this Court has no jurisdiction.

For example, the July 22, 2014 email sent by Pastor Capers only to Plaintiff specifically addresses Plaintiff’s behavior in the context of church meetings and notes that this conduct does not comport with the manner in which a church member should raise questions, which should “respect[] [the church’s] sanctuary and reflect[] a Christian character.” These statements reflect

GR 4

the communication of proper church procedure related to interactions with church officials and potential discipline for failing to adhere to such procedures.

Similarly, the August 30, 2014 letter to Plaintiff from the church detailed instructions from the New Testament “on how the church should function from the pulpit to the pew” and addressed the ways in which Plaintiff had failed to heed these instructions. The letter cites numerous scriptures to demonstrate how Plaintiff’s behaviors have not been in accordance with the teachings of the church. These statements necessarily implicate church doctrine, administration, and discipline over which this Court cannot exercise jurisdiction, as they address Plaintiff’s conduct related to the church interpreted in light of the Bible and the appropriate discipline for such conduct in the context of church doctrine.

Finally, the alleged defamatory statements made at the September 8, 2014 special business meeting involve Pastor Capers communicating that Plaintiff was a “troublemaker” within church meetings and requiring Plaintiff to “repent” and “apologize” in order to retain her membership in the church. These statements directly relate to internal church disciplinary matters over which this Court has no jurisdiction and were confined to a meeting of church members. Indeed, a witness at the September 8, 2014 meeting, church member Nadine Taylor, testified that she viewed Pastor Capers’ comments at the meeting as “a warning” to Plaintiff that her actions could result in discipline to include the termination of her church membership if she did not repent and apologize. Exhibit E, Deposition of Nadine Taylor (Page 17:11 to 17:20, Page 18:6 to 18:14). Further, while Plaintiff herself testified that does not believe the special business meeting was the “appropriate way” for Pastor Capers to administer church discipline, there is no evidence in the record that Plaintiff disputes the fact that the meeting and her ultimate excommunication from the church was a form of discipline imposed by the church.



Thus, the alleged defamation identified by Plaintiff in her deposition was delivered in the context of church administration and discipline. All of the communications came from church officials responsible for handling disciplinary matters. In fact, Plaintiff conceded in her deposition that the church officials who signed the August 30, 2014 letter were officials responsible for running the church and handling church discipline. While Plaintiff may hold a personal belief that Defendants' methods of implementing church discipline were not "appropriate," this belief does not change the fact that the statements of the Defendants in this action were made in the context of church administration and discipline. Plaintiff also failed to comply with the prior Order in this case requiring facts to support allegations that the statements did not have a qualified privilege since they were made in a church meeting.

Further, with respect to Plaintiff's pending claim for intentional infliction of emotional distress, the claim itself stems from the above-discussed actions of alleged defamation and excommunication. These actions were performed in context of church administration and discipline by church officials who Plaintiff recognizes were responsible for church discipline. As such, Plaintiff's claim for intentional infliction of emotional distress, which derives from the Defendants' alleged defamatory conduct as well as her subsequent excommunication, also concerns ecclesiastical matters specifically outside the jurisdiction of the Circuit Court.

While Defendants recognize that civil courts may hear cases touching upon religious organizations where the dispute may be resolved entirely by neutral principles of law, a resolution of the dispute by neutral principles of law here is not feasible. Banks v. St. Matthew Baptist Church, 406 S.C. 156, 160-61, 750 S.E.2d 605, 607 (2013). The Court cannot perform an independent assessment of the allegedly defamatory statements and ultimate excommunication because the statements and disciplinary actions were made by church officials during church

proceedings in the context of implementing church discipline. For this reason, the statements and excommunication can only be considered in the appropriate context, that is, as acts of discipline and administration by church officials for actions that did not comport with Biblical directives. The August 30, 2014 letter specifically cites to "Biblical law" and scripture passages upon which the disciplinary step of excommunicating Plaintiff was ultimately based. This Court cannot apply neutral principles of law to these statements without deciding issues of religious doctrine and discipline.¹ As such, Plaintiff's Complaint concerns ecclesiastical matters specifically outside the jurisdiction of the Circuit Court.

In ruling on Defendants' initial Motion to Dismiss, Judge Barber provided Plaintiff with an opportunity to amend her Complaint and present any evidence to demonstrate that the allegations in her Complaint do not involve ecclesiastical matters. Plaintiff has failed to do so. Instead, the record evidences that the conduct alleged in Plaintiff's Complaint was performed by church officials and constituted church administration and church discipline. As such, the allegations in Plaintiff's Amended Complaint involve ecclesiastical matters and thus fall outside of the subject matter jurisdiction of this Court.

Even if this Court were to have jurisdiction over this subject matter, Plaintiff has not satisfied the elements of defamation under South Carolina law. "The tort of defamation allows a plaintiff to recover for injury to her reputation as the result of a defendant's communication to others of a false message about the plaintiff." Holtzscheiter v. Thomson Newspapers, Inc., 332

¹ For example, in order to sustain her intentional infliction of emotion distress claim, Plaintiff must demonstrate that her excommunication was so "extreme and outrageous" as to exceed "all possible bounds of decency." Hansson v. Scalise Builders of S. Carolina, 374 S.C. 352, 356, 650 S.E.2d 68, 70 (2007). However, Plaintiff's ultimate excommunication was a form of church discipline imposed following Plaintiff's voluntary decision to refrain from repenting and apologizing during the meeting. A South Carolina court cannot apply neutral principles of law to this issue without making a ruling as to whether the church-imposed discipline of excommunication exceeded "all possible bounds of decency," which would necessarily rule on issues of religious doctrine and discipline outside of the jurisdiction of the Court.

S.C. 502, 508, 506 S.E.2d 497, 501 (1998). The elements of a defamation claim include: (1) a false and defamatory statement concerning another; (2) an unprivileged publication to a third party; (3) fault on the part of the publisher; and (4) either actionability of the statement irrespective of special harm or the existence of special harm caused by the publication. Id. "Slander is a spoken defamation while libel is a written defamation or one accomplished by actions or conduct." Id.

In her deposition, Plaintiff limited the alleged defamation in this matter to three instances: (1) the July 22, 2014 email from Pastor Capers to Plaintiff; (2) the August 30, 2014 letter from Pastor Capers and other church officials to Plaintiff and (3) the September 8, 2014 special business meeting.

With respect to the July 22, 2014 email and the August 30, 2014 letter, these documents do not constitute defamation because neither document was published to a third party. "The publication of defamatory matter is its communication, intentionally or by a negligent act, to a third party—someone other than the person defamed." Id. at 520, 506 S.E.2d at 507. The July 22, 2014 email was sent from Pastor Capers' email address to Plaintiff's email address. In her deposition, Plaintiff conceded that she has no knowledge that this email was sent to any other person besides herself. There is no evidence in the record that the July 22, 2014 email was published to a third party. As such, Plaintiff fails to satisfy the publication element of her defamation claim as to the July 22, 2014 email.

Further, the August 30, 2014 letter was sent directly to Plaintiff by Defendants. In her deposition, Plaintiff testified that she is not aware of the letter being sent to any third party and has never heard of anyone else receiving a copy of the letter. While Plaintiff testified that she herself subsequently shared the letter with "quite a few people," this does not establish that Defendants published the letter to any third party as is necessary to sustain a libel claim. As such, Plaintiff

GT. #8

fails to satisfy the publication element of her libel claim as to the August 30, 2014 letter. Accordingly, summary judgment is granted in favor of all Defendants as to Plaintiff's claim for libel. This letter serves as the only basis for claims against all Defendants except Defendant Capers.

With respect to Plaintiff's slander claim, the alleged defamatory statements made during the September 8, 2014 special business meeting were made solely by Pastor Capers.² However, the alleged statements made by Pastor Capers during the special business meeting were not defamatory. Plaintiff testified that at the meeting, Pastor Capers told Plaintiff she needed to repent and apologize for her actions. Plaintiff also testified that Pastor Capers called Plaintiff a "troublemaker." These statements are not defamatory, especially within the context of a church meeting addressing discipline. Indeed, when church member and witness Nadine Taylor was asked about these statements in her deposition, she testified that she felt that the church members needed more information and "details" as to what made Plaintiff a troublemaker and why Plaintiff should be excommunicated from the church. Similarly, Plaintiff testified that at the meeting, she and other church members questioned Pastor Capers as to details of why he made such comments about Plaintiff and what information he had to support these comments. Thus, the statements made by Pastor Capers during the meeting were not defamatory, as both Plaintiff and Nadine Taylor indicated that more statements were needed on the discipline matter and that they wished Pastor Capers to comment further concerning Plaintiff.

Further, even if this Court were to find any of Pastor Capers' statements to be defamatory, the statements were made in the context of a special business meeting at the church and Pastor Capers is thus entitled to a qualified privilege as a matter of law. See Fountain v. First Reliance Bank, 398 S.C. 434, 444, 730 S.E.2d 305, 310 (2012). Under the doctrine of qualified privilege,

² Plaintiff's slander claim is only asserted against Pastor Capers and does not concern the additional Defendants.

one who publishes defamatory matter concerning another is not liable for the publication if (1) the matter is published upon an occasion that makes it conditionally privileged, and (2) the privilege is not abused. Id. "The essential elements of a conditionally privileged communication may be enumerated as good faith, an interest to be upheld, a statement limited in its scope to this purpose, a proper occasion, and publication in a proper manner and to proper parties only." Id. The existence of this privilege is a question of law for the court. Castine v. Castine, 403 S.C. 259, 267, 743 S.E.2d 93, 97 (Ct. App. 2013).

The alleged defamatory statements made by Pastor Capers were delivered during a church meeting to church members discussing church business. The statements were made in the context of disciplining Plaintiff, a church member at that time, pursuant to church administrative procedures. The statements were limited to addressing Plaintiff's past behavior in the context of her participation and behavior in the church and with church officials. An official church meeting with church members present is the proper occasion to discuss disciplinary issues arising from a church member's conduct. It is hard to conceive of a more appropriate setting for church officials to discuss the discipline of church members than in an official church meeting limited to church members. Denying Pastor Capers a qualified privilege during such discussions would undermine the purpose of the privilege, and Plaintiff has presented no evidence to support such a denial despite an explicit requirement in the prior Order to do so in order for the claims to survive.

Judge Barber's Order on Defendants' initial Motion to Dismiss specifically recognized that "Plaintiff must also present facts to support allegations that the statements were not qualifiedly privileged if made in a church meeting." Plaintiff has presented no such facts. Instead, the record supports the determination that Pastor Capers is entitled to a qualified privilege as a matter of law. Accordingly, even if this Court were to find any statements by

52 10

Pastor Capers to be defamatory, the statements by Pastor Capers are entitled to a qualified privilege as a matter of law and thus Plaintiff has failed to satisfy the elements of a defamation claim. As such, Defendants are entitled to summary judgment as to Plaintiff's defamation claims.

Finally, Plaintiff's claim for intentional infliction of emotional distress, or outrage, are subject to a heightened burden of proof. Hancock v. Mid-S. Mgmt. Co., 381 S.C. 326, 330-31, 673 S.E.2d 801, 803 (2009). Plaintiff must submit more than a mere scintilla of evidence to withstand a motion for summary judgment. Id. Plaintiff in the subject matter lacks physical harm, so she must show more in the way of extreme outrage that is simply not present in the evidence before the Court. Hanson v. Scalise Builders of S.C., 374 S.C. 352, 356, 650 S.E.2d 68, 71 (2007). Consequently, Plaintiff's claim fails as a matter of law even if the subject of her claim was not a church discipline matter over which this Court has no jurisdiction. It is hereby

ORDERED, ADJUDGED and DECREED that the Plaintiff's claims as to all Defendants are dismissed with prejudice, and

IT IS SO ORDERED.



The Honorable G. Thomas Cooper, Jr.
Presiding Judge
Richland County Court of Common Pleas

April 11, 2016

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
IN THE COURT OF COMMON PLEAS

JUDGM. T IN A CIVIL CASE

CASE NUMBER: 2014CP4006224

Carol Goodson Eaddy

Travien L Capers

Gregory A Brown

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: _____

Attorney for: ☐ Plaintiff ☐ Defendant or ☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☐ DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ ACTION DISMISSED (CHECK REASON): ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Nonsuit);
☐ Rule 43(k), SCRPC (Settled); ☐ Other _____
- ☐ ACTION STRICKEN (CHECK REASON): ☐ Rule 40(j), SCRPC; ☐ Bankruptcy;
☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other _____
- ☐ DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):
☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☒ See attached order (formal order to follow) ☐ Statement of Judgment by the Court:

ORDER INFORMATION

This order ☐ ends ☐ does not end the case.

Additional Information for the Clerk: _____

INFORMATION FOR THE PUBLIC INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order: _____

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge _____ Judge Code _____ Date _____

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20 _____ and a copy mailed first class or placed in the appropriate attorney's box on this 9 March 2015 to attorneys of record or to parties (when appearing pro se) as follows:

Hammond A. Beale Jr.

Peter E. Farr

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter _____

Clerk of Court

Jeanette W. McBride

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
CIVIL ACTION NO: 2014-CP-40-6224

Carol Goodson-Eaddy,

Plaintiffs,

v.

Travien L. Capers, Gregory A. Brown, Robert
Davis, Herbert Bell, James Randolph, Jr.,
Harry Thompson, James Brown, Frank M.
Jones, Edwin L. Rivers, Sr., Lever Thompson,
Jr., Fred Davis, Harry L. Jones, Sr., David J.
Clarkson, Larry B. Brown, Grady Wilson, and
Dorothy B. Adams,

Defendants.

ORDER

RICHLAND COUNTY
FILED
2015 MAR -5 AM 10:29
JEANNETTE W. MCBRIDE
C.C.P. & G.S.

A hearing was conducted in this Court on February 9, 2015 on the Defendants' Motion to Dismiss under Rules 12(b)(1) and 12(b)(6). After hearing able argument of counsel and reviewing the submitted memoranda, the Court has decided to permit the Plaintiff to amend her Complaint to cure certain deficiencies, as detailed below.

At the present time, the Court is unable to determine whether this matter involves ecclesiastical matters such that the case would be outside the subject matter jurisdiction of the circuit court, so the Rule 12(b)(1) motion is denied at this time without prejudice to be argued again.

The Complaint fails to state with specificity what statements are alleged to be defamatory for both the libel and slander claims. To state a valid claim under Rule 12(b)(6), the Plaintiff must allege with specificity the words themselves that are alleged to be false statements, to which third parties the statements were made, when they were made, and how they were

published. In the present matter, the Plaintiff must also present facts to support allegations that the statements were not qualifiedly privileged if made in a church meeting.

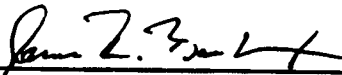
The civil conspiracy claim against the Defendants involves a matter of church discipline, which is outside the jurisdiction of this Court, and such claim is dismissed. It is premature at this time to determine whether the Plaintiff can present a cognizable claim for intentional infliction of emotional distress, so the Defendants' motion is denied as to that claim.

The Complaint has only been brought against individual named Defendants rather than the church at which the Defendants are officers. The Plaintiff has represented that her lawsuit is only as to actions by the Defendants wholly outside the scope of any agency on behalf of Zion Benevolent Baptist Church. Based on these representations and the choice of the Plaintiff to not sue the church, the suit must be dismissed as to any Defendant ever shown to have been acting as an agent of the church at the time he engaged in any tortious conduct.

The Court will therefore deny the Motion to Dismiss at this time as premature, and it is hereby

ORDERED, ADJUDGED and DECREED that the Plaintiff must Amend her Complaint within thirty (30) days to state with specificity facts to constitute a valid cause of action under the terms set forth in this Order and that the Defendants will then have thirty (30) days to Answer or otherwise respond to the Amended Complaint and

IT IS SO ORDERED.



The Honorable James R. Barber, III
Presiding Judge
Richland County Court of Common Pleas

3/21, 2015

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF RICHLAND

Carol Goodson-Eaddy,

**AMENDED
SUMMONS**

Plaintiff,

Vs.

CIVIL CASE NO.:2014-CP40-6224

Travien L. Capers,

Gregory A. Brown, Robert

Davis, Herbert Bell, James

Randolph, Jr., Harry Thompson,

James Brown, Frank M. Jones,

Edwin L. Rivers, Sr., Lever

Thompson, Jr, Fred Davis,

Harry L. Jones, Sr., David J.

Clarkson, Larry B. Brown,

Grady Wilson and Dorothy

B. Adams

2015 MAR 31 AM 8:33

TO THE DEFENDANTS ABOVE NAMED:

YOU ARE HEREBY SUMMONED and require to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to said complaint upon the subscriber, at his office at 791 Greenlawn Drive, Suite 2, Post Office Box 9526, Columbia, South Carolina, 29290, within thirty (30) days after the service hereof, exclusive of the day of such service, and if you fail to answer the complaint within the time aforesaid, Plaintiff will apply to the Court for the relief demanded in the complaint and judgment by default will be rendered against you for the relief demanded in the complaint.

Palmetto Law Center, P.C.



**Hammond A. Beale
Attorney for Plaintiff
SC Bar No.: 599
791 Greenlawn Drive Suite 2
Columbia, SC 29209
803-783-4570 (p)
803-776-7862 (f)**

Columbia, South Carolina

March 30, 2015

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
CIVIL ACTION NO: 2014-CP-40-6224

Carol Goodson-Eaddy,

Plaintiff,

v.

Travien L. Capers, Gregory A. Brown, Robert
Davis, Herbert Bell, James Randolph, Jr.,
Harry Thompson, James Brown, Frank M.
Jones, Edwin L. Rivers, Sr., Lever Thompson,
Jr., Fred Davis, Harry L. Jones, Sr., David J.
Clarkson, Larry B. Brown, Grady Wilson, and
Dorothy B. Adams

Defendants.

**PLAINTIFF'S AMENDED
COMPLAINT**

2015 MAR 31 AM 8:33

The Plaintiff, complaining of the Defendants, alleges:

FACTS

1. That the Plaintiff is a resident of the County of Richland, State of South Carolina.
2. That the Defendants are all residents of the County of Richland, State of South Carolina,
3. That the Plaintiff has been in a good and faithful member of Zion Benevolent Baptist Church since 1968.
4. That the Defendant, Travien L. Capers (hereinafter Capers) represents himself to be the Senior Pastor of the Zion Benevolent Baptist Church (hereinafter ZBBC). That Capers was hired by ZBBC to be its Pastor approximately four (4) years ago.
5. That pursuant to the constitution of ZBBC, Article VII, Elections, Section 2, Pastors shall be elected annually.
6. That pursuant to the By-Laws of ZBBC (adopted August, 1986 and revised April, 2003), per By-Laws, Article V, Pastor, Section 1B, "a Pastor shall be called by the church to serve on an annual bases (sic)." That Plaintiff alleges, on information and belief, the church's congregation has not reelected Capers as Pastor of ZBBC and he currently is acting without proper legal authority.
7. That the Defendant Gregory A. Brown (hercafter Brown), Defendant Robert Davis, Defendant Herbert Bell, Defendant James Randolph Jr., Defendant Harry Thompson, Defendant Grady A. Wilson, Defendant Frank M. Jones, Defendant Edwin L. Rivers, Sr., and Defendant James Brown all represent themselves to be Deacons of ZBBC.

8. That pursuant to the Constitution of ZBBC, Article VII, Elections, Section 2, the Deacons "...shall be elected annually..." that, on information and belief, Plaintiff alleges that none of the Deacons there have been elected by the members of the church annually and therefore are without power to act as Deacons.
9. That the Defendant Lever Thompson, Jr., Defendant Fred Davis, Defendant Harry L. Jones, Sr., Defendant David J. Clarkson, Defendant Larry B. Brown and Defendant Dorothy B. Adams all represent themselves to be Trustees of ZBBC.
10. That, pursuant to the constitution of the ZBBC, Article VII, Elections, Section 2, the Trustees "...shall be elected annually..." That, on information and belief, Plaintiff alleges that none of the Defendant Trustees have been elected annually by the members of the church and therefore are without power to act as trustees.
11. That, Pursuant to the ZBBC's Constitution, Article VII, Meetings, Section 3, the Pastor, Chairman of the Deacons or clerk...may call special business meetings but said meetings must be announced publicly at a service of the church at least one week prior to the called meeting. That no matter shall be considered at the called meeting except that for which it was called and previously announced. That, on information and belief, no such notice of a special meeting held on September 8, 2014, was ever given nor was there ever announced prior to the meeting the details of why the special meeting was called.
12. That on September 8, 2014, a "Special Call Meeting" was held. That in attendance was the Plaintiff and other members of the church. That the Defendant Capers announced that the Plaintiff was to be excommunicated from the church. That the members present voiced their objection to each action against the Plaintiff and no further action was taken to have approved by the entire congregation.
13. That the Defendants, each signed a letter dated August 30, 2014, and sent it to Plaintiff wherein they informed Plaintiff:
 - a. That her membership at ZBBC was rescinded;
 - b. That Plaintiff's name would be removed from the church record on the date they signed the letter;
 - c. That all of Plaintiff's privileges of membership were officially revoked;
 - d. That Plaintiff was no longer welcome in any official church meeting or gatherings; and That Plaintiff was encouraged to worship at another church.The letter is attached hereto and marked exhibit #1
14. That such actions taken against Plaintiff by Defendants were in direct violation of ZBBC's Constitution and by-laws, specifically Article VIII, Discipline, which provides:
 - a. "If any unhappy differences arise between members or groups, the aggrieved members along with the Pastor and Deacons should make every effort to resolve their difference. (Section 1);
 - b. Should any case of gross breach of covenant or public scandal occur, the deacons should endeavor to rectify the offenses and if such efforts fail, report the case to the church (Section 2);

- c. If the church votes to enter a complaint, which must be made in writing, it shall appoint a reasonable time and place of hearing and notify the person in question thereof, furnishing him with a copy of the charges. (Section 3);
 - d. At such meeting the accused member may call to his aid any members of the church as counsel. (Section 4);
 - e. Any member or officers who willingly violate the provision of the constitution and By-Laws shall be called before the church conference for action by that body. (Section 5)."
15. That Defendants violated the specific mandates of the church's procedures for disciplining a member of the church..
 16. That the Defendants, not being properly elected officers of the church, were not acting as agents of the church.
 17. That the Defendant's statements were not in discharge of a legal, social, or moral duty but rather in furtherance of a personal vendetta.
 18. That Defendant Capers had not followed proper disciplinary procedures when he attempted to excommunicate Plaintiff. (Procedures for Church Discipline) (Adopted February 13, 2012).
 19. That a letter dated August 30, 2014, notified Plaintiff of her excommunication.
 20. That the immediate excommunication of a members of the church was an improper measure according to church disciplinary procedure (Procedures for Church Discipline) (Adopted February 13, 2012).

FIRST CAUSE OF ACTION **(SLANDER)**

21. That Plaintiff realleges each and every allegation hereinabove contained in paragraphs 1-20 as though restated verbatim.
22. That at the Special Call Church meeting held on September 8, 2014, the Defendant Capers maliciously intended to injure Plaintiff's reputation by accusing her of being disruptive trouble maker at the church meeting, by accusing Plaintiff of being deliberately disrespectful of church administrators and by causing disruptions at church meetings.
23. That the Special Call Meeting of September 8, 2014, was attended by other members of the church.
24. That Nadine Taylor was among those present at the September 8, 2014 meeting.
25. That these members were present when Defendant Capers made malicious statements directed at and about the Plaintiff.
26. That Defendant Capers' statements became published when he spoke them in the presence of the church members attending the meeting.
27. That Defendant Capers stated that Plaintiff disrespected him and that Plaintiff should apologize and repent in front of the members of the church.
28. That Defendant Capers stated, after Plaintiff ignored his request to repent, that this was the most disturbing encounter in the four years since becoming Pastor at ZBBC.

29. That Defendant Capers a second time ordered Plaintiff to repent in front of the church or be subjected to a disciplinary mechanism designed to rescind her membership in the church.
30. That rescinding membership in the church is excommunication.
31. That at the September 8, 2014 meeting Defendant Capers mentioned the Plaintiff by name and otherwise communicated with her and directed comments at her.
32. That on February 13, 2012, the church members adopted procedures for discipline. These procedures name reasons for discipline as "Disorderly conduct, conduct clearly out of line with the prescribed commands of the scripture..." and "immoral conduct; sins...such as incest, immorality, covetousness, idolatry, abusive speech, drunkenness, swindling..." (Reasons for discipline General causes; Specific causes.)(Adopted February 13, 2012).
33. That, according to these disciplinary procedures, the final step of a three step disciplinary process is to be "taken before the whole church" (Procedures for church discipline; Third Step).
34. That this third step includes Excommunication (removal from membership) from the church.
35. That the comments, made by Defendant Capers, taken in context of church discipline, implied that Plaintiff had acted in a manner requiring the most extreme punishments as proscribed by the church disciplinary procedures. (procedures of Church Discipline, Third Step)(Adopted February 13, 2012).
36. That the church culture and beliefs of the members caused the comments made by Defendant Capers to be harmful to the Plaintiff.
37. That the Plaintiff alleges that at all times, she conducted herself in a calm manner but admits she was adamant in asking questions about how the Defendants and the other leaders of the church were conducting the business of the church and how they were handling money matters.
38. That Plaintiff alleges such false statements made by Defendant Capers exposed or tended to expose Plaintiff to hatred, ridicule, or contempt.

SECOND CAUSE OF ACTION

(LIBEL)

39. That the Plaintiff realleges each and every allegation contained in paragraphs 1-38 as though restated verbatim herein.
40. That in a letter Defendants sent to Plaintiff dated August 30, 2014, the Defendants intentionally and with malice wrongfully published and circulated a letter reprimanding Plaintiff for allegedly maliciously seeking to cause dissention, referring to Plaintiff as being one who ill-treated and abused Defendants.
41. That specifically the letter dated August 30, 2014, accused Plaintiff of:
 - a. "...deliberate disrespect for church administration and ignorance to scriptural protocol..."

- b. Causing disruptions during meetings and proceeding in an "...argumentative nature..." and showing disrespect for church officials.
 - c. "...blatant disrespect for the scriptural authority of the Pastor, Deacons, and officials of this church..."
42. That the letter was presented, published, and circulated by the Defendants with such reckless disregard and carelessness as to their truth or falsity as to indicate an utter disregard of the rights of the Plaintiff, and the consequences of Defendants' actions maliciously, negligently, and inexcusably exposed Plaintiff to public hatred, contempt, and ridicule and as a direct result of Defendants' acts, caused Plaintiff substantial and great injury and damage.
 43. That Nadine Taylor was among those who saw the letter.
 44. That at the time of the defamatory publication, the Defendants knew or should have known that the words were untrue, and in making the defamatory publication, Defendants acted with malice towards Plaintiff.
 45. That Plaintiff has always enjoyed a good reputation as a valued member of Zion Benevolent Baptist Church and had so enjoyed a good reputation since 1968.
 46. That Defendants have ruined Plaintiff's reputation in the church community and Plaintiff is entitled to recover actual and punitive damages.

THIRD CAUSE OF ACTION

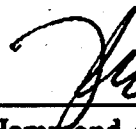
(INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS)

47. That the Plaintiff realleges each and every allegation contained in paragraphs 1-46 as though restated verbatim herein.
48. That Plaintiff is informed and believes that each Defendant was in some manner negligently and proximately responsible for the events and happenings alleged in this complaint and for the Plaintiff's injuries and damages.
49. That at all times hereinabove mentioned Plaintiff was a member in good standing of Zion Benevolent Baptist Church and had been so since 1968.
50. That the Defendant Capers was hired as Pastor of ZBBC approximately four (4) years ago and the remaining Defendants were either allegedly Deacons or Trustees of the said ZBBC.
51. That at no time in August and September 2014 were any of the Defendants duly elected to their positions as Pastor, Deacons, or Trustees pursuant to the laws of the Zion Benevolent Baptist Church and its Constitution and By-Laws.
52. That at all times when the Defendants took the actions they took against Plaintiff, either publicly in church or by written letter, they were acting without any authority.
53. That the Defendants were acting without any authority when they excommunicated Plaintiff from the church, when they removed her name from the church records, when they revoked Plaintiff's privileges of membership, and when they barred her from any official church meetings or gatherings.
54. That Defendants, allegedly standing in positions of authority over Plaintiff, acted with the intent to damage Plaintiff and to cause severe emotional and physical distress.

55. That as a proximate result of the acts of Defendants, Plaintiff suffered severe emotional distress in the form of humiliation, mental anguish, anxiety, emotional distress and the acts of the Defendants injured Plaintiff in mind and body.
56. That Defendants' conduct was done knowingly, willfully, and with malicious intent and Plaintiff is entitled to both actual and punitive damages in an amount to be determined by this Court.

WHEREFORE Plaintiff prays judgement against Defendants jointly and severally for actual and punitive damages, together with costs, for all causes of action.

Palmetto Law Center, P.C.



Hammond A. Beale
Attorney for Plaintiff
SC Bar No.: 599
791 Greenlawn Drive suite 2
Columbia, SC 29209
803-783-4570 (p)
803-776-7862 (f)

Columbia, South Carolina

March 30, 2015

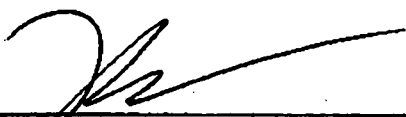
CERTIFICATE OF SERVICE

I, the undersigned Attorney of Palmetto Law Center, P.C., attorneys for Plaintiff, Carol Goodson-Eaddy, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) specified below by mailing a copy of the same by United States Mail, postage prepaid, to the below address:

PLAINTIFF'S AMENDED COMPLAINT

COUNSEL SERVED:

Peter E. Farr
Murphy & Grantland, P.A.
PO Box 6648
Columbia, SC 29260



Hammond A. Beale
Attorney for Plaintiff

Columbia, SC

March 30, 2015

2015 MAR 31 AM 8:33

IN THE CIVIL COURT

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14-CP-40-6224

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INDEX OF WITNESSES

(Court Reporter's Note: There was no direct or cross examination of any witnesses).

INDEX OF EXHIBITS

(Court Reporter's Note: No exhibits were marked or received into evidence).

1 (The following proceedings are reported on
2 April 6, 2016.)

3 THE COURT: Is this Eaddy versus Capers?

4 MR. FARR: Yes, Your Honor.

5 THE COURT: Is it your motion, Mr. Farr?

6 MR. FARR: Yes, Your Honor, Peter Farr with
7 Murphy and Grantland for all the defendants. There are
8 two motions on the roster. There is one that is a
9 motion to quash a subpoena that was sent to the church,
10 and there is one that is a motion to dismiss on the part
11 of all the defendants.

12 If you would like me to take them up in order,
13 the motion to dismiss is first because if that is
14 granted, then the other motion becomes irrelevant.

15 THE COURT: That makes sense.

16 MR. FARR: I will approach it from that way,
17 Your Honor. This is a motion that was filed to dismiss
18 or in the alternative for summary judgment. I have a
19 copy of the motion with all the exhibits if you do not
20 have it, Your Honor.

21 THE COURT: I've got it.

22 MR. FARR: Okay. Then I will proceed on.
23 This is a case that arises out of a church matter with
24 Zion Benevolent Baptist Church. This has been before
25 Your Honor on a discovery motion.

1 It was before Judge Barber previously on a
2 prior motion to dismiss. Judge Barber -- there is an
3 order in the file -- but Judge Barber essentially looked
4 at this on a 12(b)(1) issue and determined it was too
5 premature at that point to be able to determine whether
6 this was an ecclesiastical matter.

7 That's the procedure background that gets us
8 to this point because now we have gone through
9 depositions and discovery. The defendants have moved to
10 dismiss under an ecclesiastical privilege, Your Honor,
11 under Pearson v. Church of God, under McCain v.
12 Brightharp.

13 What we have is a church discipline matter,
14 and the plaintiff has said over and over again that that
15 is what this is all about. The facts are recited in the
16 motion. To the extent you would like more details on
17 the facts as they played out --

18 THE COURT: Just remind me briefly.

19 MR. FARR: Certainly. The plaintiff was at
20 Zion Benevolent Baptist Church. The pastor there is
21 Travien Capers, and the other defendants are deacons and
22 trustees.

23 In the course of events, the plaintiff --

24 THE COURT: What was Carol Eaddy?

25 MR. FARR: Carol Goddson-Eaddy was a member of

1 the church.

2 THE COURT: Was she an officeholder?

3 MR. FARR: She was not an officeholder. She
4 was just a member of the church. There arose some
5 dispute over actions and words and conduct. At some
6 point it escalated to the point where her membership was
7 terminated at that church.

8 This lawsuit somewhat arises out of that whole
9 course of events. She has filed a suit for defamation
10 and for outrage. Those are the only two claims that
11 exist in this case.

12 The claims for defamation relate to an e-mail
13 that has been attached to the motion, a letter that was
14 signed by all defendants and that has been attached to
15 the motion, and a special called church meeting that was
16 only open to members of the church and at which Travien
17 Capers, the pastor, was the only one of the defendants
18 to speak.

19 So those are the three events that bring us to
20 this point in the lawsuit. She has been deposed and has
21 testified that her entire lawsuit relates to those three
22 things.

23 The e-mail that is attached as Exhibit A is an
24 e-mail from Travien Capers, the pastor, to the plaintiff
25 directly. It was sent to no one else; so it has not

1 been published to a third party.

2 But on the 12(b)(1) issue of subject matter
3 jurisdiction, under Pearson v. Church of God, anything
4 that relates to church discipline and church
5 administration cannot be in the circuit court. It's an
6 ecclesiastical matter that has to stay within the
7 church, and the Court does not have jurisdiction over
8 that area of law.

9 What Judge Barber's prior order did was said
10 essentially: You have to show that these are actions
11 outside of the church context and don't relate at all to
12 any agency role for the church or it will be dismissed.

13 It was partially under the solicitation of
14 Charitable Funds Act, because the church itself was not
15 sued, and partially under the idea of ecclesiastical
16 privilege, because matters of church administration and
17 church discipline cannot come into the circuit court.

18 So we did discovery on those issues and got to
19 this point where this e-mail essentially just asks for a
20 meeting. You can review that Exhibit A. It talks about
21 a meeting for disruptions in the church. That's all it
22 is.

23 But it is dealing with her actions at church
24 sent to her by the pastor of the church to discuss
25 behavior at church and whether it was appropriate within

1 the church context.

2 THE COURT: Who is Carlene?

3 MR. FARR: Carlene is Carol Goddson-Eaddy.

4 She goes by that name as well apparently. That's her
5 e-mail address, and there is no -- in her deposition
6 that is cited in the memo or cited in the motion, she
7 admits that this was an e-mail that was sent to her,
8 addressed to her. That's her e-mail address, and it was
9 sent to no one else.

10 This deals with church discipline, church
11 administration. There is nothing else that it deals
12 with. It's in the context of church. So under
13 12(b)(1), this e-mail right here is outside the subject
14 matter jurisdiction of this Court.

15 Assuming that it were to make it past that
16 obstacle, then the only question is: Is it actionable
17 as defamation? Defamation requires publishing to a
18 third party.

19 Plaintiff has conceded that this was not
20 published to a third party, as such summary judgment is
21 appropriate in the event the church wishes to exercise
22 jurisdiction over this e-mail. That's the number one
23 claim of defamation is this July 22, 2014, e-mail.

24 The second thing of the three that she has
25 mentioned is an August 30, 2014, letter. It's marked as

1 Exhibit B, again with the ecclesiastical privilege side
2 of things.

3 This is a letter that is signed by the pastor
4 and deacons and trustees, the officers of the church;
5 and those are the signatures that are down there.
6 That's why all the named defendants are the named
7 defendants.

8 This is the only thing in this case that
9 plaintiff says is applicable to all defendants.
10 Everything else is applicable only to Travien Capers,
11 the pastor. This one is applicable to all defendants
12 because they jointly signed a letter to the plaintiff.

13 This letter, as you can see, is a two-page
14 letter and discusses, again, her actions within the
15 church. There are scriptural citations as to
16 appropriate conduct within the church body.

17 It speaks in paragraph 4 of her actions as it
18 relates to church administration. Again, it cites some
19 more scriptural bases for the letter that is being
20 written and deals with church discipline. It's squarely
21 in the church discipline category.

22 She has alleged that the statements are
23 defamatory to her contained in this letter, accusing her
24 of being a troublemaker, of being disruptive, and being
25 disrespectful.

1 Those are the three things that she has said
2 are defamatory to her. This letter, again, it's
3 ecclesiastically privileged in that it does not come
4 into the circuit court context under Pearson, under
5 McCain v. Brightharp, if it is within church
6 administration or church discipline. Now that we have
7 gone through discovery, there is no dispute this is in
8 that realm.

9 If you get beyond the 12(b)(1) subject matter
10 jurisdiction issue, again, plaintiff has acknowledged in
11 her deposition, as cited in my motion, that this letter,
12 which was sent via certified mail, only went to her.

13 She is not aware of it going to anyone else,
14 although she has since shown it to other people, several
15 other people she has said; but she is not aware of any
16 of the defendants publishing it to anyone else.

17 This was a joint letter by the defendants that
18 was sent via certified mail to her, to no one else. So
19 if it is within the subject matter jurisdiction of the
20 Court, once again, it has not been published to a third
21 party and cannot then meet the definition of defamation
22 as again set forth in the memo at some length and in
23 some detail.

24 That brings us then to the September 8, 2014,
25 meeting. At that meeting it was a specially called

1 meeting, as everyone has acknowledged, which make it's
2 an official meeting of the church.

3 That meeting was conducted by the pastor,
4 Travien Capers, and it was limited to just the members
5 as it has been acknowledged by the plaintiff, has been
6 acknowledged by her sole witness, Nadine Taylor, whose
7 deposition excerpts are all attached. She is the
8 plaintiff's cousin, who is also a member and was present
9 at that meeting.

10 It is acknowledged that the meeting was only
11 for the church members. This is a Baptist Church.
12 South Carolina has taken judicial notice that Baptist
13 churches, the final authority rests with the
14 congregation, ultimate authority rests with the
15 congregation, which makes all church business
16 appropriate for the congregation as a whole.

17 South Carolina has taken judicial notice of
18 that. So every matter becomes a full church matter as
19 long as it's limited to the members of that church.
20 This meeting was. There is no dispute about that and no
21 evidence to the contrary at all.

22 And the issue of her discipline was discussed.
23 The witness says this was a discipline issue.
24 Ms. Goodson-Eaddy said this whole process was a church
25 discipline process, and that's the meeting where her

1 behavior was discussed.

2 The pastor gave her a chance to apologize for
3 her behavior. She declined to do so, and then she
4 was -- her membership was terminated thereafter. That
5 August letter was sent to her following the
6 September meeting.

7 It wasn't actually mailed out in August. It
8 was mailed out -- and there is no contradiction on
9 this -- it was mailed out following the September 8th
10 meeting.

11 But, again, it gets into -- I have cited case
12 law. Fountain is one case that just expresses anything
13 within a privileged meeting or within an appropriate
14 business meeting of a business, there is a qualified
15 privilege that attaches.

16 Judge Barber, in his initial order, recognized
17 that and said the plaintiffs had to amend in order to
18 plead with specificity the defamation and to show that
19 there was no qualified privilege that attaches; and they
20 have not done so.

21 So this meeting had a qualified privilege if
22 you get past that it was a church discipline/church
23 administration meeting. The next step becomes whether
24 it's a qualified business meeting or a qualifiedly
25 privileged meeting.

1 It was because it was restricted in scope. It
2 was restricted to the number of people. It was
3 restricted in subject matter to, again, the same things
4 that have been mentioned in the letter.

5 The plaintiff has testified that this related
6 to her being disrespectful and her causing disruptions
7 in the church. It was not about anything outside the
8 church. It was not about anything beyond being
9 disrespectful and causing disruptions within church
10 business.

11 She has interpreted it -- and all of these
12 statements must be interpreted -- but she has
13 specifically said in her deposition that is cited for
14 it, that it's in the context of the church culture.

15 The plaintiff in his answer or in his amended
16 complaint said in the context of church culture, these
17 are defamatory. Well, once you start saying in the
18 context of church anything, you are not wholly outside
19 the ecclesiastical realm. That's the standard in South
20 Carolina for defamation.

21 It has to be able to be wholly decided using
22 neutral principles of law. In this case they have
23 specifically said in the church culture, you have to
24 interpret what was said and what was done.

25 There is no evidence of hatred, of contempt,

1 or ridicule present, which is what the South Carolina
2 courts have looked at. There has been no economic
3 damage presented, and that has been acknowledged.

4 So we fail to meet the defamation
5 requirements, even if you get past the subject matter
6 jurisdiction obstacle and you get past the qualified
7 privilege that attaches to an official church meeting
8 limited to church members to discuss church business and
9 move to defamation, she hasn't satisfied that there was
10 economic damage or hatred, contempt, and ridicule behind
11 these statements.

12 In fact, plaintiff's witness, Nadine Taylor,
13 and plaintiff have expressed that they wish that there
14 had been more said about the situation in order to fully
15 examine the discipline that was present.

16 So it wasn't that she has a dispute with these
17 things being said in this meeting, it's that she wanted
18 even more to be said and more to be discussed because
19 this was ultimately a matter that the whole congregation
20 should be aware of. Those are the only three instances
21 that support her claims.

22 Now, she has, in addition to defamation, she
23 has sued for outrage. She has expressed that the
24 outrage is related to this whole disciplinary course of
25 conduct. That's how she has characterized that claim.

1 It's not a specific instance. It's these
2 three items -- the e-mail, the letter, and the meeting
3 and how it all went down and went forward, this church
4 discipline process -- is the outrage claim.

5 Now, in doing that she has added a twist that
6 these defendants were lacking in church authority. The
7 only evidence in this case as to church authority is
8 that these people were the officers of the church.

9 There is an element in the bylaws that
10 requires annual elections, and the only person the
11 plaintiff has chosen to depose in this case is the
12 pastor. The pastor has said, "Yes, there were annual
13 elections."

14 Then the plaintiff and her witness, Nadine
15 Taylor, both acknowledge that the plaintiff on page 49
16 is talking about the elections, and she says that they
17 never vote on deacons.

18 So I said -- and she said, "They make a
19 recommendation that we keep the same officers." She
20 said, "A person will get up and make the motion and then
21 somebody else will second it." That's on page 49 of her
22 deposition.

23 I said, "And then?"

24 She said, "That is it."

25 I said, "They don't all say in favor?"

1 "All in favor, yes, they will say that."

2 "So that is a vote?"

3 "No, that's not a vote. We are supposed to
4 have an election."

5 So she acknowledged that at each annual
6 meeting somebody recommends, "We keep the slate of
7 officers." Another person seconds that, and they vote
8 all in favor.

9 She just testified she lost that vote when she
10 wanted to have it changed, and that gets into whether
11 these defendants are acting within the scope of their
12 office.

13 There is no evidence to the contrary because
14 everyone has admitted that there are these annual
15 elections where someone -- and she said, "We have the
16 opportunity to speak and we have the opportunity to
17 nominate our own officers, but we lose the vote."

18 That is church administration as cut and dried
19 as it can be, which is, again, outside the subject
20 matter of this Court and should be left to the
21 ecclesiastical realm and not go forward. On page 104 of
22 plaintiff's deposition, she specifically admits this was
23 a church matter that she is bringing a suit about.

24 But the final thing I would point to there was
25 a matter addressed in an unpublished opinion by the

1 Court of Appeals, Doe v. Boy Scouts. But it references
2 Hansson and Hancock and essentially goes to the
3 heightened burden of proof in an outrage claim.

4 Plaintiff has a heightened burden to show that
5 it was so severe that it would cause severe emotional
6 damage. It's beyond a mere scintilla. That's
7 addressed.

8 But the standard is something more than a mere
9 scintilla of evidence that must be provided at the
10 summary judgment stage in order to defeat a motion for
11 summary judgment on that issue.

12 Again, Hancock v. Midsouth Management --
13 that's a 2009 Supreme Court case -- and Hansson v.
14 Scalise Builders, which was cited in a footnote of the
15 motion -- that's a 2007 Supreme Court case -- where the
16 plaintiff lacked physical harm.

17 They have to show something heightened, a
18 heightened burden of proof, a heightened standard, a
19 more than a mere scintilla standard that is applied in
20 order to prove summary judgment.

21 Plaintiff in this case has admitted she had no
22 physical injury. This was upset, wounded feelings; and
23 that's specifically what those cases are designed to
24 prevent. Outrage is not a claim when there are wounded
25 feelings. It's a claim where there are some severe

1 emotional distress that has been presented.

2 I, to this day, have not received a single
3 medical bill, a single indication that there are some --
4 she has mentioned that there are some counseling visits
5 but has not produced any of that. So she has not met
6 that burden.

7 So we have a subject matter jurisdiction claim
8 because this is church administration and discipline.
9 We have a qualified privilege as to the meeting. We
10 have a failure to publish to a third party for the
11 defamation, and we have the lack of meeting the
12 heightened burden as to outrage. Thank you, Your Honor.

13 THE COURT: Mr. Beale?

14 MR. KALISH: May it please the Court, Page
15 Kalish here from Palmetto Law Center on behalf of the
16 plaintiff.

17 Your Honor, I have a brief I would like to
18 hand up. I have given a copy to opposing counsel as
19 well. May I approach?

20 THE COURT: Sure.

21 (Hands to Court.)

22 MR. KALISH: Your Honor, if I may, I will
23 attack the three different ideas that Mr. Farr has put
24 before the Court on behalf of the defendants as to,
25 first, talk about subject matter jurisdiction.

1 Your Honor, while Mr. Farr is correct that
2 Pearson appears to be the law of the land as it deals
3 with church matters, there is a subsequent case of
4 Pearson, which is Ira Banks versus St. Matthews Baptist
5 Church, which worked its way up from the circuit court
6 to the Court of Appeals and ultimately was decided by
7 the Supreme Court of South Carolina. That's 406 S.C.
8 156.

9 In the Banks case what we have is it was a
10 case down in Charleston when the new Arthur Ravenel
11 bridge was being built and a church was displaced so
12 that they could put the onramp into the neighborhood or
13 through the neighborhood.

14 The trustees of the church located new land,
15 as they are supposed to do, to purchase land to build a
16 new church. The preacher was unhappy with the location
17 when it was done.

18 So he stood up in a special business meeting
19 before the congregation and said, "The trustees have
20 done wrong. They mortgaged our church to buy an
21 apartment building. They spent money they should not
22 have spent."

23 In this special business meeting, this led to
24 the ouster of these three trustees. This was brought
25 before the circuit court and court said: This falls

1 under -- pursuant to 12(b)(1), this falls under the
2 ecclesiastical exception, and went back to Pearson.

3 The trustees pressed on with the Court of
4 Appeals, and the Court of Appeals said: While some
5 portions of the claim were thrown out, negligence, I
6 guess, the church, the emotional distress claim were not
7 pled properly. It was thrown out.

8 But the Court said the defamation action can
9 stand because it can be decided upon the neutral
10 principles of law. If we didn't have this ability to
11 bring a defamation claim in instances like this, the
12 church could say whatever they want whenever they wanted
13 to and to whomever they wanted.

14 This was upheld by the Supreme Court in a
15 three-two majority --

16 THE COURT: Was there publication in that
17 case?

18 MR. KALISH: I'm sorry?

19 THE COURT: Was there publication in that
20 case?

21 MR. KALISH: There was publication because it
22 was said in an open meeting -- or excuse me -- a special
23 business meeting which allowed the entire congregation
24 to be there, just as in this meeting we have here today.
25 Yes, Your Honor, there was publication.

1 Your Honor, tracking back a little bit, the
2 crux of the brief that I handed up to Your Honor, while
3 Pearson is applicable in certain instances, it's
4 applicable when there is something known as a hierarchal
5 policy..

6 What that means is if you look at the typical
7 Episcopal church or Baptist church or something of that
8 nature, you have your local level church parishes and
9 above that, you have what could be a bishop or a
10 conference or congregation where things can be appealed.

11 In this case, as laid out in the constitution
12 and bylaws, which I handed up to Your Honor as the, I
13 guess, the second document behind the brief, is Zion
14 Baptist Church is an independent church which puts it in
15 the realm of what is known as a congregational form of
16 government.

17 In *Seldon v. Singletary*, which is a 1984 South
18 Carolina Supreme Court opinion, they first define it and
19 they say: "Under a congregational form of government,
20 however, the local church is not subject to the control
21 of any higher ecclesiastical judicature and is
22 self-governing in religious functions."

23 A typical example of a hierarchal church is
24 Presbyterian. Typical of a congregational church is
25 Baptist. In this case we have an independent Baptist

1 church.

2 Your Honor, what governs in this case are the
3 documents that are before you, which are the
4 constitution and the bylaws. In the Seldon case, there
5 was an issue over whether certain documents, certain
6 deeds could be transferred.

7 It says or what the Supreme Court ultimately
8 said in 1984 is: On review on the whole of the
9 evidence, we are of the opinion the only reasonable
10 inference to be drawn is that a local church here --
11 excuse me, wrong opinion.

12 THE COURT: Go ahead.

13 MR. KALISH: I would like to point out in
14 McCain versus Brightharp, which is 399 S.C. 240 -- it's
15 a Court of Appeals opinion from 2012 -- it cites back to
16 the Seldon versus Singletary case, and it also cites
17 Williams versus Williams, which is 349 S.C. 336.

18 It talks about the history of religious
19 organizations and says that they are generally divided
20 into groups: Congregational churches and hierarchal
21 churches, which I discussed previously.

22 The law is clear that the majority controls
23 the decisions in the congregational church; however, the
24 Court finds that the church's bylaws clearly reserve the
25 congregation the right to dismiss the preacher in the

1 McCain church.

2 So what the Court was doing was actually with
3 the constitution and bylaws to determine that the
4 procedures were followed properly. The Court is able to
5 do that because of this line of cases which doesn't
6 conflict with Pearson. What it does is it allows an
7 avenue for the Court to determine whether the church is
8 acting properly in accordance with its constitution and
9 bylaws.

10 Your Honor, that is very important because
11 what we have said in the amended complaint and what
12 documents have been produced and what testimony has been
13 procured is that in the amended complaint, we said that
14 the church officers were not properly elected and
15 therefore had no official capacity to carry on church
16 business.

17 Your Honor, I have included, as exhibits to
18 this brief, copies of the minutes and copies of the
19 agenda for the meetings. Just by way of quick
20 background, the constitution says that the officers --
21 the pastor, the deacons, and the board members -- shall
22 be elected on an annual basis.

23 Your Honor, we posit that merely making a
24 motion to put these people in place for another year, as
25 is stated in the minutes, does not rise to the level of

1 an election.

2 The election must take place where everyone in
3 the congregation -- well, first of all, there must be a
4 quorum. After a quorum is met, which the minutes do not
5 reflect, after the quorum is met, everybody votes on the
6 panel.

7 A motion made by a deacon does not rise to the
8 level of an election, just as though a motion by the
9 city council would not rise to the level of an election
10 for a mayor if you look at the government actions. For
11 these reasons, Your Honor, this case is not a case where
12 12(b)(1) or subject matter jurisdiction is applicable.

13 It falls outside of that because when people
14 are acting as individuals rather than in their official
15 capacity because they have no official capacity, they
16 certainly are not protected by the veil or the cloak of
17 the religious exemption which is provided by the U.S.
18 Constitution, the First Amendment to the U.S.
19 Constitution.

20 Your Honor, if I may, in talking about this
21 qualified privilege, which has been discussed in Swinton
22 Creek Nursery versus E.F.C., as well as Murry v. Holnam
23 and Fountain v. First Reliance Bank, there are certain
24 instances where the scope and the type of meeting takes
25 place and what is said in the meeting allows for a

1 qualified privilege.

2 However, in this case the three instances we
3 are talking about, there is no qualified privilege; and
4 the pastor had no official capacity, no power, to act on
5 behalf of the church. You must look at this as though
6 he is an individual who is writing an e-mail, sending a
7 letter, and holding a meeting.

8 In addition, the letter which was drafted on
9 August 30, 2014, was drafted by Mr. Capers. He admitted
10 this in his deposition. It was later signed off on by
11 all of the deacons, as well as the board; and then this
12 meeting was held September 8th.

13 So it had been decided before the meeting was
14 actually -- or the special called meeting was held. The
15 special called meeting was not properly noticed, as it
16 has to be according to the constitutional bylaws.

17 Your Honor, what we see here is going from
18 elections to the disciplinary procedure, which is laid
19 out in the constitution and bylaws, to how meetings are
20 supposed to be noticed, scheduled, and called.

21 Those formalities, which are there for a
22 reason, are never followed by the church. Therefore,
23 especially in the case of the September 8th meeting, I
24 believe the first documents behind the brief is the
25 notice of the meeting.

1 There is no indication in that notice that
2 anything of a disciplinary nature or regarding our
3 client, Carol Goodson-Eaddy, will be discussed in that
4 meeting.

5 It's something that happened in the meeting.
6 It was brought up. At that time Pastor Capers called my
7 client, Carol Goodson-Eaddy a troublemaker, set forth
8 the information that he has already set forth in the
9 letter but had not mailed yet, saying that she was
10 disruptive; that she was trying to take church matters
11 into legal matters; and these were all falsehoods that
12 were stated.

13 What you've got to understand, Your Honor, is
14 that the plaintiff, Carol Goodson-Eaddy, has been a
15 member of this church since she was seven years old. So
16 for 50-plus years, she has been a member of this church.
17 I won't say her age because I know that is inappropriate
18 in the South.

19 But she has been a member until she was
20 excommunicated for 50-something years. She has been a
21 productive member of the church and remained active in
22 the church.

23 It's certainly well within her rights to ask
24 questions in meetings of the activities of the church
25 and have those questions answered. Apparently that was

1 found to be disruptive, which it's not disruptive.

2 Further, Your Honor, as a result of the
3 comments, Ms. Goodson-Eaddy's reputation was harmed, her
4 mental state was injured, and she suffered greatly from
5 the excommunication. So the statements certainly had
6 harm to her.

7 In addition, the three instances which
8 Mr. Farr spoke about, he did not speak about the actual
9 excommunication itself. Those in toto inflicted severe
10 emotional distress on Ms. Goodson-Eaddy.

11 She testified in her deposition that she did
12 seek counseling from it. She did suffer depression.
13 Nadine Taylor testified that she became withdrawn, and
14 she was not the same person she had been before.

15 This was directly -- she said it was directly
16 related to the events, the letter, the e-mail, as well
17 as how she was called out before the entire congregation
18 in the special big meeting when she was attacked by the
19 pastor. Your Honor, as I stated, she suffered these
20 damages that were caused by the defendant.

21 Also, this conduction was outrageous and
22 extreme. That is a matter that goes before the jury as
23 to whether this conduct was outrageous or extreme to
24 lead to the example or to lead to the damages that she
25 has claimed; and that is a matter that is properly

1 before the jury.

2 Similarly, Your Honor, going back to the
3 defamation claim -- and I apologize for jumping back to
4 that -- but while there may be a qualified privilege
5 that is asserted in cases such as this and they seem to
6 believe if you say the word church, then it
7 automatically becomes a privileged environment, whether
8 that privilege has been abused is not a question for the
9 Court.

10 In other words it's not a question of law.
11 It's a question that must be put to the jury and the
12 jury decides whether this qualified privilege was
13 abused.

14 At this time we believe it's premature for the
15 Court to decide that there was a qualified privilege --
16 or, excuse me -- whether the qualified privilege was
17 abused or not, even if it was found that the qualified
18 privilege existed because of the circumstances of the
19 meeting.

20 For those reasons, Your Honor, we believe that
21 the motion to dismiss should be denied, as well as the
22 motion for summary judgment should be denied. Thank
23 you.

24 THE COURT: Mr. Farr?

25 MR. FARR: Your Honor, if I could respond to

1 some of those points individually. Plaintiff cited to
2 the Banks case. That's the case where the Court said
3 neutral principles of law is the approach.

4 It went through the line item of what was
5 said -- which was these people stole, these people
6 lied -- and said you can decide that, not addressing the
7 church. Whether somebody stole is not a church issue.
8 Whether somebody lied is not a church issue.

9 That is different than what we have here
10 because the plaintiff has admitted in her deposition
11 these are all church matters and have to be interpreted
12 in the church context.

13 As plaintiff just said, her issue is, "I have
14 been here 50 years and I have been terminated now from
15 my membership, and in this community that's bad."
16 That's something that has to be interpreted in the light
17 of the church, not a neutral principle of law, which is
18 the Banks standard.

19 Getting to the McCain case, that dealt with
20 whether a pastor was properly terminated because there
21 were specific bylaws on the termination. The Court
22 said, "The only thing we can do is reinstate him and say
23 follow the bylaws. There are no damages. There are no
24 further remedies that the Court can offer. That's the
25 only thing we can step in on."

1 McCain involved a Baptist church where the
2 Court was stepping in to say, "Yes, Pearson applies.
3 Subject matter jurisdiction applies. Here is our
4 limited role is to reinsert him as a pastor and say,
5 'You have to vote according to the bylaws.'"

6 Those are the areas for that. Plaintiff's
7 only objection, based on his argument, seems to be -- he
8 has not challenged the publication. He has only
9 challenged the subject matter jurisdiction as to whether
10 these officers were really officers.

11 On that point -- because I just got this
12 objection and memo today -- I would point to plaintiff's
13 deposition that I don't believe you have yet, Your
14 Honor. There is an exchange on pages 55 through 57.

15 I would be to happy to hand it up and let you
16 read briefly, but she specifically notes in these
17 meetings that she brought a motion for new officers.
18 The motion was talked about, and she lost the vote 23 to
19 5, is what she said on page 58.

20 She said, "The vote lost. The same people
21 that were speaking about his behavior, they did not take
22 a stand. And when I mean to say a stand, I don't mean
23 stand up but didn't vote."

24 The annual meeting is where they have these
25 elections every year. The minutes just acknowledge that

1 the process was followed. There is no additional
2 requirement that they say, "Okay. Here who is voted for
3 this person. Here is who voted for this person." It
4 just says the full slate of officers were nominated.
5 There was a second. They were approved.

6 That's how voting takes place in a
7 congregational meeting, and plaintiff has acknowledged
8 that she was present and that that's how the process
9 worked.

10 She didn't have the votes to carry who she
11 wanted, but the people were nominated, the people were
12 seconded, and the vote was taken. So there is no
13 dispute because the things that were just said, there
14 was no documentation or evidence in the record presented
15 to support any of that.

16 I haven't been provided with any of those
17 things. These are theories that plaintiff's counsel
18 has; but when you look at plaintiff's own testimony, she
19 flies in the face of their own theory because she
20 explained the voting process and how she has lost these
21 votes in her deposition.

22 THE COURT: And she participated?

23 MR. FARR: And she participated in it. So we
24 have still -- if that's the only reason to take this out
25 of being a church matter, she, again, said: "These were

1 the officers. This was church discipline. I didn't
2 like how the process came out."

3 There was no publication of the letter and the
4 e-mail. The church meeting was by the pastor in the
5 church with only members present and talked about these
6 same things.

7 Because she said in her voting, she said, "I
8 spoke out against this one particular deacon." I said,
9 "So in the meeting you stood and accused him of being
10 deceitful and rude and not listening," because she had
11 just identified those.

12 She said, "I, yeah. It was read out by the
13 clerk."

14 On page 55: "You charged him with rudeness
15 and deceitfulness?"

16 "Yes."

17 "And not listening?"

18 "Yes -- or right."

19 So she is in these same meetings charging
20 people with being deceitful, being rude, not listening.
21 That is what she had determined is what should be
22 discussed in these meetings. Her own testimony prevents
23 her from going forward with this case.

24 THE COURT: All right. I think I have heard
25 enough.

1 MR. FARR: The only additional thing I would
2 note, this case is on the April 18 roster. I do have a
3 proposed order for you that I would be happy to hand up.

4 THE COURT: I need proposed orders. When is
5 it on the roster?

6 MR. FARR: April 18th. That's a week from
7 Monday.

8 THE COURT: I will need proposed orders by
9 Friday.

10 MR. FARR: Okay.

11 THE COURT: All right.

12 MR. FARR: Then if you want to get into the
13 other motion to quash the subpoena?

14 THE COURT: Not at this time.

15 MR. FARR: Certainly. Thank you, Your Honor.

16 THE COURT: Thank you, Counsel.

17 MR. FARR: Your Honor, can I briefly talk
18 about the publication?

19 THE COURT: I understand the case. Thank you
20 very much.

21 *** END OF REQUESTED TRANSCRIPT OF RECORD ***

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23

24

25

C E R T I F I C A T E

I, the undersigned L. Coconut Pantsari, Official Reporter for the Fifth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of all the proceedings had and the evidence introduced in the hearing of the captioned cause, relative to appeal, in the Civil Court for Richland County, South Carolina, on the 6th day of April, 2016.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

May 27, 2016

s/L. Coconut Pantsari

Court Reporter

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STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
IN THE COURT OF COMMON PLEAS

CASE NUMBER: **2014CP4006224**

Carol Goodson Eaddy

Travien L Capers

Gregory A Brown

PLAINTIFF(S)

DEFENDANT(S)

Submitted by: _____

Attorney for: ☐ Plaintiff ☐ Defendant or ☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- ☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- ☐ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ☐ **ACTION DISMISSED (CHECK REASON):** ☐ Rule 12(b), SCRPC; ☐ Rule 41(a), SCRPC (Vol. Dismissal); ☐ Rule 43(k), SCRPC (Settled); ☐ Other _____
- ☐ **ACTION STRICKEN (CHECK REASON):** ☐ Rule 40(j), SCRPC; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other _____
- ☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):** ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☒ See attached order (formal order to follow) ☐ Statement of Judgment by the Court:

ORDER INFORMATION

This order ☐ ends ☐ does not end the case.

Additional Information for the Clerk: _____

INFORMATION FOR THE PUBLIC INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled
		\$
		\$
		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge _____ Judge Code _____ Date _____

For Clerk of Court Office Use Only

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this 13 April 2016 to attorneys of record or to parties (when appearing pro se) as follows:

Hammond A. Beale Jr.

Peter E. Farr

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter _____

Clerk of Court _____

Granville W. McAnider

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Carol Goodson-Eaddy

☐ Plaintiff

v.

Travien L. Capers, Gregory A. Brown, Robert Davis,
Herbert Bell, James Randolph, Jr., Harry Thompson,
James Brown, Frank M. Jones, Edwin L. Rivers.,
Lever Thompson, Jr., Fred Davis, Harry L. Jones, Sr.,
David J. Clarkson, Larry B. Brown, Grady Wilson,
and Dorothy B. Adams,
☒ Defendant.

IN THE COURT OF COMMON PLEAS

CASE NO.
2014-CP-40-6224

MOTION AND ORDER INFORMATION
FORM AND COVER SHEET

RICHLAND COUNTY
FILED
2014 NOV -4 PM 2:37
JEANETTE W. McBRIDE
C.C.R. & G.S.

Plaintiff's Attorney: Hammond A. Beale, Bar No. Address: P.O. Box 9526; Columbia, SC 29290 phone: 803-783-4570 fax: 803-776-7862 e-mail: other:		Defendant's Attorney: Peter E. Farr Address: P.O. Box 6648 Columbia, SC 29260 phone: 803-782-4100 fax: 803-782-4140 e-mail: other:	
☒ MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III) ☐ FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III) ☐ PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)			
SECTION I: Hearing Information			
Nature of Motion: Motion to Dismiss Estimated Time Needed: 15 min Court Reporter Needed: ☒ YES / ☐ NO			
SECTION II: Motion/Order Type			
☒ Written motion attached ☐ Form Motion/Order I hereby move for relief or action by the court as set forth in the attached proposed order.			
 Signature of Attorney for ☐ Plaintiff / ☒ Defendant			
Date submitted: 10-31-14			
SECTION III: Motion Fee			
☒ PAID - AMOUNT: 25.00 ☐ EXEMPT: (check reason) ☐ Rule to Show Cause in Child or Spousal Support ☐ Domestic Abuse or Abuse and Neglect ☐ Indigent Status ☐ State Agency v. Indigent Party ☐ Sexually Violent Predator Act ☐ Post-Conviction Relief ☐ Motion for Stay in Bankruptcy ☐ Motion for Publication ☐ Motion for Execution (Rule 69, SCRCP) ☐ Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions Name of Court Reporter: ☐ Other:			
JUDGE'S SECTION			
☐ Motion Fee to be paid upon filing of the attached order. ☐ Other:		JUDGE CODE: Date:	
CLERK'S VERIFICATION			
Collected by: 		Date Filed: 11-4-2014	

SCCA/233 (11-03)

☐ MOTION FEE COLLECTED: _____
☐ CONTESTED - AMOUNT DUE: _____

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Carol Goodson-Eaddy,

Plaintiffs,

v.

Travien L. Capers, Gregory A. Brown, Robert Davis, Herbert Bell, James Randolph, Jr., Harry Thompson, James Brown, Frank M. Jones, Edwin L. Rivers, Sr., Lever Thompson, Jr., Fred Davis, Harry L. Jones, Sr., David J. Clarkson, Larry B. Brown, Grady Wilson, and Dorothy B. Adams,

Defendants.

IN THE COURT OF COMMON PLEAS

CIVIL ACTION NO: 2014-CP-40-6224

DEFENDANTS' MOTION TO DISMISS

RICHLAND COUNTY
FILED
2014 NOV -4 PM 2:37
JEANETTE W. McBRIDE
C.C.P. & G.S.

TO: HAMMOND A. BEALE, ESQUIRE, ATTORNEY FOR PLAINTIFF, AND TO THE PLAINTIFF ABOVE-NAMED:

YOU WILL PLEASE TAKE NOTICE that the Defendants, Travien L. Capers, Gregory A. Brown, Robert Davis, Herbert Bell, James Randolph, Jr., Harry Thompson, James Brown, Frank M. Jones, Edwin L. Rivers, Sr., Lever Thompson, Jr., Fred Davis, Harry L. Jones, Sr., David J. Clarkson, Larry B. Brown, Grady Wilson, and Dorothy B. Adams, jointly by their undersigned attorney, will move before the Presiding Judge of the Richland County Court of Common Pleas on the tenth (10th) day after service hereof, or as soon thereafter as counsel may be heard for an Order dismissing the Plaintiff's Complaint pursuant to South Carolina Rules of Civil Procedure 12(b)(1) and 12(b)(6) on the grounds that the Plaintiff's Complaint fails to state facts sufficient to constitute a cause of action against these Defendants and that the subject matter of the Plaintiff's Complaint falls outside the subject matter jurisdiction of the Circuit Court because it deals with ecclesiastical matters.

According to the United States Supreme Court, the First Amendment of the U.S.

Constitution limits the circumstances under which a civil court can intrude into a church's internal affairs:

[W]here resolution of the disputes cannot be made without extensive inquiry by civil courts into religious law and polity, the First and Fourteenth Amendments mandate that civil courts shall not disturb the decisions of the highest ecclesiastical tribunal within a church of hierarchical polity, but must accept such decisions as binding on them, in their application to the religious issues of doctrine or polity before them.

Pearson v. Church of God, 325 S.C. 45, 49, 478 S.E.2d 849, 851 (1996) (quoting Serbian

Eastern Orthodox Diocese v. Milivojevich, 426 U.S. 696 (1976)). The South Carolina

Supreme Court has adopted similar principles:

- 1) Courts may not engage in resolving disputes as to religious law, principle, doctrine, discipline, custom, or administration;
- 2) Courts cannot avoid adjudicating rights growing out of civil law;
- 3) In resolving such civil law disputes, courts must accept as final and binding the decisions of the highest religious judicatories as to religious law, principle, doctrine, discipline, custom, and administration.

Pearson, at 52-53, 478 S.E.2d at 853. Indeed, as the South Carolina Supreme Court has recently restated, it "is not the function of the courts to dictate procedures for a church to follow," and "we limit our inquiry into church affairs and respect the boundaries of church self-governance." Williams v. Wilson, 349 S.C. 336, 340, 563 S.E.2d 320, 322 (2002). The areas of church administration and church discipline are specifically outside the jurisdiction of civil courts. "In Pearson v. Church of God, 325 S.C. 45, 53, 478 S.E.2d 849, 853 (1996), our supreme court held it was not proper for this court to 'determine whether the Church acted consistently with its religious laws and doctrines, its system of discipline and administration in revoking [the minister's] ministry.... [because that] would be a quintessentially

ecclesiastical matter over which a court could not exercise jurisdiction.” McCain v. Brightharp, 730 S.E.2d 916, 920 (S.C. Ct. App. 2012). Accordingly, the Plaintiff’s cause of action for defamation should be dismissed because all statements hinted at by the Plaintiff’s Complaint were limited to the context of church administration and discipline and were official church business over which this Court has no jurisdiction and which statements are absolutely privileged. Even if the Court does have jurisdiction, Pearson shows that South Carolina does not recognize the proposition that church leaders owe parishioners a duty of care regarding their handling of their complaints or discipline.

Further, all alleged statements made by the Defendants are alleged to have been made only within a church meeting. (Complaint ¶¶ 17 and 18). The Defendants are Pastor, Deacons, and Trustees of Zion Benevolent Baptist Church. Any alleged statements have been made in official meetings of the Church. No allegations have been made that these statements were made other than in official meetings. As such, the Complaint must be dismissed because the Defendant has a qualified privilege for the subject statements under the allegations of the Complaint. See Fountain v. First Reliance Bank, 398 S.C. 434, 444, 730 S.E.2d 305, 310 (2012). The existence of this privilege is a question of law for the court. Castine v. Castine, 403 S.C. 259, 267, 743 S.E.2d 93, 97 (Ct. App. 2013).

The South Carolina Court of Appeals addressed a similar issue on a Motion to Dismiss earlier this year. See McNeil v. S.C. Dep’t of Corrections, 404 S.C. 186, 743 S.E.2d 843 (Ct. App. 2013). The Plaintiff sued for defamation, among other claims, pleading SCDC published statements insinuating she was unfit in her business and profession. Id., at 186, 743 S.E.2d at 848. The court noted that the Plaintiff “did not allege any of SCDC’s statements were unprivileged, and she did not set forth with any specificity what the alleged false statements

were.” Id. Without meeting required elements with specificity, the Plaintiff’s Complaint was properly dismissed. Id. In the present case, the same situation is present with a lack of specificity and the lack of any pleading that the statements are unprivileged.

Additionally, the Plaintiff’s claim for libel concerns a letter mailed by the Defendants to the Plaintiff. (Complaint ¶ 22). This letter went only to the Plaintiff and was not published to any third party, nor has there been any allegation of publishing to a third party. Without publishing to a third party, there can be no libel.

Finally, the Plaintiff’s Complaint must be dismissed for failure to comply with S.C. Code Ann. § 33-56-180(A):

A person sustaining an injury or dying by reason of the tortious act of commission or omission of an employee of a charitable organization, when the employee is acting within the scope of his employment, may recover in an action brought against the charitable organization only the actual damages he sustains in an amount not exceeding the limitations on liability imposed in the South Carolina Tort Claims Act in Chapter 78 of Title 15. An action against the charitable organization pursuant to this section constitutes a complete bar to any recovery by the claimant, by reason of the same subject matter, against the employee of the charitable organization whose act or omission gave rise to the claim unless it is alleged and proved in the action that the employee acted in a reckless, wilful, or grossly negligent manner, and the employee must be joined properly as a party defendant. A judgment against an employee of a charitable organization may not be returned unless a specific finding is made that the employee acted in a reckless, wilful, or grossly negligent manner. If the charitable organization for which the employee was acting cannot be determined at the time the action is instituted, the plaintiff may name as a party defendant the employee, and the entity for which the employee was acting must be added or substituted as party defendant when it reasonably can be determined.

The Defendants are being sued for actions as Pastor, Deacons, and Trustees of the Church. (Complaint ¶¶ 4, 7, and 9). As such, they are agents of Zion Benevolent Baptist Church under the definitions provided in S.C. Code Ann. § 33-56-170. The plain language of section 180 requires the entity for whom the agents are acting to be added as a party defendant when that entity is known. The Plaintiff has failed to also name Zion Benevolent Baptist Church as a

party defendant despite knowing the Defendants were acting in their roles as agents for that entity. One of the named Defendants is also the registered agent of the non-profit church. In the event the Plaintiff seeks to distinguish any of the Defendants as a volunteer rather than an employee under the provisions of the South Carolina Solicitation of Charitable Funds Act, S.C. Code Ann. § 33-56-10, *et seq.*, the Defendant is still not liable pursuant to the Volunteer Protection Act of 1997. 42 U.S.C. § 14501, *et seq.* This federal statute provides the same protection to volunteers that employees and agents of charitable institutions are afforded under South Carolina law.

Counsel for the undersigned certifies that he has consulted with opposing counsel in an effort to resolve this Motion, but has been unable to resolve the Motion without the intervention of the Court, or that such communication could not be timely had, or that such communication would serve no useful purpose. This Motion will be further supported by the pleadings, applicable law, and memoranda of law.

Respectfully submitted,

MURPHY & GRANTLAND, P.A.



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P.O. Box 6648
Columbia, South Carolina 29260
(803) 782-4100
Attorneys for Defendants

Columbia, South Carolina
October 30, 2014

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Carol Goodson-Eaddy,

Plaintiffs,

v.

Travien L. Capers, Gregory A. Brown,
Robert Davis, Herbert Bell, James Randolph,
Jr., Harry Thompson, James Brown, Frank
M. Jones, Edwin L. Rivers, Sr., Lever
Thompson, Jr., Fred Davis, Harry L. Jones,
Sr., David J. Clarkson, Larry B. Brown,
Grady Wilson, and Dorothy B. Adams,

Defendants.

IN THE COURT OF COMMON PLEAS

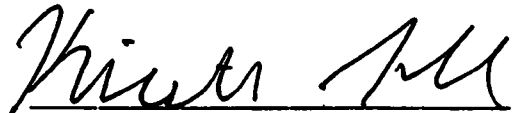
CIVIL ACTION NO: 2014-CP-40-6224

CERTIFICATE OF SERVICE

2014 MAY -4 PM 2:37
JEANETTE W. MCBRIDE
RICHLAND COUNTY
FILED
S.C.P. & G.S.

I, the undersigned employee of the law offices of Murphy & Grantland, P.A., Attorney for Defendants, do hereby certify that I have served a copy of the foregoing, Defendants' Motion to Dismiss, in connection with the above-referenced case by mailing a copy of the same by United States Mail, postage prepaid, to the following address:

Hammond A. Beale, Esquire
791 Greenlawn Drive, Suite 2
P.O. Box 9526
Columbia, SC 29290



Kirsten E. Tyler
Legal Assistant to Peter E. Farr, Esquire

Columbia, South Carolina
November 3, 2014

1	STATE OF SOUTH CAROLINA	IN THE COURT OF COMMON PLEAS
2	COUNTY OF RICHLAND	CASE NO. 2014-CP-40-6224
3	Carol Goodson-Eaddy,	)
4	Plaintiff,	) DEPOSITION OF:
5	vs.	) Travien L. Capers
6	Travien L. Capers, Gregory A.	) September 2, 2015
7	Robert Davis, Herbert Bell,	)
8	James Randolph, Jr., Harry	)
9	Thompson, James Brown, Frank	)
10	M. Jones, Edwin Rivers, Sr.,	)
11	Lever Thompson, Jr., Fred	)
12	Davis, Harry L. Jones, Sr.	)
13	David J. Clarkson, Larry B.	)
14	Brown, Grady Wilson, and	)
15	Dorothy B. Adams	)
16	Defendants.	)
17	_____	)

18 Deposition on oral examination of Travien L. Capers,
 19 reported by Kathryn Bostrom, Court Reporter and Notary
 20 Public in and for the State of South Carolina; pursuant to
 21 Rule 30 of the South Carolina Rules of Civil Procedure;
 22 said deposition was taken at the offices of The Palmetto
 23 Law Center, 791 Greenlawn Drive, Suite 2, Columbia, South
 24 Carolina, on Wednesday, the 2nd day of September, 2015,
 25 commencing at the hour of 10:13 a.m.

APPEARANCES:

Representing the Plaintiff:

Hammond A. Beale, Esquire

Page Kalish, Esquire

Palmetto Law Center, PC

791 Greenlawn Drive Suite 2

Columbia, South Carolina 29209

Representing the Defendant:

Peter Farr, Esquire

Murphy & Grantland, PA

4406-B Forest Drive

Columbia, South Carolina 20206

Also Present:

Carol Goodson-Eaddy

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CONTENTS:

(Deposition of Travien L. Capers)

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* * * * *

EXHIBIT INDEX:

- Exhibit No. 1 - Copy of the Constitution and Bylaws
- Exhibit No. 2 - July 2014 Agenda
- Exhibit No. 3 - Letter dated August 30, 2014
- Exhibit No. 4 - Copy of letter envelope
- Exhibit No. 5 - September 8 Agenda
- Exhibit No. 6 - Email

* * * * *

Court Reporter's Legend:

- dashes [--] Intentional or purposeful interruption
- [ph] Denotes phonetically written
- [sic] Written as said

1 This deposition is taken in accordance with the
2 South Carolina Rules of Civil Procedure.

3 It is agreed and stipulated by the deponent and
4 respective counsel that the reading and signing of the
5 deposition by the deponent is expressly waived.

6 WHEREUPON:

7 TRAVIEN L. CAPERS, being duly sworn and
8 cautioned to speak the truth, the whole truth and nothing
9 but the truth, testifies as follows:

10 EXAMINATION

11 BY MR. BEALE:

12 **Q** For the record, Mr. Capers, my name is Hammond Beale.
13 I think you know me, but this deposition, of course,
14 is being taken by notice. Also, present your
15 attorney, Mr. Farr. I just wanted to tell you that -
16 - I'm sure your attorney has explained to you about
17 the purpose of a deposition and what's involved. You
18 understand you're going to be under oath here today?

19 **A** Yes.

20 **Q** If I ask you anything you don't understand, just let
21 me know. I'd be more than happy to restate it for
22 you. When we're taking the deposition and you need
23 to stop and go to the bathroom, or take a break, or
24 getting something to drink or something, just let me
25 know and I'll be glad to let you do that. I want you

1 to be comfortable while you're giving it. If any
2 questions arise, you're to direct those questions to
3 me. You're not allowed to discuss your testimony
4 with your attorney. Okay?

5 A Uh-huh.

6 Q So, if you could do that, I would appreciate it. The
7 other thing I wanted to mention to you is the fact
8 the court reporter is here, and she has to take down
9 everything that's said. And she can not type uh-huh
10 and huh-uh and a nod of the head. So, if you could
11 actually respond to the questions. You'll get used
12 to it as we go along. Okay. Do you have any
13 questions you want to ask me, before we get started?

14 A I don't.

15 Q Okay. If you would, how about state for the record
16 your full name.

17 A Travien Lamar Capers.

18 Q And what is your home address?

19 A 112 Westport Drive, Columbia, South Carolina 29263.

20 Q And how long have you lived at that address?

21 A Ten years this month.

22 Q Okay. What is your business address?

23 A In what location? At the church?

24 Q Church.

25 A 201 Meeting House Road, Hopkins, South Carolina

1 29061.

2 Q Okay. And if you would, I want you to tell me -- how

3 old are you now?

4 A Thirty-four.

5 Q [REDACTED]

6 A [REDACTED]

7 Q Okay. And where were you born?

8 A Colleton Regional Hospital in Walterboro, South

9 Carolina.

10 Q Okay. And who is your mom and dad?

11 A Patsy and Herman Capers.

12 Q And where -- they live over there in that area?

13 A They live in Varnville.

14 Q They still living?

15 A They are.

16 Q Good. Okay. Now, did you graduate from high school?

17 A I did.

18 Q Where would that have been?

19 A Wade Hampton High School.

20 Q And where is that located?

21 A In Hampton, South Carolina.

22 Q What year was that?

23 A 1998.

24 Q 1998?

25 A Yes.

1 Q And then, did you pursue any other education, beyond
2 high school?

3 A Yes.

4 Q And where was that?

5 A Florida A&M University, Charleston Southern
6 University, Columbia International University,
7 Southern Bible Institute and Seminary, and Erskine
8 Theological Seminary.

9 Q Okay. Now, if you would, I want you to take me
10 through each one of these. You graduated from high
11 school in '98. When did you go to Florida A&M?

12 A From 1998 to 2001, if I'm not mistaken.

13 Q And what did you study there?

14 A I studied business and accounting, initially.

15 Q Okay. Why Florida A&M, just curious?

16 A It's an awesome school.

17 Q Huh?

18 A Awesome school and business program was what drew me
19 there.

20 Q Now, that's a four year college, is it not?

21 A Yes.

22 Q And did you graduate from that school?

23 A I did not. I transferred.

24 Q Transferred, okay. And was there any particular
25 reason why you transferred?

1 A I wasn't really studying down there. Academically, I
2 didn't perform well there.

3 Q Were your grades --

4 A I was down there for three years and I left with 30
5 hours. I wasn't really going to class.

6 Q Okay. All right. So, you left there in 2001 and
7 where did you next go to school?

8 A Charleston Southern University.

9 Q And that's located where?

10 A In Charleston, South Carolina.

11 Q And you went there from when to when?

12 A 2002 to 2004.

13 Q And did you earn any degrees there?

14 A A bachelor of arts.

15 Q And in what field?

16 A Religion.

17 Q All right. And then you said something about
18 Columbia International University.

19 A Yes.

20 Q When did you go there?

21 A Started there in 2004 and left in 2007.

22 Q And what were you doing? What were you studying
23 there?

24 A Graduate studies.

25 Q In pursuit of what?

1 A A masters degree.

2 Q In?

3 A I had no concentration.

4 Q Isn't that school primarily a --

5 A A seminary.

6 Q -- seminary type school?

7 A Yes.

8 Q And so, you went there from 2004 to 2007?

9 A Yes.

10 Q And did you obtain any degrees there?

11 A A master of arts.

12 Q Okay. And then you mentioned a couple of others
13 after that.

14 A I went to Erskine Theological Seminary.

15 Q And where is that located?

16 A It's a campus in Due West, but I did the bulk of my
17 study in Columbia.

18 Q And how did you do that?

19 A What are you asking?

20 Q How did you go to school? The school was in Due
21 West.

22 A They've got a satellite campus in Columbia.

23 Q Oh, okay. And when did you go to Erskine Theological
24 Seminary?

25 A 2008 to 2010, or '11. I'm not altogether sure of

1 when I left there.

2 Q Okay. And did you obtain any further degrees there?

3 A I finished at Southern Bible.

4 Q So, the answer is "no"?

5 A No. I'm sorry.

6 Q Okay. And was there any particular reason why you
7 didn't complete your studies there?

8 A Comes down to academics and me finishing faster.
9 I'll finish faster at another institution. The long
10 and the short of it, because I don't have an MDIV and
11 I wanted to go into the doctorate program.

12 Q Okay. And so, then, where did you --

13 A I wound up going to Southern Bible.

14 Q And where is that located?

15 A It's in Augusta.

16 Q Augusta?

17 A Yes.

18 Q Is that an accredited school?

19 A As far as I know.

20 Q What's the complete name of the --

21 A Southern Bible Institute.

22 Q And they have a campus there in Augusta?

23 A They do.

24 Q How many students?

25 A I'm not sure.

- 1 **Q When did you go there?**
- 2 A 2010 to 2011, where I finished.
- 3 **Q And what degree did you get there?**
- 4 A Doctor of Theology.
- 5 **Q And that was in 2011 that you got that?**
- 6 A Yes.
- 7 **Q Now, let's talk a little bit about your work history,**
8 **if we could. Tell me how old were you when you**
9 **graduated from high school?**
- 10 A Seventeen.
- 11 **Q And were you ever employed by Bethlehem Baptist**
12 **Church?**
- 13 A Yeah, I was -- that's where I was licensed in the
14 ministry at 19.
- 15 **Q What does that mean? Licensed?**
- 16 A When you receive an ecclesiastical call and the
17 church, the local church, offers you a license to
18 minister. And that's what I had.
- 19 **Q And what year was that?**
- 20 A That was in 2001.
- 21 **Q And who was the person who licensed you to preach?**
- 22 A My pastor, the Revered Benjamin Burison, Senior.
- 23 **Q Spell his last name.**
- 24 A B-U-R-I-S-O-N.
- 25 **Q And where is Bethlehem Baptist Church located?**

1 A It's in Hampton County, in the town of Hampton on
2 Highway 601. I'm not sure of the exact address.

3 Q Okay. So, within the Baptist church, at least your
4 Baptist churches, any preacher can license another
5 person to do what?

6 A Well, the ministerial license, in the Baptist church
7 is pretty much just to preach and to officiate under
8 the auspices of a ordained pastor.

9 Q Okay.

10 A So, with that license I was able to preach and not
11 much else. Conduct services, on Sundays, but no
12 official capacities.

13 Q If I understood you correctly -- you didn't have any
14 training at all? Had your formerly entered schooling
15 to be a preacher?

16 A No, not at Bethlehem. I was in undergrad, while I
17 was at Bethlehem.

18 Q That was when you were at Florida A&M?

19 A No, I was at -- I was raised in Bethlehem, first of
20 all. Let me back up. That's my home church. But,
21 upon my arrival back to South Carolina in 2001, I
22 returned to my home church and then received my
23 ministerial credentials after preaching initial
24 sermon. In 2002, I started at Charleston Southern,
25 in pursuit of my academic credentials. But, to serve

1 in a Baptist church, a degree, a college degree from
2 any seminary, is not necessary.

3 **Q Okay. What is the Nazarene Baptist Association?**

4 A It's a collection of churches in that area, down in
5 Hampton, Jasper, Allendale Counties, that has
6 authority to ordain. The primary focus of it is a
7 fellowship of churches, ministry support from one
8 church to another. It's governed by a moderator, who
9 along with the pastors of the local church, issue
10 licenses of ordination and, you know, help maintain
11 the Christian church, in the community. And, you
12 know, they work together to promote the missions of
13 the church.

14 **Q And, you said that you were ordained there?**

15 A Yes.

16 **Q What year was that?**

17 A That was in 2002.

18 **Q And when you're ordained, what does that mean?**

19 A It takes the powers of the license and expands them,
20 and allows you to conduct weddings, funerals, assume
21 a pastorate over a church, serve communion. The
22 ministerial license does not give such authority.
23 And in order for an ordination to be had, it has to
24 be given by a governed body of the local church.
25 Generally, in Baptist churches, African American

1 Baptist churches, don't have that authority.

2 Q So, not only were you licensed to preach by 2002, you
3 were then ordained --

4 A Yes.

5 Q -- as a minister and had no formal training?

6 A Right.

7 Q Okay. Now, after you were ordained, did you take a
8 job anywhere?

9 A In school, while I was at Charleston Southern, I did
10 work.

11 Q Well, I was thinking more along the lines --

12 A Ecclesiastical?

13 Q Well, what did you do? Did you stay with Bethlehem?

14 A I stayed with Bethlehem, until I assumed my first
15 pastorate, in 2006.

16 Q Okay. And so, you were the -- what was your title at
17 Bethlehem Baptist?

18 A I was the assistant pastor.

19 Q And who was the pastor?

20 A Reverend Benjamin Burison, Sr.

21 Q Okay. And he was there the entire time you were
22 there?

23 A Yes.

24 Q Okay. Now, did you continue to serve at Bethlehem?
25 Or did you take another job until after 2006?

1 A The 2006, I assumed the pastor at St. Luke Baptist
2 Church.

3 Q And where is that located?

4 A It's in Fairfax, South Carolina.

5 Q And you were elected the pastor there, at that
6 church, at St. Luke?

7 A Yes.

8 Q In October of 2006; is that correct?

9 A That sounds right.

10 Q And you served there, continuously, until you took
11 the job there at Zion?

12 A Yes.

13 Q And that was what year?

14 A 2010.

15 Q What month?

16 A March.

17 Q Okay. Other than working in these churches, what
18 other jobs did you actually have?

19 A I had a few jobs. Specific time period, or just
20 whatever?

21 Q Anytime after you graduated from high school.

22 A Anytime after I graduated from high school. At
23 Florida, I worked as a telemarketer. In Charleston,
24 I worked at the university book store.

25 Q Which university bookstore?

1 A Charleston Southern. And in Columbia, my first job
2 here was at Bose, in the call center. I worked for
3 Blue Cross. I worked for the Disability Action
4 Center, here. I worked for Interfaith Community
5 Services. I advised on political campaigns. When
6 Senator Clinton ran for president, I handled the
7 faith outreach for her in 2008. I worked as a
8 community outreach specialist for Provost Academy.
9 And currently, I work for Strayer University.

10 Q **You work for -- what's the last one?**

11 A Strayer University.

12 Q **What do you do there?**

13 A I am a professor, full time faculty member.

14 Q **And how long have you worked at Strayer?**

15 A Three years.

16 Q **From?**

17 A From July of 2012, to present.

18 Q **Any of these jobs that you testified that you had**
19 **held, were you fired from any of those jobs?**

20 A From the bookstore at Charleston Southern.

21 Q **And what happened there? Why did you get fired?**

22 A Gave away books.

23 Q **Huh?**

24 A I gave away books.

25 Q **Was that part of your job duties?**

1 A No.

2 Q And what made you think that you had the right to
3 give away the property of the bookstore at the
4 university.

5 A I did not have the right to do it.

6 Q Okay. And when you were caught, they had to let you
7 go?

8 A Yes.

9 Q Were you charged with anything?

10 A No. I paid restitution for everything that was --

11 Q All right. And how about any of the other jobs,
12 besides the Charleston University bookstore?

13 A No.

14 Q When did you work for Blue Cross?

15 A I don't remember the exact dates.. It was 2005 until
16 about 2007, '08, off and on. They were contract
17 positions.

18 Q What did you do in those contract positions?

19 A On one contract, I worked on the call center with
20 Medicare. On another I worked for InStill Health in
21 their call center. And for a measure of time, I was
22 a trainer on that same Medicare contract.

23 Q And why is it that you left those positions?

24 A Well, because they were contract, the assignments
25 come to an end, at some point.

1 Q That's the only reason that you left, was because the
2 contract ended?

3 A And then it wasn't consistent work. By 2005, I had a
4 home here in the city, a wife and I needed stable
5 income.

6 Q You didn't have any employment problems with Blue
7 Cross?

8 A Any employment problems? No.

9 Q That is you having problems with your supervisors?

10 A Oh, no.

11 Q Tell me, when you were down there at Florida A&M from
12 1998 to 2001, you were arrested and charged with
13 committing certain offenses, criminal offenses?

14 A Yes.

15 Q And do you recall when that was?

16 A I don't recall when, exactly. It was towards -- if I
17 had to guess, I don't know for sure, it was around
18 2000. In the fall, as I remember.

19 Q August of 2000 sound about right?

20 A Yeah.

21 Q And according to the records, it appears that you
22 were charged with grand theft, three counts?

23 A Yes.

24 Q Forgery, three counts?

25 A Yes.

1 Q Uttering. I'm not sure exactly what that is.
2 Probably an insufficient funds check or something. I
3 don't know.

4 A Yes.

5 Q Were you charged with something like that?

6 A Yes.

7 Q And what were the dispositions of these charges?

8 A What do you mean? How did it --

9 Q How did they end?

10 A They ended with me paying restitution, a 15 day
11 sentence and 18 months of administrative probation.

12 Q So, the judge sentenced you to serve 15 days?

13 A Yes.

14 Q So, you pled guilty. And according to the records
15 that I saw, it looked like that was in September, or
16 October of 2006.

17 A I pled no contest.

18 Q Okay. What does that mean to you?

19 A Well, from my understanding, the public defender
20 explained to me, if that there was enough evidence to
21 proof guilt, but we pled no contest. It was some
22 years ago. I don't remember the specifics on it.
23 The reason that everything wound up I 2006, is
24 because intermittently, I moved back to South
25 Carolina. As a teenager, I was not knowledgeable of

1 the legal process and missed a court date and had an
2 active warrant. I didn't know it.

3 Q You missed a court date?

4 A From my recollection. To appear in court for
5 sentencing, evidentially.

6 Q And so, how is it that you came to return back down
7 there, five years later -- six years?

8 A I was arrested in Columbia.

9 Q And that was on a warrant from Florida?

10 A Yes.

11 Q That was in 2006?

12 A Yes.

13 Q So, you were transported from Columbia, back to
14 Tallahassee?

15 A Yes.

16 Q And in addition to the, I think you said, 15 days
17 jail time?

18 A Yes.

19 Q You were also sentenced to probation?

20 A Yes.

21 Q How long was your probation for?

22 A Eighteen months.

23 Q Are you currently on probation?

24 A No.

25 Q It looks like in January of 2001, you were also

1 charged with passing three counts of worthless
2 checks.

3 A In 2001?

4 Q Yeah.

5 A Yeah.

6 Q And what was the disposition of those charges?

7 A I don't know. It might have -- I honestly don't
8 remember. It might have been in that same -- I know
9 that we had an amount to pay and whether all that was
10 lumped together, I'm not sure.

11 Q How much did you have to pay for restitution?

12 A Around \$2600.

13 Q Now, if you would, tell us a little bit about the
14 grand theft charge. How did that come about?

15 A A colleague of mine, friend of mine, took checks from
16 his room, and deposited them in my account. And,
17 evidentially, he filed charges and I was arrested.

18 Q The charges said they were less than \$5,000; is that
19 right?

20 A Yes.

21 Q And did you forge his signature to the checks?

22 A I did.

23 Q And the \$2600 that you had pay for restitution was
24 that for these checks?

25 A I'm assuming, yeah.

1 Q You don't know?

2 A I don't know. I don't recall the exact breakdown.

3 But, I would assume that.

4 Q When you bid your plea in 2006, did the judge explain
5 to you that a plea of nolo contendere is the same
6 thing as pleading guilty? That you are admitting
7 your guilt?

8 MR. FARR: Object to the form. You can answer.

9 THE WITNESS: Sorry?

10 MR. FARR: You can and I don't even remember,
11 honestly.

12 Q Well, did you enter the plea of no contest because
13 you were guilty of these charges?

14 A Yes.

15 Q I'm going to show you -- you left A&M in 2001. And
16 you returned back to Charleston, at that time,
17 correct?

18 A Yes.

19 Q And when you enrolled in Charleston Southern, to
20 obtain your B.A. degree, did you have to fill out an
21 application to apply for students -- to be a student?

22 A To be a student, yes.

23 Q And did you inform the school officials of your
24 convictions that you had?

25 A I don't recall.

1 Q Okay. How about when you enrolled at Columbia
2 International to get your masters here in Columbia?
3 Did you tell them you'd been convicted in Florida?

4 A I don't recall. At Columbia International I remember
5 having a conversation with a professor regarding
6 having to miss class to attend to the legal matters.
7 I don't recall the application process.

8 Q And you applied to Southern Bible Institute in
9 Augusta to obtain -- you said, your doctorate?

10 A Yes.

11 Q Did you make them aware of the fact that you'd been
12 convicted in Florida?

13 MR. FARR: Object to the form. You can answer..

14 A I don't recall them asking. And then, I don't recall
15 having conversation regarding it, either.

16 Q Have you been convicted of anything else?

17 A To my knowledge, no.

18 Q I mean, Mr. Capers, you're the only one that would
19 know.

20 A I've only been arrested regarding the matters that
21 we've discussed.

22 Q And you don't have any convictions for anything else?

23 A No.

24 Q Have any of the churches, that you've pastored at,
25 ever asked you to leave?

1 A No.

2 Q Have you ever been a party to a lawsuit?

3 A No. Well, I take that back. An automobile accident.

4 Q Okay. When was that?

5 A 2002.

6 Q Where?

7 A Charleston.

8 Q And how was that concluded?

9 A It was a hit and run. A person hit myself and my

10 fiancé, at the time, and left the scene.

11 Q And so, did you end up making a claim against your

12 own insurance company?

13 A Yes. And my fiancé, did as well.

14 Q And what were you paid to settle that?

15 A I don't recall.

16 Q Were you hurt?

17 A Minimally.

18 Q When you were hired by Zion to be the senior pastor;

19 is that correct?

20 A Yes, sir.

21 Q What year was that?

22 A 2010.

23 Q Who hired you?

24 A The church.

25 Q The "church" meaning the members?

1 A Yes.

2 Q The congregation, the people who --

3 A Yes.

4 Q -- are members of that church? Is that who you were
5 responsible to, is to answer to the people of the
6 church?

7 A I answer to the Lord. I serve the people.

8 Q I understand, but if there are problems in your
9 administration as senior pastor, don't you have to
10 deal with the persons who are members of the church,
11 if they have problems with how you're doing it?

12 A Yes.

13 Q Okay. Now, tell me this, besides the Lord, who is it
14 that you have to answer to, for your actions?

15 A Depends on who brings any charges, but we have a
16 counsel of church officers and they represent the
17 membership body.

18 Q And when you say, "church officers", tell me who that
19 would be.

20 A Board of deacons. In the Baptist church, the two
21 officers -- offices of the church is the office of
22 pastor and that of the board of deacons.

23 Q And so, are they over you?

24 A We work in correlation with one another. We're
25 accountable to each other.

1 Q Okay. But, ultimately, as the senior pastor of the
2 church, are you the person who is responsible for the
3 church and its activities?

4 MR. FARR: Object to the form. You can answer.

5 A In some respects, yes.

6 Q Well, tell me what those respects are.

7 A On ecclesiastical matters. A lot of the day to day
8 operations of the church, I oversee, but don't
9 necessarily execute. Like, paying bills and such.
10 Insuring that the lights stay on, that the church
11 gets vacuumed. Anything of that sort, like it's
12 cleaned. But, ecclesiastical matters would all come
13 through me, and myself and the board of deacons.

14 Q Do you have any role, at all, in the financial part
15 of the church?

16 A Oversight. No execution.

17 Q And by "oversight", what do you mean?

18 A I make sure that the financial ministry is
19 accountable in their responsibilities.

20 Q And when you took the position as senior pastor in
21 2010 at Zion, were you aware of the fact that this
22 church was governed by a constitution and bylaws?

23 A I was made aware of that.

24 Q And were you ever given a copy of it?

25 A I was.

1 Q What was your salary when you were originally hired?

2 A I don't remember -- \$28,000, somewhere in that
3 neighborhood.

4 Q Okay. And today?

5 A Thirty-three thousand, maybe. I'm not all together
6 sure.

7 Q As part of your contract and work for the senior
8 pastor at Zion, were you given any additional
9 benefits, besides your salary?

10 A No.

11 Q No insurance, or anything like that?

12 A No.

13 Q Do you have a written contract with Zion, as far as
14 your employment there goes?

15 A No.

16 Q Well, how does it work then?

17 A Initially, I had a contract. After my second year,
18 no more were offered to me.

19 Q Okay. When you were initially hired, were you told
20 that you were being hired for a one year period?

21 A Yes.

22 Q And that's part of the constitution, is it not?

23 A I was to understand that I would be offered another
24 contract at the conclusion of my first year.

25 Q And when you read the constitution and the bylaws,

1 did it state anything in there about how long your
2 term was to be?

3 A You mean for the --

4 Q How long you were to work as a senior pastor.

5 A I would serve as pastor as long as I was interested
6 and as long as the church would have me.

7 Q No, sir. Is that what the constitution and bylaws
8 say?

9 A I'm not sure.

10 Q Okay. I'm going to hand you a copy of the
11 constitution and bylaws of Zion Benevolent Baptist
12 Church. Would you take a look at that and see
13 whether or not that appears to be a copy of the
14 constitution and bylaws and you understand it?

15 A It appears so.

16 MR. BEALE: I'll mark this as Plaintiff's 1.

17 (Whereupon, a copy of the Constitution
18 and Bylaws was marked as Plaintiff's
19 Exhibit No. 1 for identification.)

20 Q I want to call your attention to page 8 of the
21 constitution, under Article 7, Elections. If you
22 would, take a look at that. Are you familiar with
23 that section?

24 A I am.

25 Q Okay. And Section 1, if you would, tell me what that

1 provides?

2 A Section 1, under Article 7, Elections, says "Annual
3 elections may be held in the January conference."

4 Q Okay. And what does Section 2 provide, as to what
5 officers shall be elected annually?

6 A Pastor, deacons, trustee, treasure and assistant
7 treasure, finance secretary and assistant financial
8 secretary, clerk, assistant clerk, condolence
9 committee, chairman --

10 Q You don't have to read all those. I was just more
11 concerned about you.

12 A Okay..

13 Q You understood that the constitution calls for annual
14 elections of the pastor?

15 A Yes.

16 Q And, to your knowledge, has that constitution been
17 amended to take away that requirement?

18 A To my knowledge, no.

19 Q Okay. And what do you understand the constitution is
20 for. What was the purpose of that?

21 A To supplement church governments, to fill in what the
22 bible doesn't address specifically.

23 Q Okay. And you understand that that is the document
24 that governs how the church is to be operated?

25 A In conjunction with the bible, yes.

1 Q Well, yes. But, you understand that this is the
2 constitution that was passed by the members of the
3 congregation?

4 A Yes.

5 Q And, so, it governs your church; does it not?

6 A The bible governs our church along with the document.

7 Q Okay. I certainly am not going to dispute the fact
8 that the bible governs the church, but does the bible
9 say anything about elections of pastors?

10 A It does not about elections, no.

11 Q So, if it doesn't -- if the bible doesn't address
12 that subject, then would you not agree that the
13 constitution of the church, should govern that
14 particular provision?

15 A Yes.

16 Q And to your knowledge, that has not been changed?

17 A To my knowledge it has not been changed.

18 Q Then, if you would, I want you to turn to page 11 of
19 Exhibit 1. Excuse me, page 13. I apologize. Under
20 Article 5, Church Officers. And this is the bylaws
21 of the church. Okay?

22 A Uh-huh.

23 Q Do you know what they are?

24 A I do.

25 Q What are they?

1 A You said the bylaws?

2 Q The bylaws. Do you know what that is?

3 A It's the document I have before me. What are you
4 asking?

5 Q I'm asking your understanding. What's the difference
6 between the constitution and the bylaws?

7 A Well, they're -- actually the bylaws has amendments
8 to the initial constitution.

9 Q Okay. And what does it do? What are the bylaws for?

10 A They supplement the constitution and things that
11 aren't specifically addressed in the constitution.

12 Q And you understand that they're part of the
13 government of the church that you pastor?

14 A Yes.

15 Q And I want you to turn to page 13. Look at Article
16 5, Section -- under "Pastor", Section 1. And look at
17 "B". I think I might be on the next page.

18 A You have "B" highlighted here.

19 Q Okay. Good. And the pastor is called by the church
20 to serve on what basis?

21 A Annual. On an annual basis.

22 Q And that seems to be in harmony with the constitution
23 and what it required, right?

24 A Right.

25 Q And, to the best of your knowledge, has that

1 particular bylaw been amended by the church
2 congregation?

3 A No.

4 Q If you would, Mr. Capers, turn to page 5 of the
5 constitution. And this would be under Article 3,
6 Doctrine, Covenant and -- I don't know what that word
7 is, P-O-L-I-T-Y.

8 A Polity.

9 Q Huh?

10 A Polity.

11 Q What is it?

12 A Polity.

13 Q What does that mean?

14 A It's pretty much a way of government.

15 Q Okay. And if you would turn to page 5 there and look
16 at Section 3 -- or Article 3. What does the
17 constitution provide that the government of this
18 church is vested in?

19 A The members who compose it as such, is subject to the
20 control of no other ecclesiastical organization.

21 Q Okay. Now, if you would, tell me what does that mean
22 to you, as senior pastor of this church?

23 A As the government rests in the hands of the members
24 that compose it. And the authorities given to any
25 other body.

1 Q Are you a member of that church?

2 A I am not.

3 Q And when it says it's "subject to the control of no
4 other ecclesiastical organization", what does that
5 mean to you?

6 A I think that speaks more to the associations that I
7 spoke of earlier, as it relates to governance. And
8 any other ecclesiastical body, Baptist churches are
9 autonomous.

10 Q So, this particular church is governed by it's
11 members?

12 A Yes.

13 Q Mr. Capers, if you would, look at page 7 of the
14 constitution, Article 6, that deals with meetings.
15 And if you would, turn to the next page, under
16 Section 2. And what does the constitution call for,
17 as far as meetings that go on to conduct the business
18 of the church?

19 A In Section 2, it says "the church shall conduct
20 regular, quarterly, church conferences. Conferences
21 shall be held the third Tuesday following the end of
22 each quarterly. Meetings shall be announced two or
23 more lower days prior to the date for such meeting.
24 January shall be the annual meeting."

25 Q And since you've been there, since 2010, has the

1 **church conducted these regular church conferences?**

2 A They've been done bi-annually, since I've been there.

3 **Q Bi-annually?**

4 A Yes..

5 **Q Okay. And you always have your annual meeting in**
6 **January, or try to?**

7 A Yes.

8 **Q Okay. In Section 3, that deals with meetings, if you**
9 **would, take a look at that. It deals with special**
10 **business meetings. And who is it that's allowed to**
11 **call special business meetings?**

12 A "Pastor, chairman of the deacons, or clerk, in that
13 order, may call special business meetings. Such
14 called meetings, must be announced publically, at a
15 service of the church, at least two weeks prior to
16 the called meeting, or by written notice sent to the
17 resident membership of the church, at least one week
18 prior to the called meeting. No matter shall be
19 considered at the call meeting, except that for which
20 it was called and previously announced."

21 **Q Now, has this particular part of the constitution**
22 **been followed in calling special business meetings at**
23 **your church?**

24 A Depending on the nature of the business.

25 **Q Well, what special business meetings would this not**

1 **apply to?**

2 A Anything that's time sensitive.

3 Q **Does it say that in the constitution?**

4 A It does not.

5 Q **So, where did you get the fact -- this information**
 6 **that you've given us, that this applies to these**
 7 **special business meetings, unless it's time**
 8 **sensitive??**

9 A It depends on what that special business is, like you
 10 said.

11 Q **Well, I'm asking you, tell me what special business**
 12 **meeting would be needed that's time sensitive?**

13 A The air conditioner went out. Scheduling a meeting
 14 in the middle of summer that two weeks prior might
 15 not be practical.

16 Q **Okay. Can you think of any other instances, where**
 17 **you would not be required to follow the constitution?**

18 . MR. FARR: Object to the form. You can answer.

19 A It depends on the nature of what we bring up. We
 20 have ordinary business meetings, but anything
 21 special, normally comes to the church.

22 Q **Well, give me an example, if you would, of any**
 23 **meetings that's been called by the church, that does**
 24 **not comply with this.**

25 A I can't think of one, off hand.

1 Q Okay. So, other than the air conditioning situation.
2 You think that otherwise, you have followed the
3 constitution, whenever you've had, or there's been
4 called, these special business meetings?

5 A Yes.

6 Q Now, if there's going to be a special business
7 meeting and it had not been announced two weeks
8 prior, the constitution provides it can be done by
9 written notice to the resident membership of the
10 church, at least one week prior to the called
11 meeting.

12 A Sure.

13 Q Who would have the records of the notices that were
14 sent and to whom they were sent?

15 A Undoubtedly the clerk or the secretary.

16 Q Does the church require that these records be kept?

17 A Yes, all records are kept.

18 Q And when the notice, if it's a written notice that's
19 being sent out, are the members told what that
20 special called business meeting is going to be for?

21 A Well, I don't recall sending many written notices.
22 Normally, we announce them in church.

23 Q Okay. And when you announce it in church, do you
24 tell them what it is that's going to be considered at
25 that special business meeting?

1 A At times. We always provide an agenda, at the time
2 of the meeting. Depending on the nature of it, we do
3 announce it prior, because it's done during service.
4 I mean, there's certain aren't appropriate for
5 service, when we have guests present.

6 Q But, the constitution, under Section 3 of Article 6,
7 requires that the called meetings, they've got to be
8 announced publically, at the service of the church,
9 at least two weeks prior.

10 A Yes.

11 Q And it says that you can't consider any matters at
12 that called meeting, except that for which it was
13 called and previously announced. Do you understand
14 that?

15 A I understand that.

16 Q So, if you didn't tell the members of the church what
17 the meeting was for, what you were going to discuss -
18 - if you didn't follow that, would you be in harmony
19 with the constitution?

20 A I guess not.

21 Q Now, when you have one of these special meetings, and
22 you want to conduct business and you've properly
23 notified the membership of what it is that's going to
24 be discussed or brought up, who is it that is allowed
25 to vote on these matters?

1 A From my understanding, if it's a matter for the
2 church body to respond to, the membership that are
3 considered to be active members.

4 Q And how is that determined?

5 A Financial records, present activity in the church --

6 Q Well, let me ask you this. Are you saying that you
7 have to regularly give to the church to be a member?

8 A In some respects, yes. We have provisions in place
9 for those that can't meet the financial -- any type
10 of financial obligations, for them to maintain their
11 membership, in light of that.

12 Q So, what is required, then, of a member in order to
13 maintain membership?

14 A I believe, by the bylaws, \$10 a week. It's there
15 ability to give 520 a year. And some of that goes
16 towards -- as it relates to burial rights at the
17 church, and voting privileges, from my understanding.
18 For those who are disabled, I think under the age of
19 21, there may be a waiver for military deployments,
20 or something like that.

21 Q And so, who is it that's required to keep the
22 records, as to who is eligible to vote?

23 A The finance ministry and the clerk.

24 Q Finance ministry. Okay. And who is the clerk?

25 A His name is Anthony Brown.

1 Q Say it again.

2 A Anthony Brown.

3 Q And how long has he been the clerk?

4 A At least five years that I've been --

5 Q The whole time that you've been there?

6 A Yes.

7 Q And the finance committee, who makes that up?

8 A It is comprised of four individuals.

9 Q And who would they be?

10 A Larry Brown, Harry Jones, Lever Thompson and Ashley -

11 - what's Ashley's last name? Foulks.

12 Q Spell it.

13 A F-O-U-L-K-S.

14 Q And I think --

15 A I might have missed one. Maybe Jacie Weston, J-a-c-

16 i-e.

17 Q Okay. But, that's the best of your recollection?

18 That's who is on there?

19 A Yes. There's four or five of them.

20 Q Okay. And these persons, that you just mentioned

21 that have to make the decisions about who is allowed

22 to vote, are these people required to be elected

23 annually, also?

24 A According to the bylaws, yes.

25 Q Well, how about according to the constitution? Look

1 at page 8.

2 A Okay. I'm there.

3 Q All right. "The officers and staff of the church,
4 who shall be elected, annually, are..." And it
5 includes you, the pastor, deacons and trustees,
6 agree?

7 A Yes.

8 Q Finance secretary?

9 A Yes.

10 Q Is that one of the people that's on that committee
11 that you were talking about?

12 A We currently do not have a finance secretary.

13 Q Okay. The clerk has to be elected annually, you see
14 that?

15 A Yes.

16 Q And that's --

17 A Anthony Brown.

18 Q -- Anthony Brown. And turn to page 9, if you would,
19 of Exhibit 1, that deals with adoptions and
20 amendments to the constitution. And if the
21 constitution was to be amended, altered, or repealed,
22 how does that -- how do you accomplish that?

23 A It says by a two thirds vote of the members present
24 at any regular business meeting of the church,
25 providing that such proposed amendment alteration or

1 repeal be given to the clerk in writing and such
2 proposed change presented to the church in writing,
3 at least 30 days prior to the time the vote is taken.

4 **Q And since you've been there since 2010, has any one**
5 **ever offered up an amendment, an alteration, or a**
6 **repeal, repealing of any part of the constitution?**

7 A Yes. At least once.

8 **Q When was that?**

9 A I don't recall the date.

10 **Q And what was it that they wanted to do?**

11 A To add a section in regarding church discipline. And
12 I remember conversations being had about cleaning the
13 language in the document. I don't recall what
14 happened past that. I think that we started. I
15 don't know whether we finished that or not, from the
16 recollection.

17 **Q So, to the best of your knowledge, two thirds of the**
18 **members have never voted on that particular one?**

19 A Not on that part. The area on church discipline was.

20 **Q Okay. Is the area on church discipline a part of the**
21 **constitution?**

22 A It would be a part of the bylaws.

23 **Q Okay. So, then, would you agree with me, that to the**
24 **best of your knowledge, there's been no amendments,**
25 **or repeals, of any part of the constitution --**

1 A To my knowledge --

2 Q -- since you've been there?

3 A To my knowledge, no.

4 Q And you would be in the position to know, would you
5 not?

6 A I would.

7 Q Turn to page 11 of Exhibit 1, please. Mr. Capers,
8 now, we've moved in to the bylaws of the church.
9 Okay? And on page 11, we're dealing with church
10 finance, under Article 2. Okay? I want you to turn
11 to Section 6 and read it, if you would, and then tell
12 me what it is that's required by the bylaws.

13 A The trustees, in cooperation with the treasurer,
14 financial secretary and finance committee, shall have
15 all financial records, admitted at the end of each
16 calendar year.

17 Q Okay. And since 2010, since you've been the senior
18 pastor, there at the church, have the financial
19 records of the church been audited at the end of each
20 calendar year?

21 A Audited, no.

22 Q Okay. Well, does Section 6 require that the
23 trustees, in corporation with the treasure, financial
24 secretary, and finance committee -- that they're
25 required, they must have them audited, at the end of

1 each calendar year? You do see where it says that?

2 A Yes.

3 Q And you say it's never been done?

4 A A formal audit, no.

5 Q Well, how about an informal audit?

6 A We do our diligence internally.

7 Q But, you understand, I mean, somebody has to keep the

8 records, financially of what's going on with the

9 church?

10 A Right.

11 Q Money in, money out?

12 A Right.

13 Q And then, if you have an audit done, that some

14 independent person that comes in --

15 A Right.

16 Q I understand. I'll rephrase it. Okay. When you

17 have an independent audit done of your financial

18 records, that state of the church, is that person

19 independent of any of the people who normally keep

20 the records?

21 A We have not had an independent person come in.

22 Q Well, that wasn't my question. And independent

23 auditor, would be independent of these people?

24 A Right.

25 Q And what's the purpose? Why would you audit?

1 A For accountability.

2 Q Accountability. And that makes sure that what
3 they're reporting to the church members, is accurate,
4 true and correct?

5 A Yes.

6 Q But, that's never been done?

7 A Since I've been there, no.

8 Q Now, I understood you to say that you are familiar
9 with the bylaws of the church. When you took the job
10 --

11 A Yes.

12 Q -- they have you a copy of them, correct?

13 A Yes.

14 Q And you read them?

15 A Yes.

16 Q Did you understand them?

17 A Yes.

18 Q And is there any reason why, to your knowledge, that
19 the trustees, in cooperation with these other people
20 that mentioned in Section 6, hadn't had the records
21 audited?

22 A To my knowledge, no.

23 MR. FARR: Object to the form of the question.

24 Q Have you, as senior pastor of the church, called to
25 the attention of the trustees, treasurer, financial

1 **secretary, or finance committee, that the bylaws of**
 2 **the church require an independent audit?**

3 MR. FARR: Object to the form. You can answer.

4 A No.

5 **Q Turn to page 16, please, of Exhibit 1. Under the**
 6 **board of trustees, Section 5, would you please look**
 7 **at that?**

8 A It says, "The board of trustees, financial secretary
 9 and treasure, shall be custodian of all finances of
 10 the church and shall give proof of all expenditures
 11 with approval of two thirds of the church body."

12 **Q And "church body", what does that mean to you?**

13 A Those that are comprising members of the church.

14 **Q Right. And so, let me ask you this --**

15 A It gives the implication of voting privileges,
 16 though.

17 **Q Huh?**

18 A It gives the implication of those with voting
 19 privileges.

20 **Q Yeah. And it indicates that the board of trustees,**
 21 **the financial secretary and treasure, that they're**
 22 **going to be the custodian of the finances of the**
 23 **church and they've got to give approval for whatever**
 24 **money is being spent --**

25 A Right.

1 Q -- correct? And it says with the approval of two
2 thirds of the church body.

3 A Right.

4 Q Has the church body voted and given a two thirds
5 approval of the finances of the church each year?

6 A To my knowledge, yes.

7 Q Okay. Now, tell me this, when you -- is that done at
8 the annual meeting?

9 A Yes.

10 Q And how do you know who voted at the annual meeting
11 on the approval of the expenditures?

12 A We have people, as they enter, to sign in.

13 Q Okay. And are those records kept?

14 A They are.

15 Q By whom?

16 A The clerk and secretary.

17 Q Okay. And would you make those available to your
18 attorney, so that I could look at them? This would
19 be from 2010 to the current time.

20 MR. FARR: We can certainly address any request
21 for production that you send.

22 MR. BEALE: Well, that wasn't what I asked him.
23 I asked him, would you please look and see if
24 you can find those records and give them to your
25 attorney? Then, we'll take it up to the judge,

1 okay, as to whether or not they need to be
2 produced. He said they exist. Okay?

3 THE WITNESS: We have those records.

4 MR. BEALE: Okay. That's good.

5 **Q And those records will show that certain people**
6 **signed in at each annual meeting?**

7 A Yes.

8 **Q And then how will you determine whether or not each**
9 **person who signed in was eligible to vote?**

10 A Based on membership requirements.

11 **Q Well, I understand, but who's going to make that**
12 **determination before the vote is taken?**

13 A It would have to be by the clerk, or those
14 responsible for maintaining church membership,
15 someone other than myself.

16 **Q Okay. Now, with you as senior pastor, how would you**
17 **interpret the bylaws that deal with the approval of**
18 **two thirds of the church body? Is that all the**
19 **members of the church, or is that those present?**

20 A Active members of the church.

21 **Q So, it would have to be approved by two thirds of the**
22 **active members of the church?**

23 A Yes.

24 **Q Okay. And if you would turn to page 26 of the**
25 **bylaws, Article 8, Discipline. Now, if, as the**

1 **bylaws say, any unhappy differences should arise,**
2 **between members or groups, what is supposed to be**
3 **done in accordance with the bylaws?**

4 A To me, unhappy difference arise between members or
5 groups, the agreed members, along with the pastor and
6 deacons, should in tender spirit, make every effort
7 to resolve their difference.

8 Q **Okay. Now, Section 2 deals with cases involving**
9 **gross breach of covenant. What does that mean?**

10 A I don't know.

11 Q **Okay.**

12 A I would assume, something egregious that would damage
13 the integrity of the church, publically.

14 Q **Okay. So, what is it direct the deacons are supposed**
15 **to do?**

16 A They should endeavor to rectify the offenses.

17 Q **And if that fails, what are they supposed to do?**

18 A Report the case to the church.

19 Q **By reporting the case to the church, who should the**
20 **person who is -- or has the unhappy difference, who**
21 **should they report this case to?**

22 A According to this, it says the church. Well, the
23 deacons should do that. Should any case of gross
24 breach of covenant, or public scandal occur, the
25 deacon should endeavor to rectify the offenses, and

1 if such efforts fail, shall report the case to the
2 church.

3 Q Right. So, the deacons are charged with, under the
4 bylaws, with a responsibility of reporting this --

5 A Breach of covenant.

6 Q Yeah.

7 A Yeah.

8 Q To the church?

9 A To the church, yeah.

10 Q Not to you, correct?

11 A Well, if you go back to Section 1. I could see a
12 breach of covenant fall under the same guidelines as
13 Section 1.

14 Q Okay. Then your interpretation of report the case to
15 the church, the deacons should report that to you; is
16 that correct?

17 A We present it together.

18 Q And you present it to whom?

19 A The church body.

20 Q Okay. Now, is that what happened here with Ms.
21 Goodson?

22 A Absolutely.

23 Q Okay. And so, did you take these steps -- you, or
24 the deacons, did you take these steps, before --

25 A Recently, yes.

1 **Q And what does Section 3 provide that you're supposed**
2 **to do?**

3 **A "If the church votes to entertain a complaint, which**
4 **must be made in writing, it shall appoint a**
5 **reasonable time and place of hearing and notify the**
6 **person in question, thereof, furnishing them with a**
7 **copy of the charges."**

8 **Q When was that done with Ms. Goodwin -- Ms. Goodson,**
9 **I'm sorry.**

10 **A The church did not vote to entertain a complaint.**

11 **Q Why not?**

12 **A It didn't happen.**

13 **Q Well, under the bylaws of the church, dealing with**
14 **discipline, does it not require the church to vote --**
15 **if the church vote to entertain the complaint,**
16 **doesn't the complaint have to be taken to the body of**
17 **the church?**

18 **A That goes back to my earlier statement about the**
19 **document that I have before me, being a biblical**
20 **supplement. And we appropriate the biblical steps**
21 **first. And we did make contact, to no response. I**
22 **reached out personally and asked to meet, according**
23 **to Section 1, and the gospel according to Matthew,**
24 **Chapter 18.**

25 **Q That's right. And according to you, that didn't do**

1 **any good.**

2 A Right.

3 Q **Didn't work?**

4 A It did not work.

5 Q **So, what does Section 3 say you have to do next?**

6 A Section 3 says that the church should vote to
7 entertain a complaint. If they decide to do it, it
8 must be presented in writing. But, the bible says
9 that there's another step.

10 Q **But, we're not talking about the bible. We're**
11 **talking about what the bylaws of this church require**
12 **the church to do.**

13 A I'm aware of that.

14 Q **If you want to discipline a member, does it not**
15 **clearly say in Section 3, that this complaint has to**
16 **be in writing and it has to be put to the church for**
17 **a vote?**

18 MR. FARR: Object to the form.

19 Q **All right. Well, what is your interpretation of**
20 **number 3?**

21 A My interpretation of number 3 is that should the
22 church vote to entertain the complaint, that's how it
23 should be done.

24 Q **And when is it that you presented it to the church in**
25 **the form of a complaint, so they could vote on it?**

1 A I didn't form it in such a manner that the church
2 could vote on it.

3 Q And is there a reason why you did not follow the
4 bylaws of the church --

5 A Absolutely.

6 Q -- in dealing with her?

7 MR. FARR: Object to the form.

8 A Absolutely.

9 Q What?

10 A I followed the bible.

11 Q So, you can ignore the church's bylaws?

12 MR. FARR: Object to the form.

13 Q Can you ignore the church's bylaws?

14 A The officers and I have been held to ascribe to
15 biblical principles and that's what we did.

16 Q I didn't ask you that.

17 A I'm aware of what you asked.

18 Q Well, answer the question, then.

19 A I did.

20 Q Are you telling me that you do not have to follow the
21 bylaws of the church?

22 A I did not say that.

23 Q Will you tell me what you did say?

24 A What I did say is that I am obligated to follow the
25 laws of the bible.

1 Q Are you obligated to follow the laws of the church?

2 A When applicable, yes.

3 Q When is this not applicable?

4 A When the bible speaks concerning the matter.

5 Q Where does it say that you're to disregard the bylaws
6 of the church?

7 A Were does this say that we disregard the bible?

8 Q Excuse me. This constitution and bylaws was adopted
9 by the members of this church

10 A I'm aware of that.

11 Q Do you understand that?

12 A Yes.

13 Q And you understand also, that the members of this
14 church, they constitute the government of this
15 church; do you understand that?

16 A Relatively, yes.

17 Q Pardon?

18 A I understand.

19 Q And if they do, and this constitution and bylaws was
20 passed by the members of this church, are you not
21 obligated to enforce it, and follow it?

22 A I believe that I did. According to Article 3,
23 Section 1 in the bylaws, the church receives the holy
24 bible as the inspired word of God. It's an authority
25 in matters of faith and practice. And I would

1 absolutely see the matter at hand, as a matter of
2 faith and practice. So, to answer your question, I
3 did.

4 Q So, if there is a complaint about a member, and you
5 want to discipline them, you aren't required to take
6 it to the church body, in writing and present this
7 and let them vote on it?

8 A One of many responsibilities that I have around the
9 church, is to keep harmony in all church matters. If
10 there's something that's going to disrupt the body
11 and it's within my parameters of authority, along
12 with our board of deacons, we handle it, according to
13 the bylaws.

14 Q Let me ask you this, do you think that you, as the
15 senior pastor, and the board of deacons, that you're
16 the only government for this church?

17 A No, never said that.

18 Q Do you agree with me, that the constitution and
19 bylaws of this church, that is the law of the church?

20 A I do not agree with you on that.

21 Q You do not?

22 A I do not.

23 Q What do you think the purpose of these documents,
24 are?

25 A Again, to supplement the bible, where the bible is

1 not clear, or does not specifically address a matter.

2 Q Well, let me ask you this -- and when they first
3 started out here with the great commission and they
4 talked about the preamble of the constitution and how
5 they followed the bible, if the bible was going to be
6 the only source of authority, of how this church is
7 to be run, why would the church even need any bylaws
8 to deal with how to discipline a member?

9 A If the bible would be the sole authority, there would
10 be no need for this, but the bible does not address,
11 I guess, what you're getting at, specific
12 instructions on certain matters.

13 Q But, the membership of this church adopted these
14 bylaws and revised them in April of 2003; you agree
15 with that?

16 A Yes.

17 Q And it specifically tells what rules are to be
18 followed when disciplining a member; you agree with
19 that?

20 A Right.

21 Q But, you're saying you don't have to follow those?

22 A I did not say that. I said that the bible -- the
23 same document that we're talking about says the same
24 things that I do.

25 Q Really. Well, tell me where does it say in the bible

1 that you weren't required to put this matter to a
2 vote, before the church body.

3 A There's no voting in the bible.

4 Q Pardon?

5 A There's no voting of church membership in the bible.

6 Q No, but the members of this church --

7 A Were received by faith.

8 Q I understand. And also, you as a pastor, are
9 governed by the bylaws of this church; you understand
10 that, don't you?

11 A In some respects, yes.

12 Q Not in all respects?

13 A Not in all respects, no.

14 Q This doesn't apply to you in all respects?

15 A Not in all respects, no.

16 Q All right. Tell me which respects it doesn't apply
17 to you.

18 A When it comes to scriptural authority. If this
19 document has been written in error, I will not
20 ascribe to it, if it contradicts anything biblically.
21 If the bible gives me the authority to govern my
22 life, that's what I do. I don't care what a church
23 puts together in that respect.

24 Q Let me ask you this, you've been there five years,
25 now?

1 A Yes, sir.

2 Q And do you know how to amend the bylaws if they're
3 not correct, scripturally correct?

4 A Yes.

5 Q You know how to do that?

6 A It says so in here.

7 Q Right. And have you done that?

8 A Yes.

9 Q You have amended it?

10 A We've added an amendment, at one point.

11 Q And who has the records of that amendment and when it
12 was done and how?

13 A It's in here. Matters of church discipline. Go
14 towards the back. It doesn't have a page. It
15 doesn't have a date stamp on it, either, but it
16 starts out by saying, "The pattern and basis for
17 discipline..."

18 Q Okay. I see that. And that is one, two, three,
19 four, five, six -- that's six pages. You want to
20 take a look and make sure?

21 A I've got five. Wait, there is six.

22 Q This pattern and basis for discipline and how you go
23 about it, is this something you wrote?

24 A Something I had help in writing, yes. I presented it
25 to the church.

1 Q And you can't tell us when you presented it to the
2 church?

3 A I don't recall the date and time. It's been a least
4 two years ago.

5 Q And did the church body vote on this?

6 A Yes, they did. We had a meeting after service one
7 Sunday.

8 Q And the purpose of this was to amend the bylaws that
9 dealt with discipline?

10 A Absolutely.

11 Q Okay. And who has the records of when this was voted
12 on?

13 A I'm sure our clerk or our secretary would have them.

14 Q Okay. And again, I would ask you to produce those
15 records, showing when it was voted on, who voted on
16 it, how many were present.

17 MR. FARR: Object to the form of the question.

18 Q And any notices that were given to the church body,
19 the membership, of the fact that you intended to
20 change the bylaws.

21 MR. FARR: Same objection.

22 Q Do you understand what I'm asking you to produce?

23 A I understand what you're asking.

24 Q Okay. Now, let's just assume, for purposes of
25 talking, that these pages dealing with church

1 discipline were in fact adopted by the membership of
2 the church. Okay?

3 A Okay.

4 Q We'll just assume that. And then you produce those
5 other things. We'll look at one, two, three, four --
6 all right, so look at page 5, where it's finishing up
7 with the first step and goes to the second step.

8 A I got you.

9 Q Got it? Okay. Now, it says the second step and this
10 is what the rules of discipline that's attached to
11 this, say "If the first step fails, take witnesses to
12 strengthen the effort of the discipline, preferably
13 spiritual leaders, so that if it has to be brought
14 before the whole church, it can be proven, firmly
15 proven, and established." So, did that happen with
16 Ms. Goodson?

17 A I think a letter from your office did that, yeah.

18 Q No, sir. I'm asking you did you take it before the
19 whole church?

20 A Yes.

21 Q And prove these charges against her?

22 A Yes.

23 Q And when did you do that?

24 A This was at the July meeting.

25 Q The July meeting. Okay. And at the July meeting,

1 was a notice sent out that there was a complaint
2 against Ms. Goodson that needed to be dealt with?

3 A No.

4 Q Well, how were you going to give the notice that's
5 required?

6 A It was given when we offered the agenda of things
7 that we would discuss for the night.

8 Q Well, I understand, but you realize that under the
9 constitution and the bylaws, you're supposed to give
10 notice ahead of time, so that people can prepare --

11 A I understand.

12 Q -- and be able to deal with it. You didn't do that?

13 A Did not do that. There's no way I would present that
14 during a church service.

15 Q Well, no. I didn't necessarily mean that, but you
16 certainly could have written a letter and said,
17 "These are the charges against her and it will be
18 taken up at the next meeting."

19 A True. Could have done that.

20 Q But, you didn't do that?

21 A That is not our custom.

22 Q Okay. So, at the July 23rd, meeting; is that
23 correct?

24 A I'm assuming. I don't recall the date.

25 Q 2014, correct? What was it that you brought before

1 **the whole church?**

2 A The letter from your office.

3 **Q And what did you do with it?**

4 A I read it, I believe. I shared the information in
5 it. I might not have read it, and I detailed myself
6 and the information that was presented to me, based
7 on a phone conversation that I had wit your client,
8 and my efforts in communicating with her through
9 email that I sent her, and the response that I got at
10 the church mail, through the hand of our clerk,
11 coming from your office, inquiring into financial
12 matters of the church.

13 **Q All right. And so, what proof did you put to the**
14 **entire church membership of the charges that you were**
15 **making against Ms. Goodson?**

16 A What proof? I shared with them the conversation that
17 was had, my actions, and her responses.

18 **Q And did the -- did you take a vote as to whether or**
19 **not these charges were valid and should be acted**
20 **upon?**

21 A There would be no need for a vote, because no action
22 was taken, other than notifying the church body of
23 what had transpired.

24 **Q But, isn't the church body required to vote on it?**

25 A What would they be voting on?

1 Q On whether or not she should be disciplined.

2 A We hadn't gotten to that part, yet.

3 Q But, what was the purpose of the meeting?

4 A Letting them know what was going on and the
5 correspondence that I had received.

6 Q Okay. And so, based on that, what is it that you
7 asked the church body -- that you thought should be
8 done?

9 A I told them that it should be in consideration that
10 she be dismissed from the church. And that's just
11 about where the meeting ended.

12 Q And what did -- what was the response of the members
13 there, in that meeting?

14 A It was mixed.

15 Q Didn't you, in fact, get shouted down, that you would
16 not take that action?

17 MR. FARR: Object to the form.

18 Q Do you remember the meeting?

19 A I do recall one person saying no.

20 Q One person?

21 A Right.

22 Q That's all you recall?

23 A That's all I recall.

24 Q Did you take a vote on anything, at that meeting?

25 A At that meeting, maybe the finances.

1 Q No, I mean, a vote on anything --

2 A No.

3 Q -- to do with Ms. Goodson.

4 A No.

5 Q Okay. Well, the discipline rules that you wrote up,
6 seem to indicate in this second step, that "If that
7 first step fails, take witnesses to strengthen the
8 effect of the discipline, so if it has to be brought
9 before the whole church, it can be firmly proven and
10 established." And that's based on Matthew.

11 A Uh-huh.

12 Q So, when is it that you brought it before the whole
13 church and you proved these allegations against her?

14 A That would have been during that meeting. Initially,
15 I went to her personally. I sent the email, then
16 called. Matthew 18 says that I do such.

17 Q I'm going to hand you what's been given to me. It's
18 a semi-annual church meeting agenda for Monday, July
19 21, 2014, as well as the record of what transpired at
20 that meeting. I'm going to hand you these and ask
21 you whether or not you recognize that.

22 A I recognize it.

23 Q And is that, as far as you know, an accurate, true
24 and correct record of what transpired at the meeting?

25 A Yes.

1 MR. BEALE: I'm going to mark that as an exhibit.
2 I'll staple that. It consists of two pages.
3 These two pages have been marked as Plaintiff's
4 Exhibit 2.

5 (Whereupon, the July 2014 Agenda
6 was marked as Exhibit No. 2 for
7 identification.)

8 Q The agenda, and you say you hand this out, each time
9 before the meeting starts, correct?

10 A Yes.

11 Q Indicates that what was going to be taken up was
12 devotion, reading of the annual church meeting's
13 minutes from January, building project update,
14 financial reports, and benediction. Now, that's what
15 your agenda was for that evening.

16 A Okay.

17 Q There's nothing on here, on the agenda, about the
18 fact that you were going to be discussing anything to
19 do with --

20 A I recall on the handout that was given out that night
21 -- I don't know whether you have it or not, but there
22 was a third line that did say Palmetto Law Center.

23 Q Okay. All right. All right. And then, on July 21,
24 2014, these are the summary of what transpired. I
25 want you to look at Exhibit 2, both pages, and tell

1 me if there's anything on there, anywhere that
 2 indicates there was any discussion about any
 3 discipline concerning --
 4 A On these notes, no.
 5 Q -- Ms. Goodson.
 6 A On these notes, no.
 7 Q And these notes -- who is it that takes the notes?
 8 A Our clerk takes the notes.
 9 Q And that would be?
 10 A Anthony Brown.
 11 Q And he's supposed to accurately reflect what went on
 12 at the meeting?
 13 A Yeah.
 14 Q And you say that Palmetto Law Center was one of the
 15 things on the agenda?
 16 A As I recall.
 17 Q And does it show that that was discussed at all?
 18 A No..
 19 Q Okay. Now, let me ask you this, something as
 20 important as discipline of a church member,
 21 particularly one you want to put out of the church,
 22 would that be important enough that it should be
 23 reflected in the minutes, the summary of what went
 24 on?
 25 A Assume.

1 Q Pardon?

2 A I could assume that.

3 Q Well, you do agree, don't you? That is important
4 isn't it?

5 A That is important.

6 Q Okay. And yet there's nothing in here about that, at
7 all?

8 A I can't answer to why.

9 Q Okay. All right. In this second step of your
10 revised discipline rules, it seems to indicate that
11 you thought that it was going to have to be brought
12 before the whole church, so that it could be firmly
13 proven and established, correct?

14 A Yes..

15 Q And when was it that you ever took these matters
16 before the whole church?

17 A At the July meeting.

18 Q At the July meeting. Okay. And what witnesses were
19 called, besides you, to prove it?

20 A I was the one speaking. I spoke on behalf --

21 Q I didn't ask you that.

22 A It was me.

23 Q Just you?

24 A Just me.

25 Q Okay. And then, in the third step of your discipline

1 rules, if you'd look at it, it indicates, "If the
2 second step fails, seek reconciliation and
3 restoration through the whole body. If further
4 action is necessary, it will be taken before the
5 whole church." And you cited several biblical
6 passages, correct?

7 A Correct.

8 Q Okay. Did you feel like it was important that the
9 whole church act upon this matter of discipline
10 involving Carol?

11 A The officers representing the entire church body,
12 did.

13 Q Who did?

14 A The officers.

15 Q Officers?

16 A The elected officers of the church.

17 Q Okay. Well, what about the membership of the church?
18 Did it vote on it?

19 A The membership did not vote on it.

20 Q Okay. Well, you said in this first paragraph of this
21 third step, "If further action is necessary, it is to
22 be taken before the whole church." That's what your
23 rules of discipline say, citing the bible.

24 A Okay.

25 Q And when was it that you took these matters,

1 involving Ms. Goodson, before the whole church and
2 took a vote on it?

3 A We took them before the officers of the church.

4 Q Right. Never did take anything before the whole
5 church and let them vote on it?

6 A We did not present it to the church body.

7 Q Right. And this is contrary to your own rules, of
8 step 3, where you're supposed to -- it's to be taken
9 before the whole church. That's what it says,
10 correct?

11 MR. FARR: Object to the form.

12 Q Is that what it says, Mr. Capers?

13 A That's what it says.

14 Q And so, why did you write that it was to be taken
15 before the whole church, if you don't believe it
16 should be taken before the whole church?

17 A I hold to the position that was taken, because all
18 steps failed. There's no effort for reconciliation.

19 Q But, that's the whole purpose of this discipline
20 thing, is that --

21 A Right.

22 Q -- the government of the church rests with the
23 membership, does it not?

24 A And the scripture.

25 Q Right. And the scripture and even your own rules of

1 discipline say that the church body, the whole church
2 membership, will vote on these matters.

3 MR. FARR: Object to the form.

4 Q Does it not?

5 A The church did not vote on this matter.

6 Q I know that, but that's what you put in here, that --
7 let's go back.

8 MR. FARR: Object to the form.

9 Q Go back to third step. And again, I want you to read
10 the first paragraph, under the third step.

11 A "If the second step fails, seek reconciliation and
12 restoration through the whole body. If further
13 action is necessary, it's to be taken before the
14 church."

15 Q Now, that's not what it says. Read the --

16 A "...the whole church."

17 Q The whole church. That means the membership of the
18 church; is that what you meant?

19 A The whole church, yes.

20 Q I'm asking you is that what it means?

21 A Yes.

22 Q And is that what you did?

23 A No.

24 Q Why not?

25 A The officers that represent the whole church executed

1 it as they were elected by the church.

2 **Q Well, let me ask you this, when you wrote these rules**
3 **of discipline, could you have written that that if**
4 **that second step failed, that then, the officers of**
5 **the church will vote on it?**

6 A Hypothetically --

7 MR. FARR: Object to the form. You can answer.

8 A Hypothetically, I could have done anything. I never
9 thought that we would actually get this far with the
10 member, without at least, having a conversation. So,
11 theoretically, yeah, any differences that we've had
12 in the past, have generally been resolved through
13 conversations and repentance on either or both sides.

14 **Q But this one wasn't resolved.**

15 A It was not. It was not.

16 **Q No, it wasn't. And what you did was -- you, as the**
17 **pastor, and your deacons and trustees unilaterally**
18 **made the decision to discipline her?**

19 A As they represented the church body, they made a --
20 we made a decision and executed it.

21 **Q Despite the fact that you said you were going to take**
22 **it before the whole church?**

23 A The representatives of the church --

24 **Q Does it say that?**

25 A Does not say that, in that writing.

1 Q Well, why do you think that you can change the
2 wording, now, to say that it's to be taken before the
3 church officers?

4 MR. FARR: Object to the form. You can answer.

5 A We already had a lengthy discussion about amending
6 it. About the document being amended.

7 Q Yeah, and --

8 A If further clarity needs to be made, it's something
9 that can be done.

10 Q But, we have to operate on what was in effect, at the
11 time that you took this disciplinary action.

12 A Absolutely. And if we operated on what was in
13 effect, we would not be here.

14 Q Why is that?

15 A Because a formal conversation between myself, your
16 client and the officers of the church could have been
17 had. That's always been our position.

18 Q So, in other words, if a member doesn't want to do it
19 your way, that you can take whatever action you want
20 to?

21 A That's not what I said, at all.

22 Q Okay. Well, why is it you think that she has to --
23 if she doesn't trust you and didn't trust the
24 trustees, and the deacons, why should she even talk
25 to you?

1 A I'm asking this very same thing. Why have the
2 conversation? Why even be there?

3 Q Well, why not let the church body vote on it?

4 A Why not allow the client to decide for her own,
5 whether she wanted to be a part of something that she
6 mistrusted.

7 Q Okay. But, these are your rules that you wrote, the
8 discipline rules, correct?

9 A Correct.

10 MR. FARR: Object to the form.

11 A And that was confirmed by the body.

12 Q For talking -- we've assumed that this was properly -
13 - but, you didn't even follow your own rules, did
14 you?

15 A I did.

16 Q You took it before the whole church body?

17 A We presented it in that meeting. We did not go
18 through full execution.

19 Q What is it that -- did you take a vote?

20 A We did not take a vote. The church was notified that
21 there were conversations being had regarding this
22 issue.

23 Q Okay. Well, that's fine. The whole thing -- you
24 said up here earlier that it was your job -- you had
25 to have enough evidence to present to the church

1 **body, to show that she deserved to be disciplined,**
 2 **correct?**

3 A Oh, absolutely. Her ledger was much longer than what
 4 we're discussing today.

5 **Q Okay. Now, --**

6 A And this was not a unilateral decision on a single
 7 event. I can only talk about my five years.

8 **Q Okay.**

9 A And that's how the conversation was had with myself
 10 and the officers of the church.

11 **Q Right.**

12 A And not one in the room came to her defense. One did
 13 decline to sign, but no other officer said, "We need
 14 to go to the bylaws. We need to discuss this
 15 further." When the notice went around the room,
 16 everyone that was willing, did sign. Since the
 17 event, no one has come and said, "Pastor, you were
 18 acting erroneous, or violated the bylaws." Not one.

19 **Q Well, perhaps they don't understand.**

20 A Or, perhaps they don't care.

21 **Q Well, I don't know. But, if this is the law, you do**
 22 **agree you should follow the law?**

23 A When applicable.

24 MR. FARR: Object to the form.

25 **Q When applicable. And certainly follow the law as you**

1 amended it, dealing with discipline, right?

2 A When applicable, yes.

3 Q All right. And if these matters of discipline are to
4 be taken before the whole church, it should be done;
5 do you not agree?

6 A You mean, past now, or prior to now?

7 Q No. No. I'm talking about at the time that this
8 happened. These were your rules.

9 A If these steps -- if it were necessary to follow them
10 as they are outlined, yes.

11 Q But, you wrote the rules, correct?

12 A Correct. I presented it to the church.

13 Q Right. And these rules are the ones -- I mean, you
14 wrote them, citing the bible, correct?

15 A Yes.

16 Q And you said that if you had a matter of discipline,
17 it was going to be taken before the whole church.

18 A Right..

19 Q Now, did you not agree that you had to prove the
20 charges to the whole body and let them vote on it?

21 MR. FARR: Object to the form.

22 A Yeah, I kind of have issue with the form, as well.
23 As it relates to the steps in this, to me, it's not a
24 closed matter.

25 Q Okay.

1 A Church is predicated on forgiveness, which baffles me
2 as to why we're here.

3 Q Why don't you tell me, what were the charges against
4 her, that warranted such discipline?

5 A Continual cycle of disrespect, of the --

6 Q Disrespect to who?

7 A Myself and the officers of the church.

8 Q Give me examples of it.

9 A I think that asking questions is appropriate. I have
10 no issue with that. But, I think tone, diction and
11 implications are everything. I think that if you
12 really have a true inquiry into what you're asking,
13 you don't necessarily have to ask that question in
14 public forum. And furthermore, some of the questions
15 that might have been asked, could have been answered
16 through private meetings, or through regular
17 attendance, when some of these matters were being
18 discussed.

19 Q But, isn't that the purpose of your semi-annual and
20 your annual meeting, is to present matters of finance
21 to the membership?

22 A Yes.

23 Q And do you not expect that that should be open to
24 conversation?

25 A Oh, absolutely.

1 Q And it should be in this setting -- I mean, you're
2 the one who puts it on the agenda to be discussed,
3 correct?

4 A Correct.

5 Q So, if you don't want any discussion, why do you
6 object to her asking questions?

7 A I didn't object to her asking questions. I objected
8 to her having you ask me the questions, because in
9 respect, it's none of your concern.

10 Q I see. Okay.

11 A And furthermore, at the conclusion of every meeting,
12 we extend to every member, that if there is questions
13 that need to be answered, that we have not addressed,
14 to see any of the respective ministries that
15 presented and they would answer them. To my
16 knowledge, your client hasn't done that.

17 Q Okay.

18 A As I Corinthians 6, says if there are any issues, we
19 resolve it without having the need of coming to an
20 attorney. That's in the letter that we sent.

21 Q Well, let me ask you something.

22 A I'm listening.

23 Q You have hired an attorney, have you not?

24 A Yes, sir.

25 Q Is that ungodly for you to do that?

1 A I've had my issues with being here.

2 Q I'm not asking you that. I'm asking you is it
3 ungodly for you to hire an attorney?

4 A In all respect, I didn't hire the attorney.

5 Q Oh, who did?

6 A Our insurance company did.

7 Q Oh, okay. Who is your insurance company?

8 A I don't know the name of it.

9 MR. BEALE: Was that revealed in the
10 interrogatories? In answering the
11 interrogatories?

12 MR. FARR: I'm sure it was, if it was asked.

13 MR. BEALE: Well, we would have asked. Hold on
14 just a second. Let's go off the record.

15 (OFF THE RECORD)

16 Q So, as I understand you, Mr. Capers, you haven't
17 hired Mr. Farr, as your attorney?

18 A Personally, no.

19 Q Okay. This is -- well, you understand you've been
20 sued personally?

21 A Absolutely.

22 Q And you understand the church hasn't been sued in
23 this lawsuit?

24 A I guess, from my understanding, yeah. As an officer
25 of the church, I'm protected by the church.

1 Q And so, this insurance company, that you don't know
2 the name of, is the one who's hired the attorney?

3 A To my knowledge.

4 Q And that's who's paying him?

5 A From my knowledge, yes.

6 Q The church is not paying him?

7 A No. Finance ministry wouldn't approve.

8 Q When it comes to church budgets, do you have any
9 input into the making of those church budgets?

10 A Little.

11 Q How about how the money is spent?

12 A Very little.

13 Q And are you ever involved in trying to reconcile
14 accounts?

15 A Reconcile accounts?

16 Q If it appears that something is missing.

17 A At times.

18 Q Has that happened in this case?

19 A In this case, no.

20 Q Anything that Ms. Goodson brought to the attention of
21 the church, questions that she had, did you ever do
22 any investigation into them?

23 A Relative to the meeting, I believe that there was a
24 discrepancy in the amount that was presented and we
25 asked the finance ministry to produce the accurate

1 numbers. And I think at a subsequent meeting, we did
2 that.

3 **Q Because there was, I believe, in that July meeting**
4 **there was some hundred and some thousand dollars not**
5 **accounted for?**

6 A Right.

7 **Q You remember that?**

8 A I do remember that.

9 **Q And you say that at some point, that was reconciled?**

10 A Yes, it was.

11 **Q So, when you had your annual meeting, after the July**
12 **meeting -- when you had the one in January, or**
13 **December, whenever you had it, that should have been**
14 **reflected on those accountings?**

15 A Either in that January meeting -- and I don't recall
16 whether we had another one intermittently -- I think
17 it's regarding the construction account. I don't
18 know if we had one in between there, or whether it
19 was revealed in January. I do know the error was
20 presented to the church body.

21 **Q What's the difference in the duties of the deacons**
22 **and the trustees?**

23 A Trustees are not ordained officers of the church.
24 Their responsibilities are less authoritative.

25 **Q Which one?**

1 A The trustees.

2 Q **Trustees, okay.**

3 A They have no scriptural authority in the church.
4 Only the deacons and pastors in the Baptist church
5 are considered to be officers.

6 Q **And you say they are ordained?**

7 A Deacons are ordained. Trustees are appointed.

8 Q **And who ordains them?**

9 A The local church ordains deacons.

10 Q **When you say "the local church", you talking about --**

11 A The church in which they serve?

12 Q **You?**

13 A The church in which they serve. The church confirms
14 them. Myself and the board of deacons, recommends
15 someone for the church to confirm. The church
16 confirms. We have an ordination service at the
17 church. The association has no role in that.

18 Q **And so, the deacons are ordained and what are their**
19 **duties?**

20 A Their duties are to work alongside the pastor, in
21 service of the church body on ecclesiastical matters
22 and oversight.

23 MR. BEALE: Let the record reflect that in the
24 answer to the interrogatories that answered our
25 question 4, name and address of insurance

1 companies, counsel did list Southern Mutual
2 Church Insurance Company, policy number
3 SNP0035963112, with limits of a million dollars.

4 (Whereupon, a letter dated August 30,
5 2014 was marked as Exhibit No. 3 for
6 identification.)

7 **Q Mr. Capers, I want to hand you a letter from Zion**
8 **Benevolent Baptist Church, dated August 30, 2014,**
9 **signed by you and a number of other people, and ask**
10 **you if you recognize this.**

11 **A Yes.**

12 **Q Okay. And you can just hold on to it.**

13 MR. BEALE: Let me have that exhibit back, so I
14 can give it to the court reporter, otherwise we
15 will loose it and it will get sucked up.

16 **Q Now, I believe you said that this started with that**
17 **July meeting, right? Where you brought up, you said,**
18 **the subject about Ms. Goodson?**

19 **A This started at the July meeting, not out initial**
20 **concerns.**

21 **Q Okay. And so, after that July 22nd meeting, 2014,**
22 **was there subsequent meetings between you and anybody**
23 **else? Any church leaders?**

24 **A Yes.**

25 **Q And who were the church leaders and when did y'all**

1 **get together?**

2 A I don't know the date on the day that we met, but
3 myself and the board of deacons and trustees did
4 meet.

5 Q **Okay. All right. And how many -- is there any**
6 **record of any of those meetings?**

7 A I'm not sure.

8 Q **And if there is, would you give that record, if**
9 **there's minutes or something that was kept.**

10 A I don't know if the clerk was at that meeting --
11 secretary. I don't know if there was anyone there
12 that took notes.

13 Q **Well, I realize you don't know, but would you check**
14 **and see?**

15 A If there is, yes.

16 Q **And if there is, then give it to your attorney.**

17 **Okay. How many times do you -- would you say y'all**
18 **met to discuss Ms. Goodson's situation?**

19 A Maybe once.

20 Q **One time?**

21 A Uh-huh.

22 Q **And was that on, or about, the date of August 30th?**

23 A It would have been a little before that.

24 Q **A little bit before then? Okay. Now, who was the**
25 **drafter of this letter?**

1 A This is written by me.

2 Q Okay. And how many drafts were there of the letter?

3 A Just one.

4 Q Was it prepared on a computer?

5 A Yes.

6 Q Did you save, on your computer, the drafts as you
7 went along, as you were working on this?

8 A I doubt it.

9 Q So, the August 30th letter, that's signed off on the
10 various and sundry people, was anybody else -- did
11 anybody else vote on this, other than the people
12 who's signatures appear on it?

13 A The ones that were present, with the exception of
14 one, all signed.

15 Q Well, what you mean? Who was the one that didn't?

16 A Joe Randolph declined to sign. He was present.

17 Q Mr. Capers, did you call the meeting where this was
18 taken up?

19 A Yes.

20 Q And who was invited?

21 A Our deacons and our trustees.

22 Q All of them?

23 A Uh-huh.

24 Q And how many are there?

25 A I don't know. I assume we've got 10 or 11 deacons

1 and maybe around 15 -- 10 to 15 trustees, somewhere
2 in that neighborhood.

3 **Q So, maybe 25?**

4 **A** Maybe 25.

5 **Q It was 15 of them signed on here.**

6 **A** Uh-huh.

7 **Q Did 10, other than Joe Randolph -- did 10 just not**
8 **attend?**

9 **A** They weren't at the meeting.

10 **Q Okay. Was any of the church membership invited to**
11 **this meeting?**

12 **A** No.

13 **Q And the procedures that you use in drafting up this**
14 **letter to Ms. Goodson, what procedures did you**
15 **follow?**

16 **A** You mean my -- what did I do in writing it?

17 **Q No, procedures meaning what authority were you**
18 **writing this under?**

19 **A** Under pastoral.

20 **Q Pastoral. Okay. Any other authority?**

21 **A** Godly.

22 **Q Pardon**

23 **A** Godly.

24 **Q Anything else?**

25 **A** No.

1 Q Was it written under the rules of discipline that you
2 had drafted, that we earlier identified?

3 A I would say so.

4 Q Okay. And was it written in accordance with the
5 bylaws of the church?

6 A I would say so.

7 Q Okay. If there were 25 or so deacons and trustees,
8 who got copies of this letter?

9 A Our secretary for records.

10 Q Okay. Who else?

11 A No one got copies of it.

12 Q Pardon?

13 A No one got copies of it.

14 Q The people who signed it?

15 A No, the secretary has one on official record and the
16 other was sent to your client.

17 Q Now, this exhibit -- was it three? Yeah, Exhibit 3,
18 what's the date on the letter?

19 A August 30th.

20 Q And when was it mailed to Ms. Goodson-Eaddy?

21 A I don't know.

22 Q Does the clerk have any records of when it was
23 mailed?

24 A I would assume so. Between the secretary -- we sent
25 it certified, so.

1 Q This appears to be outside the envelope, and you're
2 right, it was sent certified. Take a look at that
3 and see if that appears to be a copy of that envelope
4 that --

5 A Yes.

6 Q Okay. And what date does it show it was mailed?

7 A September 10th.

8 Q Okay.

9 A The only date I see on there.

10 Q And did you get a green card back with her signature
11 on it?

12 A I would assume.

13 Q And who would have record of that?

14 A Either the clerk or the secretary.

15 Q Now, if the action was taken, and everybody who
16 signed this letter voted to approve that it be done,
17 and you wrote the letter August 30th, why did you
18 wait until September the 10th to mail it?

19 A I don't know. I didn't mail it personally.

20 Q Well, I understand that.

21 A So, I can't answer that.

22 Q But, when you finished the letter, and you signed off
23 on it, how did you get all the signatures, of all
24 these other people?

25 A The ones that signed, were present at the meeting.

1 Q Well, I understand, but you had to draft up the
2 letter, before they could sign it.

3 A I drafted the letter prior to the meeting.

4 Q Prior to the meeting?

5 A Yes.

6 Q I see. Okay. And so, at that meeting, and you say
7 it was sometime August 30th, or thereabout, when you
8 gave it to the clerk, and told her to sent it
9 certified, return receipt, or whatever you said,
10 certified for sure, did you tell her to not mail it
11 right away?

12 A No.

13 Q Did you tell her to go ahead and mail the letter on
14 out?

15 A Yes.

16 Q And who is the clerk?

17 A The clerk is Anthony Brown.

18 MR. BEALE: Let's mark this as Exhibit 4.

19 (Whereupon, a copy of the letter
20 envelope was marked as Exhibit
21 No. 4 for identification.)

22 A I gave the letter to the secretary for mailing.

23 Q Gave the letter to the secretary?

24 A The secretary mailed it.

25 Q Who's the --

1 A April Griffin is her name.

2 Q April Griffin?

3 A Yes.

4 Q And when did you give it to her to mail?

5 A Sometime after the 30th.

6 Q Okay. Well, did you think it was important to get it
7 sent out to Ms. Goodson-Eaddy?

8 A Yes.

9 Q And would you -- you believe you would have given
10 instructions to the clerk, or secretary, or whomever,
11 to mail to this right on out?

12 A Yes.

13 Q Were you aware that it took them 10 days to get the
14 letter even mailed out?

15 A After the fact -- I don't know the dates. I know
16 that it was sent. I know that we did get a receipt
17 that she had signed for it. Anything there between,
18 I don't recall.

19 Q Now, after you drafted this letter of August 30th,
20 was there a special called business meeting at the
21 church on September the 8th?

22 A I assume. We have a lot of meetings. If we have an
23 agenda for one, okay.

24 Q Let me hand you the agenda for that day. Do you
25 recognize it?

1 A I do.

2 Q Okay. And by the way, I noticed that Palmetto Law
3 Center is on this one then.

4 A Okay. Had my dates off then.

5 Q So, then, would you agree with me that that probably
6 wasn't on the July --

7 A Right. My dates were off. Different meeting.

8 Q Yes. So, you think it was September 8th?

9 A It was the September meeting, then. Again, we have a
10 lot of meetings at times.

11 Q All right. And what was it that you were going to
12 discuss about Palmetto Law Center?

13 A The fact that I received correspondence regarding
14 financial matters of the church.

15 Q Okay. Well, I don't see anything on this agenda
16 about discipline for Ms. Carol Goodson-Eaddy. Was
17 she not on the agenda?

18 A I can see that my dates are off. She was not on the
19 agenda, no.

20 Q For September 8th?

21 A For September 8th, no.

22 Q Okay. And certainly, when you had this meeting on
23 September 8th, you knew that action had already been
24 taken by you and the other members of the -- the
25 trustees, or the deacons, right?

1 A Well, again⁷, we don't know when the letter was
2 mailed.

3 Q No, but you knew that you had drafted it August 30th.

4 A I knew I drafted it, yeah.

5 Q And what was the purpose of the letter?

6 A The purpose of the letter is to bring her aware of
7 the infractions against the house of God.

8 Q And, so, what was the punishment that you decided
9 that she should suffer?

10 A If she was unwilling to repent, or take biblical
11 action as -- dismissing her as a member.

12 Q Right. And you know that you and the other people
13 who signed this letter, August 30th, had already
14 taken this action against her, before this meeting on
15 September the 8th.

16 A Again, I concede that my dates have been off.

17 Q Well, I'm not asking you -- I'm just asking you were
18 aware --

19 A The document is dated August 30th, and --

20 Q And you agree that you signed it.

21 A The conversations about her dismissal started long
22 before September 8th.

23 Q I didn't ask you that. I'm just asking you, as of
24 August the 30th, you had composed this letter, signed
25 it, and had all these other people sign it, correct?

1 A It was signed whenever we met. I don't know the
2 date. That says August 30th, if that's when it was,
3 okay.

4 Q Do you have any reason to doubt the date?

5 A I don't have any reason to validate it, either.

6 Q Well, you --

7 A Apart from it being on there.

8 Q Are you in a habit of writing letters that you put
9 dates on them that are not correct?

10 A No.

11 Q So, would it be fair to assume that this date is
12 probably the date?

13 A Safe assumption.

14 Q Okay. So, if that's true, then you certainly knew
15 about the fact that you had -- you and the other
16 people had already --

17 A Had signed it, yeah.

18 Q -- excommunicated her, correct?

19 A Yes.

20 Q Okay. And yet, I don't see that subject even on the
21 agenda, for the matter to be taken up September the
22 8th.

23 A Again, I don't recall the conversations between
24 August 30th and September 8th, but her reception of
25 the letter by September 10th, would lead me to assume

1 that it was mailed, thereafter. And we might have
2 sat on the letter, for the sake of clearing the air
3 first.

4 **Q Well, let me ask you this. What was the purpose of**
5 **the special called church meeting that was held on**
6 **September the 8th?**

7 A What's on the agenda?

8 **Q Devotion -- I think I -- I'm sorry.**

9 A Yeah, to attend to the discrepancy in the financial
10 report about the building project. We had a matter
11 relative to our church cemetery and to address the
12 letter that I received from this firm.

13 **Q But, you can't take up things at your special called**
14 **church meeting, unless it's on your agenda, can you?**

15 A I don't see that we did take up anything in the
16 meeting.

17 **Q Well, I thought you took up, and brought up the**
18 **matter of her excommunication, at this meeting.**

19 A Well, yeah, at this meeting. It's pertinent to that
20 last item, before the benediction. It's all
21 encompassing.

22 **Q Okay. Well, what notice did you send out to the**
23 **membership of the church that you were going to**
24 **discuss disciplining Ms. Goodson-Eaddy?**

25 A Again, we made the announcement of the meeting from

1 the pulpit. The specifics of it, were not detailed.

2 Q Yeah. Right.

3 A We also present it as matters that are pertinent to
4 church information, will be discussed.

5 Q And when was it that -- what church service was this
6 announced at?

7 A Some Sunday service, at least.

8 Q Some Sunday service, okay. And what was it that you
9 said you were going to take up at that meeting?

10 A We never really go into specifics unless it's ear
11 friendly in the sanctuary, because we don't disrupt
12 the house of God with --

13 Q Well, then, if that's true, then why would you not
14 want to write a letter to each member of the church,
15 saying "We've got a very important matter coming up.
16 And we need you to be at this special called church
17 meeting"?

18 A Because that's never been the practice since I've
19 been there.

20 Q And you've already agreed with me that the
21 constitution and bylaws require you to do that?

22 A Even prior to that, I don't know how effective that
23 was --

24 Q I didn't ask you that. You've acknowledged the fact
25 that that is what the constitution and bylaws of the

1 church say is supposed to be done?

2 A I get that, yes.

3 MR. BEALE: Okay. Let's mark the -- hand me that
4 there, if you would.

5 (Whereupon, the September 8
6 Agenda was marked as Exhibit No.
7 5 for identification.)

8 Q Any time you have a special called church meeting,
9 such as the one on September 8th, would the clerk, or
10 the secretary, be required to make notes about what
11 was discussed?

12 A Generally, yes.

13 Q Okay. And does such minutes, or whatever you want to
14 call them, exists for the September 8th meeting?

15 A I would assume.

16 Q Okay. And who would have custody of those?

17 A The clerk or the secretary.

18 Q And will you ask her, or him, if they exist, and if
19 so, would you give them to your attorney?

20 A Sure.

21 Q Okay, now if we could -- I'm going to hand you
22 Exhibit 3, which is the letter of August the 30th.
23 All right, if you would, I want you on that August
24 30th letter, go down to paragraph 3 and the second
25 full sentence, if you would, read that for the

1 **record.**

2 A Second full sentence?

3 **Q Uh-huh.**

4 A Past the quotation?

5 **Q The church, yeah.**

6 A "The church as a whole has been long displeased, with

7 even your presence in church meetings, because they

8 rarely end peaceably with you there."

9 **Q Okay. Now, the church as a whole, who is it that you**

10 **were speaking of?**

11 A The demographic of the church that would be present

12 at the meetings.

13 **Q Well, tell me who that would be.**

14 A That would be anyone that would come to the meetings.

15 **Q Well, who was present?**

16 A The people that would sign in at the meetings.

17 **Q Well, who are you talking about? You said "the**

18 **church as a whole, has long been displeased."**

19 A Okay.

20 **Q So, identify those people that --**

21 A Like name names?

22 **Q Yes, sir.**

23 A Put a name on every one.

24 **Q I'm just asking you to name the ones you know.**

25 A I gave you a few that signed the letter.

1 Q Okay.

2 A That represent the whole.

3 Q Okay. Anybody else other than those people who
4 signed the letter?

5 A To identify them would be of their doing.

6 Q Well, did anybody other than the people who signed
7 this letter come up to you and express their
8 displeasure about how she acted at church meetings?

9 A On more than a few occasions.

10 Q Who? Identify them.

11 A I will not.

12 Q You what?

13 A I will not.

14 Q Do you know who came up to you?

15 A I know several.

16 Q And you're refusing to answer the question?

17 MR. FARR: I'm going to go ahead, at this point,
18 just because of the exact question that you're
19 asking, there is a clergy/parishioner privilege
20 for complaints that are brought to the clergy.
21 So, I would note a privilege to the extent that
22 the conversations were done in the form of
23 counseling, or in the form of a private matter
24 to a clergy, then to not respond to that. And
25 if a motion is required, please let me know.

1 **Q Can you recall how many people came up to you and**
2 **expressed their displeasure?**

3 A I'll say exponentially more than came and defend her.

4 **Q Well, that doesn't answer my question. Can you tell**
5 **us how many? A number?**

6 A More than 30. More than 40. Of course, over the
7 course of -- the context of this meeting -- of this
8 letter, is not just for one meeting, I think that
9 that's addressed clearly in here, but a running
10 ledger. And usually, at the conclusion of any of the
11 meetings, I'd have conversation with any number of
12 members, in confidence regarding it. Anyone that
13 she's present. Because, like the letter says, rarely
14 do they end peaceably.

15 **Q So, your best guess is about 30?**

16 A At that last meeting. And given, over the five
17 years, putting a number on it would be something I
18 couldn't do definitively. It would be more than 30.

19 **Q Okay.**

20 A They come with me in confidence and I keep it as such

21 **Q And you say that each time -- I'm sorry. Go ahead.**

22 A They come with me in confidence and I keep it as
23 such.

24 **Q And each time that one of these people came to you**
25 **and expressed their displeasure, this was done in**

1 **confidence?**

2 A Absolutely.

3 **Q Okay.**

4 A Our deacons even addressed -- had intentions on
5 addressing the matters that had been long standing.

6 **Q On page 2 of the letter, the first full paragraph,**
7 **about three quarters of the way down.**

8 A Say that one more time.

9 **Q You said, "What is even more disturbing is that when**
10 **the pastor asked to speak with you, regarding your**
11 **concerns and disposition, you responded by saying**
12 **that a conversation would only be had if an attorney**
13 **was present. Such a response is nothing short of**
14 **ungodly." And you cite Matthew 18:15-17. Does the**
15 **bible say that it's ungodly to seek legal counsel?**

16 A Go up a little bit, I Corinthians 6:1-7.

17 **Q So?**

18 A "Dare any of you having a matter against another go
19 to law, before the unjust, and not before the saints.
20 Do ye not know that the saints shall judge the world.
21 And if the world shall be judged by you, are ye
22 unworthy to judge the smallest matters? Know ye not
23 that we shall judge angels. How much more things
24 that pertain to this life? If then ye have judgments
25 of things pertaining this life, set them to judge who

1 are least esteemed in the church. Speak to your
2 shame. It is so, that there is not a wise man among
3 you? No, not one that shall be able to judge between
4 the brethren? But, brother go to law with brother,
5 that before unbelievers... Now, therefore, there is
6 utterly fault among you, because you built a law with
7 one another. Why do ye not rather take wrong? Why
8 do ye not rather suffer yourself to be defrauded?"
9 Again, we should not be here. Conversations could
10 have been had at the church and resolved, amicably,
11 without legal representation on either side. And my
12 response to this is just my desire to want to speak
13 with her. First my email, then as a response to no
14 response to my email, I picked up the phone and
15 called her. And her response was, maybe we should
16 speak with my attorney. I laughed and ended the
17 conversation.

18 **Q So, it's ungodly for her to go to an attorney and**
19 **seek advice? That's what you're saying?**

20 MR. FARR: Object to the form.

21 **Q Is that what you're saying?**

22 A Pertinent to this matter, and what --

23 **Q Yeah.**

24 A Yes.

25 **Q Okay.**

1 A To me, the matters are relatively small.

2 Q A hundred and fifty thousand dollars missing is a
3 small matter to you?

4 MR. FARR: Object to the form of that question.

5 Q Is it a small matter to you?

6 A They were accounted for. Every dollar of it.

7 Q Not in the meeting that you called, was it?

8 MR. FARR: Object to the form.

9 A In the meeting that was called, no. In the
10 subsequent meeting, absolutely.

11 Q Okay. And if the people who were keeping the books
12 and records, had nothing to hide, why did they not
13 just answer the question?

14 A They didn't have the documentation present.

15 Q So, why wasn't it just said, "We will furnish that to
16 you."

17 A That's absolutely what we said.

18 Q Is that right?

19 A And we scheduled the meeting, thereafter to validate
20 that.

21 Q Okay. What was your objection, Mr. Capers, of her
22 having an attorney present to discuss these matters?

23 A It's unnecessary.

24 Q Maybe in your eyes. But, she --

25 A In the eyes of I Corinthians 6, as well.

1 **Q** Oh, I see. So, based on the bible, it's not proper
2 for her to ask to have an attorney sit down and
3 discuss these matters?

4 **A** Especially with the options available to discuss the
5 matters without an attorney present. And that was
6 never on the table.

7 **Q** Well, let me ask you something, do you think that you
8 can dictate to the members of the church, how they're
9 going to communicate with you?

10 **A** I absolutely dictate to how people will speak to me.

11 **Q** I see. Okay. Just like you've represented to the
12 members of the church that you had this lawsuit
13 dismissed and thrown out and they had nothing more to
14 worry about?

15 MR. FARR: Object to the form of that question.

16 **A** I did not say that.

17 **Q** You did not?

18 **A** No.

19 **Q** You deny that you said that from the pulpit?

20 **A** That I had this lawsuit dismissed --

21 **Q** That's right.

22 **A** -- and thrown out?

23 **Q** That's right.

24 **A** Verbatim?

25 **Q** Yeah.

1 A Okay. No, sir.

2 Q Okay. Have you represented to people that you were
3 not going to appear and give a deposition?

4 MR. FARR: Object to the form of this. And I
5 want to note my objection because it deals with
6 privileged information. Anything that is a
7 conversation among the defendants, after a
8 lawsuit was filed is certainly a privileged
9 matter. If it's gone outside the presence of
10 other defendants, I understand that, but I want
11 to clarify what you're asking him, because I
12 don't know exactly what you're asking him. But,
13 to the extent it's conversations with other
14 defendants, that is privileged.

15 MR. BEALE: I did not say that.

16 MR. FARR: The question was unclear, so I want to
17 make sure that privilege is not gotten into.

18 Q Have you ever told anybody, other than the deacons
19 and trustees, that you were not going to appear and
20 give a deposition?

21 A I've shared with my wife, my desire not to appear. I
22 don't thin I had the option to not appear. I think
23 missing a court date didn't serve me well in the
24 past. So, I'll go through the motions to have this
25 matter resolved and here I am. I've got no desire to

1 be here. Anyone can see that.

2 Q That brings up this -- when you applied for the job
3 as senior pastor of Zion, did you make them aware of
4 the fact that you had a criminal record?

5 A Did not hide it at all.

6 Q Did you tell them about it?

7 A The officers knew, absolutely. At times I've shared
8 in messages that I've been --

9 Q No, I'm asking before you were hired.

10 A Did I volunteer the information, before I was hired?

11 Q That's correct.

12 A No.

13 Q Did you fill out any type of application for the job?

14 A Yes.

15 Q And were you asked whether or not you had any type of
16 arrests or convictions?

17 A I remember submitting to a background check.

18 Q I didn't ask you that. I asked you, on the
19 application, did they ask you whether or not you'd
20 ever been arrested or convicted of any offense?

21 A I don't remember the verbiage, but there was a
22 question relative to that.

23 Q And what was your answer?

24 A I don't recall what it said, and I don't remember my
25 response. If it said conviction, typically, I

1 responded if asked if I've been convicted of anything
2 or pled guilty -- if I've pled guilty, I normally
3 check "no", because I pled no contest.

4 **Q Okay. Who's got your application for employment with**
5 **Zion?**

6 A I have no idea. The clerk or the secretary would.

7 **Q Would you ask them to see if they can produce that,**
8 **and give it to your attorney?**

9 A Sure.

10 **Q Now, getting back to the letter that you wrote Ms.**
11 **Goodson. The reason why you disciplined her the way**
12 **you did, give me the exact reasons why.**

13 A It's laid out here in the letter.

14 **Q Well, you can read it, refresh your memory.**

15 A "For years now, your presence and demonstrative
16 actions have been the topic of adverse conversations
17 around our church. Your deliberate respect towards
18 church administration and ignorance of scriptural
19 protocol has wearied the heart of the faith and the
20 church administration has decided to no longer stand
21 idly by, as if such behaviors are condoned. Again,
22 the church is tired of the disruption caused in the
23 meetings, the argumentative nature, and disrespect
24 shown to church officials. Even more disturbingly,
25 your habitual desire to turn church affairs into

1 legal matters. We write to share with you what the
2 holy bible records about such decisions, at the
3 conclusion, to which we, the undersigned have
4 arrived." Skipping down to the final paragraph, "An
5 examination of the disrespect for the church
6 administration, again, the demonstrations are
7 habitual. You seem to have assumed an authoritative
8 voice, when in fact, you're not an officer of the
9 church. This blatantly disrespect for the scriptural
10 authority of the pastor, deacons, and officials of
11 this church have gone uncorrected for too long. What
12 the administration is charged to do for your benefit,
13 and not your detriment, but your disposition and
14 shows your indifference to this charge." I think
15 that sums it up in a nutshell.

16 **Q Okay. Now, were any other reasons why you**
17 **disciplined Ms. Goodson-Eaddy, other than what you**
18 **just testified to?**

19 **A The letter speaks definitely on my position.**

20 **Q I mean, the letter is in evidence, okay. What I'm**
21 **asking you is, there any other reasons --**

22 **A No.**

23 **Q -- other than what you have told us?**

24 **A No.**

25 **Q And as a result of the conduct that you just**

1 summarized from your letter, what actions did you
2 take against her?

3 A We sent the letter to her.

4 Q I know that, but what did you tell her -- what
5 consequences of her behavior was going to be?

6 A They were outlined in the letter.

7 Q Well, tell me what they are.

8 A I have not spoken with her since the phone
9 conversation.

10 Q You can look at the letter to refresh your memory,
11 and then I want you to testify as to what you did.

12 A It says, "Please know that the abbreviated
13 affirmation matters, are more than substantive cause
14 for us to exercise a decisive action, rescinding your
15 membership of Zion Benevolent Baptist Church,
16 Hopkins, South Carolina. Your name will be removed
17 from the church record on the date this document is
18 signed. We also hereby officially revoke all
19 privileges of membership that are extended to
20 partakers of this body. You are no longer welcome in
21 any official church meetings or gatherings. And we
22 encourage you to worship elsewhere, so we may do so
23 in peace. This letter has been sent by certified
24 mail. We will also keep you in our prayers."

25 Q Did Ms. Goodson-Eaddy's conduct that you just

1 mentioned, did it arise to the -- to become a gross
2 breach of covenant?

3 A I would say so, and so would the other officers that
4 signed the letter.

5 Q Well, you can't speak for them, can you?

6 A Their signatures speak for them.

7 Q I see. Well, we're going to take their depositions,
8 too, okay? We'll let them speak for whatever they
9 meant okay?

10 A Fair enough.

11 Q So, if I understood you correctly, these things that
12 you've enumerated that she did, that did arise to a
13 gross breach of covenant, in your opinion?

14 A In my opinion, yes.

15 Q Okay. And as such, the bylaws required you to make
16 that complaint in writing and to appoint a time and a
17 place for a hearing and notify Ms. Goodson-Eaddy of
18 what the questions are and to furnish her with a copy
19 of the charges. That's in Section 3 of Article 8 of
20 the bylaws, dealing with discipline, okay?

21 MR. FARR: Object to the form.

22 Q Now, did you do any of that?

23 A We took the biblical route, so, no.

24 Q Okay. Now, back in December of 2012, or January of
25 2013, did the church vote to make certain repairs and

1 **improvements to the church structure?**

2 A I don't remember the dates, but yeah --

3 **Q Sometime along that -- yeah.**

4 A -- there was a decision to made that work needed to
5 be done.

6 **Q And was there a decision to hire a fellow named Roddy**
7 **Egister?**

8 A Yes, we had a committee that was put together. We
9 wanted to recommend to the church, then formally
10 offered him a contract.

11 **Q By committee?**

12 A Uh-huh.

13 **Q And who was on the committee?**

14 A Myself, our chairman of the board of deacons,
15 chairman of the trustees, treasure and one other --
16 two other deacons, three deacons, chairman of the
17 trustees, the treasure.

18 **Q And what was the nature of the project that was going**
19 **to be undertaken?**

20 A We wanted to build -- primarily to build bathrooms on
21 the existing structure, that did not have indoor
22 bathrooms and some minor repairs in the sanctuary
23 that needed to be done.

24 **Q Okay. And so, did you put this project out for bids?**

25 A Yes.

1 **Q** And as a result, Mr. Egister was one of the people
2 who submitted a bid?

3 **A** He was one of them, yes.

4 **Q** Okay. And who decided to hire him?

5 **A** Well, we didn't hire him. We recommended that we
6 hire him, the committee did -- presented him to the
7 church.

8 **Q** Okay. And so, the church -- you say the church hired
9 him?

10 **A** He was not hired.

11 **Q** He was not hired?

12 **A** No. He was recommended for hire. We never offered
13 him contract.

14 **Q** Why not?

15 **A** We didn't get that far.

16 **Q** Why not?

17 **A** We went in another direction with a different
18 contractor.

19 **Q** Well, I understand, but why? I mean, what was wrong
20 with him?

21 **A** I didn't -- I'll concede that I did not make every
22 committee meeting. A decision was made to move in a
23 different direction as it relates to contractors.

24 **Q** Well, surely you were involved to the extent that --
25 originally, you said that you and the --

1 A Right. We recommended him.

2 Q Recommended him and then, at some point --

3 A We decided to go against him. We have members of the
4 board that have relationships with the community that
5 work in that discipline and by the recommendation of
6 one of the board members, you know, we started to
7 look in a difference direction and examine two of the
8 other companies had submitted for bids.

9 Q Which board member objected to using Egister?

10 A Deacon Gregory Brown.

11 Q And what was wrong with Egister that recommended him
12 -- I mean, made him take that action?

13 MR. FARR: Object to the form.

14 A I'm not all together certain of any one thing, or a
15 number of things in particular. Again, I did not
16 make every meeting.

17 Q I understand. Did Mr. Egister ever submit a
18 contract, a bid, on the job?

19 A He submitted a bid, from my understanding.

20 Q And how much was the job to cost?

21 A I'm not certain.

22 Q Was it more than \$1?

23 A Yes.

24 Q More than a hundred thousand?

25 A Yes.

1 Q More than \$200,000?

2 A Yes.

3 Q More than \$300,000?

4 A Yes. Right in that neighborhood, between 10 or
5 \$15,000 in the either direction of \$300,000.

6 Q All right. And so, your recollection is that he was
7 never hired?

8 A He was never hired.

9 Q Okay. How long did it take, after that initial
10 recommendation that he be hired, before you decide to
11 hire somebody else?

12 A It was a couple weeks.

13 Q A couple weeks?

14 A Yes.

15 Q Okay. And who was it that got the new job?

16 A It was Bobbitt Construction.

17 Q Bobbitt. And do you recall when they started work?

18 A I don't. It was in the fall of last year.

19 Q Did they submit a written contract?

20 A They did.

21 Q And who would have custody of that document?

22 A Someone on the committee, or the clerk.

23 Q Would you ask the committee, or the clerk, about that
24 and see if they can produce the contract --

25 A Sure.

1 Q -- that Mr. Bobbitt submitted? Was there ever any
2 problems with the construction work that was done?

3 A Past it started?

4 Q Once the construction --

5 A Once the construction commenced, you know, minor
6 things that needed to be adjusted to our liking and
7 by our standards of what we expected at payment.
8 Nothing --

9 Q And so, has the job been completed?

10 A No, we're still on the finishing side. The heavy
11 lifting is done, but we're nearly completed. We're
12 not all together finished.

13 Q And do you recall how much, roughly, the church has
14 paid?

15 A We're nearing the financial threshold of the contract
16 price. Probably, the last meeting, I think, that we
17 had, we had spent somewhere in the \$200,000 range,
18 north of \$275, creeping into \$300,000. We were
19 nearly at the value of the contract.

20 Q Okay. Mr. Capers, I saw a brochure or something, I
21 don't know what you call it, for the groundbreaking
22 ceremony that was done. And it was on April 13,
23 2014. Does that sound about right?

24 A Sounds about right.

25 Q Okay. And were you aware that Ms. Goodson-Eaddy

1 attended that groundbreaking ceremony?

2 A Yes, she was there.

3 Q Okay. And were you also aware that the next day,
4 that she made Deacon Gregory Brown, aware of the fact
5 that Egister had been fired for dishonesty, filed
6 bankruptcy and had judgments filed against him, the
7 previous year?

8 A Uh-huh.

9 Q You were aware of all that?

10 A Yes.

11 Q Okay. And did she express her concern of the church
12 using somebody like that to perform the work?

13 A Yes. I think in that same correspondence, she
14 alleged that Deacon Brown threatened her.

15 Q And did Deacon Brown ask Ms. Goodson-Eaddy to not
16 speak of these matters to anyone, other than him?

17 A From my recollection, yes.

18 Q And do you recall what he asked her to do?

19 A From the email, as I recall, basically, saying let
20 the ministry handle it.

21 Q Okay. And in fact -- Mr. Capers, in fact on April
22 the 17th, 2014, you in fact, sent an email to Ms.
23 Goodson about this matter; do you recall that?

24 A I recall sending her an email.

25 Q Okay. Look at this and see if you recognize that.

1 A Yes.

2 MR. BEALE: Okay. Let's mark that as an exhibit.

3 If you would, and hand that to a reporter.

4 (Whereupon, an email was marked
5 as Exhibit No. 6 for
6 identification.)

7 Q And so, in this email you sent to Ms. Goodson, you
8 said that you and Deacon Brown had taken the matters
9 into consideration, that is his problem with
10 judgments and bankruptcy and all, and "we endeavor to
11 proceed with the project as planned." That's what
12 you told Ms. Goodson-Eaddy?

13 A Uh-huh.

14 Q Why would you want to continue to use the church's
15 money to hire somebody with that type of record in
16 business?

17 A Well, we did take it into consideration and we did
18 proceed with the project and we did not hire him.

19 Q I see. In the email, you go on to say that, "I've
20 come to understand you've had business dealings with
21 the contractor. Our church has selected to complete
22 our project. We respectfully ask that the integrity
23 of the process be maintained in an effort not to blur
24 lines or accelerate any irritation among any party."
25 Now, if you would, tell me how was it that Ms.

1 **Goodson-Eaddy was causing a disruption here, by**
2 **calling attention to Deacon Brown about this guy's**
3 **record?**

4 A From the information I received, it was his financial
5 records about his bankruptcies, which from my vantage
6 point, was not business. Still is. I wouldn't think
7 that someone, that may not have the acumen to handle
8 financial affairs, would have any type of compromise
9 to their ability to lay bricks and drive nails.

10 **Q Well, how about all the judgments he had against him?**

11 A Again, that wasn't my concern.

12 **Q Why not?**

13 A I'm one voice on a committee.

14 **Q Well, I understand.**

15 A It wasn't my decision to make.

16 **Q What was your voice when you were aware of the fact,**
17 **this fellow had been sued and judgments obtained**
18 **against him?**

19 A Again, we took them into consideration and gave the
20 contract to someone else. From whatever disposition
21 was taken, whatever came to be, Roddy Edgesture did
22 not get the contract. Bobbitt Construction did.
23 Again, I missed meetings. I don't know everything
24 that came to play.

25 **Q So, you weren't saying to her that "We're going to**

1 use whomever we want to" in this response that's an
2 exhibit.

3 A We would only be able to use what the church allowed
4 -- who the church allowed.

5 Q Okay. And so, did the church approve --

6 A Approve Bobbitt Construction in a subsequent meeting.

7 Q When did they do that?

8 A Whenever we met on it, because we did reconvene with
9 the church and allowed them to know that we had moved
10 past Mr. Egister..

11 Q And what reason was given?

12 A I don't recall.

13 Q Okay. Was Mr. Egister notified that he was no longer
14 under consideration for the contract?

15 A Yes.

16 Q And who would have records of those letters?

17 A I would not doubt Deacon Brown might have them, or
18 our clerk.

19 Q Would you be good enough to ask Deacon Brown if he
20 could produce the file on Egister and Bobbitt, so
21 that we can determine when all this happened, and
22 what dates?

23 MR. FARR: Object to the form.

24 Q The church's bylaws, under the board of trustees
25 indicates that the -- in Section 5, "The board of

1 trustees, financial secretary, and treasure shall be
2 custodian of all finances of the church and shall
3 give approval for all expenditures with approval of
4 two thirds of the church body." Remember we've
5 covered that before?

6 A Yes.

7 Q And when was it that the board of trustees, financial
8 secretary and/or treasure, presented the expenditure,
9 some \$300,000 for these approvals to the church body?

10 A I don't know the exact date. We have an initial
11 approval and since the construction is ongoing, I
12 don't know if the final numbers have been presented
13 yet, but they are ongoing.

14 Q Okay. And so, at some point --

15 A The church was presented, and gave consent for these
16 funds to be use.

17 Q And who would have the record showing --

18 A The clerk or the secretary would.

19 Q Okay. And again, I would ask you, if you would ask
20 that clerk to produce those records and you can give
21 them to your attorney.

22 MR. FARR: Object to the form.

23 Q At the semi-annual church meeting on July the 21st,
24 2014, it's Exhibit 2, if you need to look at it to
25 refresh your memory, do you recall Ms. Goodson-Eaddy

1 asking questions about what happened to \$147,733.24?

2 A Vaguely, yes.

3 Q And I think you said that she was told it had been
4 transferred to a construction account, correct?

5 A Yes.

6 Q Gregory Brown, who is chairman of the board of
7 deacons, at that time, did he discuss this matter
8 with Ms. Goodson-Eaddy when the question was raised?

9 A I don't recall.

10 Q Do you recall him walking off the platform, or stage

11 --

12 A I do remember him leaving the microphone. I don't
13 know where in the conversation that was.

14 Q Yeah. Is there anything wrong -- I think you've
15 answered this before, but nothing wrong with her
16 asking questions about the budgetary matters,
17 correct?

18 A Nothing wrong. Tone and diction are everything,
19 though.

20 Q And do you maintain that the officers of the church
21 have a duty to respond to questions that members ask?

22 A When the questions are appropriate, absolutely.

23 Q Okay. And if they involve the money of the church
24 and how it's being spent, are those appropriate
25 questions?

1 A When they're asked appropriately, absolutely.

2 Q All right. Well, how would you ask them
3 appropriately?

4 A Without a condescending, or disrespectful tone.

5 Q Okay.

6 A The question got answered.

7 Q And is that the tone that Ms. Goodson-Eaddy had when
8 she asked those questions?

9 A Absolutely not.

10 Q Absolutely not. Okay. Do you expect that the
11 treasure or whomever is in charge of getting up that
12 budget and the figures that were presented at that
13 July meeting, if they're incorrect, they should be
14 corrected?

15 A Oh, absolutely.

16 Q And an explanation given to the members of the
17 church?

18 A Yes.

19 Q Okay. When was it that you, or any other officer,
20 ever gave any explanation to Ms. Goodson--Eaddy about
21 what happened to \$147,733.24?

22 A Personally, I did not.

23 Q All right. Do you know of anybody that did?

24 A I don't know if anyone did. One was given to the
25 church, however. Verified by bank records.

1 Q In 2011, was there an incident involving Deacon
2 Randolph's family, about a brawl on the church
3 grounds and there was a shooting incident that was
4 involved?

5 A Something to that effect, yeah.

6 Q And did you come on the scene to try to help things
7 out?

8 A Of the shooting, or the -- no.

9 Q Yeah, either one.

10 A No. At the church, I remained in the sanctuary to
11 end the service and then I went outside to assuage
12 his daughter.

13 Q And did you hear gunshots being fired?

14 A No.

15 Q Were you made aware of the fact that there were
16 gunshots?

17 A I was told that that happened the night before.

18 Q Night before? And did it happen on church property?

19 A No.

20 Q No. And was the -- Deacon Randolph, was he involved?

21 A Yes.

22 Q And was there any disciplinary action taken involving
23 him and his conduct?

24 A Yes.

25 Q What was it?

1 A He and I spoke, at length, and he was removed from
2 his post for a measure of time. And he repented.

3 Q But he wasn't excommunicated from the church?

4 A He asked for forgiveness.

5 Q As --

6 A And he talked with me.

7 Q Under your leadership at Zion, as senior pastor, has
8 anybody ever been excommunicated, other than --

9 A No.

10 Q -- Carol Goodson-Eaddy?

11 MR. BEALE: Okay. Let me take a break for a
12 second. I might be done.

13 (OFF THE RECORD)

14 Q Mr. Capers, do you know a lady by the name of Lauren
15 Billingsley, B-I-L-L-I-N-G-S-L-E-Y?

16 A That names seems to ring a bell.

17 Q She worked as a waitress at Shoney's?

18 A At Shoney's, yeah.

19 Q Did you sexually harass that lady?

20 A No.

21 Q You didn't?

22 A I pranked her.

23 Q Did her boyfriend, Travis, call you and ask you to
24 stop harassing her.

25 A I don't know who called me.

1 **Q** **Somebody called you?**

2 A Somebody called and the conversation was brief.

3 **Q** **And what was it that he asked you to do?**

4 A I actually don't recall. He just said, leave it

5 alone and by that point, I had left it alone.

6 **Q** **And what was it you had done, according to him, that**

7 **you needed to stop doing?**

8 A There was some app that I discovered --

9 **Q** **Some what?**

10 A An app.

11 **Q** **App?**

12 A A phone app.

13 **Q** **What does that mean?**

14 A Where you can conceal your number and you text

15 people.

16 **Q** **Where you can --**

17 A Where you conceal your number. It doesn't show your

18 number, it's another number.

19 **Q** **Oh, oh.**

20 A Yeah.

21 **Q** **Well, what does that got to do with Ms. Billingsley?**

22 **Were you communicating with her?**

23 A Yes.

24 **Q** **By text?**

25 A Yes.

1 Q And you were concealing your number from her?

2 A Yes.

3 Q Why would you want to do that?

4 A In humor, poor humor. I didn't that anything was
5 threatening, or either harassing.

6 Q Well, was it that you communicated to her?

7 A I actually don't recall.

8 Q Let me help refresh your memory.

9 MR. BEALE: Madame Court Reporter, excuse my
10 French.

11 Q Do you recall texting her, "Your boyfriend is sucking
12 dick in Five Points"?

13 A Might have.

14 Q And why would you want to tell her something about
15 her boyfriend of that nature?

16 A I actually don't know if she ever had a boyfriend.
17 Again, it was a poor prank.

18 Q As a pastor of a church, are you in the habit of
19 pranking with young girls and using that type of
20 language?

21 A To the extent of people that I'm familiar with, that
22 I am cordial with, I do joke with people that I'm
23 cool with.

24 Q And Ms. Billingsley was somebody that you knew well
25 enough to joke with?

1 A I knew her colloquially.

2 Q What does that mean?

3 A I knew her through the restaurant. Obviously, we
4 exchanged communication, but --

5 Q What kind of communication?

6 A Well, I had her number.

7 Q Why would you have her number? You're married aren't
8 you?

9 A Absolutely.

10 Q What are you doing getting a number of a young girl
11 like this?

12 A We started conversing relative to my work, and she
13 wanted a job outside of what she was currently doing.

14 Q And what kind of job were you going to give her?

15 A I had connections with my current position, I think,
16 at -- with Provost Academy. And from my
17 understanding, she was a USD student in a similar
18 discipline. And the conversations weren't all
19 professional. Some of them were colloquial.

20 Q Were you told that they were going to press charges
21 against you, if you didn't stop it?

22 A I don't recall the conversation. I remember someone
23 calling my home and past that, no.

24 Q Did you ever date this girl?

25 A No.

1 **Q How many times did you have interaction with her at**
2 **the restaurant, or otherwise?**

3 MR. FARR: Object to the form.

4 A I would eat there on Saturday mornings and
5 occasionally, she would be my waitress.

6 **Q Do you do this with other waitresses also?**

7 A I meet a lot of people and interact with a lot of
8 folks. I speak to a number of people,
9 professionally, colloquially, socially. It's not
10 uncommon for me to communicate with people, even form
11 friendships with individuals.

12 **Q And when you form these friendships, do you act upon**
13 **them?**

14 A What do you mean, "act"?

15 **Q Do you take these girls out?**

16 A I'm married.

17 **Q Well, I understand. A lot of married men do things**
18 **they shouldn't do.**

19 A No, I've never taken Ms. Billingsley out.

20 **Q How about any of the other girls?**

21 A They're not always young ladies that I met.

22 **Q Oh, some of them are men?**

23 A I had conversations with men.

24 **Q I see. Has anybody ever had to take any type of**
25 **legal action against you?**

1 A No.

2 Q Well, did you honor the request? Did you leave her
3 alone?

4 A Yes. To the extent that, upon hearing her name, I
5 hadn't spoken of her.

6 MR. BEALE: That's all I've got. Answer any
7 questions that your attorney might have, if any.

8 MR. FARR: No questions.

9 MR. BEALE: Okay. Thank you very much, Mr.
10 Capers. I appreciate it.

11 Further deponent sayeth not.

12 (There being no further questions, the
13 deposition concluded at 1:53 p.m.)

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1 CERTIFICATE OF REPORTER

2
3 I, KATHRYN BOSTROM, COURT REPORTER AND NOTARY PUBLIC
4 IN AND FOR THE STATE OF SOUTH CAROLINA AT LARGE, HEREBY
5 CERTIFY THAT I REPORTED THE DEPOSITION OF TRAVIEN L.
6 CAPERS ON WEDNESDAY, THE 2ND DAY OF SEPTEMBER, 2015, THAT
7 THE WITNESS WAS FIRST DULY SWORN BY ME AND THAT THE
8 FOREGOING 126 PAGES CONSTITUTE A TRUE AND CORRECT
9 TRANSCRIPTION OF MY STENOMASK REPORT OF SAID DEPOSITION.

10 I FURTHER CERTIFY THAT I AM NEITHER ATTORNEY NOR
11 COUNSEL FOR, NOR RELATED TO OR EMPLOYED BY ANY OF THE
12 PARTIES CONNECTED WITH THIS ACTION, NOR AM I FINANCIALLY
13 INTERESTED IN SAID CAUSE.

14 I FURTHER CERTIFY THAT THE ORIGINAL OF SAID
15 TRANSCRIPT WAS THEREAFTER SEALED BY ME AND DELIVERED TO
16 HAMMOND A. BEALE, ESQUIRE, 971 GREENLAWN DRIVE SUITE 2,
17 COLUMBIA, SOUTH CAROLINA, WHO WILL RETAIN THIS SEALED
18 ORIGINAL TRANSCRIPT AND SHALL BE RESPONSIBLE FOR FILING
19 SAME WITH THE COURT PRIOR TO TRIAL OR ANY HEARING WHICH
20 MIGHT RESULT IN A FINAL ORDER ON ANY ISSUE.

21 IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL THIS
22 17TH DAY OF SEPTEMBER, 2015.

23
24 _____
KATHRYN B. BOSTROM, COURT REPORTER

25 MY COMMISSION EXPIRES AUGUST 28, 2022

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CONSTITUTION & BY-LAWS

Of

**Zion Benevolent Baptist Church
201 Meeting House Road
Hopkins, South Carolina 29061**

**Presented to the Congregation and Adopted
August 1986
Revised April 2003**

EXHIBIT

4-2-15
1 KB
Capers

The Great Commission

"Go ye into all the world and preach the gospel to every creature."

Mark 16:15

About the Pastor:

Charles Lee Jackson is a native of South Carolina and a graduate of Booker T. Washington High School, Columbia, South Carolina. He is also a graduate of Howard University, Washington, D.C. where he received a Bachelor of Science Degree in Zoology and a special certificate of outstanding achievement for research and study in World Religions.

He served in the United States Army during the Korean Conflict; at which time, he was enrolled in the Adjutant General College, Fort Riley, Kansas and received a Master of Military Science Degree. Later, he served a tour of duty with the Counter Intelligence Corp. (C.I.C.) in the far east until honorably discharged.

When Charles was a young boy, he received the Lord Jesus Christ as his personal Savior and was baptized into the fellowship of Mt. Moriah Baptist Church, Columbia, South Carolina. While at St. John Baptist, he served as a Church School Teacher, an officer of the Board of Trustees, an active member of the Musical and Gospel choirs, and an organizer and first Scoutmaster of the St. John Baptist Chapter of the Boy Scouts of America.

In October 1962, Charles received the divine call to publicly preach the Gospel of Christ. With the approval of St. John Baptist Church, he was licensed by the State of South Carolina to preach and subsequently ordained by the Gethsemane Association. He was called to the pastorate of St. Mark Baptist Church, Columbia, South Carolina in April 1963 and served in the official capacity until April 1986. In February 1964, he was elected to the pastorate of Zion Benevolent Baptist Church in Hopkins, South Carolina and happily continues to serve in the official capacity.

A Message from the Pastor:

With deep feeling of humility, I express my thankful appreciation to the officers and members of Zion Benevolent Baptist Church for the magnanimous support, cooperation, and trust you have accorded me. I am particularly thankful for the unselfishness you have shown in regard to my service to others outside of the Zion Benevolent Fellowship; for it has afforded me a greater sense of personal freedom, joy and satisfaction in the

work to which I am called. For this, I thank you in all of my prayers; I thank God for you.

While reminiscing of years gone by and thinking of days yet to be, we now pause, looking ahead we can see by faith, success we travel on. We view with ever thankful hearts God's blessing upon the past, rejoicing that those who sowed the seed of the Gospel have been undoubtedly co-laborers and co-harvesters of souls with Christ.

Reflecting upon the history of Zion Benevolent, we honor those devoted and dedicated believers of long ago with the present ones. Each worker has helped to build and to sustain this fellowship, and has endeavored to obey the Great Command. Many who have diligently labored in this fellowship, bravely facing and enduring the hardships of life, have passed to their Eternal Rewards. To them, we are forever grateful, for without their consecrated labor of love, we would not have this ground upon which to continue building in Christian Fellowship. Even though we are sometimes subjected to "throw backs", we are continuously progressing in meaningful ways.

Whether in adversity or prosperity, let us continue to persevere in faith, being assumed that "our arduous task shall not be done 'til we obtain the Crown of Life". And let us always be mindful, in all things, to give thanks to God through Jesus Christ our Lord; and when the final report is made and the Lord's last victory is told, may those of us who labor here today meet again at the "Heavenly Gates of Pearl", and together, "Walk the Streets of Gold".

Yours in Christ,

C.L. Jackson, Pastor

CONSTITUTION

PREAMBLE

We declare and establish this constitution for the preservation and security of the principles of faith, that this church body may be governed in an orderly manner, and in order to promote our fellowship and work.

ARTICLE I – NAME

Section 1. The name of this body shall be the **ZION BENEVOLENT BAPTIST CHURCH**, of Hopkins, Richland County, South Carolina.

ARTICLE II – PURPOSES

The purpose of this church shall be to foster and maintain the public worship, to carry out the Great Commission of Jesus Christ, to promote Christian Fellowship, spiritual growth among its members, Bible Study, and instruction in Baptist doctrine, and to combine the efforts of individual members in evangelism, missions, and benevolences.

ARTICLE III – DOCTRINE, COVENANT AND POLITY

Section 1. The church receives the Holy Bible as the inspired Word of God, and as its authority in matters of faith and practice.

Section 2. The covenant that binds the members of this church in fellowship shall be:

Having been led, as we believe, by the spirit of God to receive the Lord Jesus Christ as our Saviour, and on the profession of our faith, having been baptized in the name of the Father, and of the Son, and of the Holy Spirit;

We do now in the presence of God, angels and this assembly, most solemnly and joyfully enter into covenant with one another, as one body in Christ. We engage, therefore, by the aid of the Holy Spirit, to walk together in Christian love;

To strive for the advancement of this church in knowledge and holiness; to give it a place in our affections, prayers and services above every organization of human origin; to sustain its worship, ordinances, discipline and doctrine;

To contribute cheerfully and regularly, as God has prospered us, toward its expenses, for the support of a faithful and evangelical ministry among us, the relief of the poor and the spread of the Gospel throughout the world.

In case of difference of opinion in the church, we will strive to avoid a contentious spirit, and if we cannot unanimously agree, we will cheerfully recognize the right of the majority to govern. We also engage to maintain family and secret devotion; to study diligently the word of God;

To religiously educate our children; to seek the salvation of our kindred and acquaintance; to walk circumspectly in the world; to be kind and just to those in our employ, and faithful in the service we promise others;

Endeavoring in the purity of heart and good will towards all men to exemplify and commend our holy faith. We further engage to watch over, to pray for, to exhort and stir up each other unto every good word and work;

To guard each other's reputation, not needlessly exposing in infirmities of others; to participate in each other's joys, and with tender sympathy bear one another's burdens and sorrows;

To cultivate Christian courtesy; to be slow to give or take offense, but always ready for reconciliation, being mindful of the rules of the Saviour in the eighteenth chapter of Matthew, to secure it without delay;

And through life, amid evil report, and good report, to seek to live to the glory of God, who hath called us out of darkness into his marvelous light.

When we remove from this place, we engage as soon as possible to unite with some other church where we can carry out the spirit of this covenant and the principles of God's word.

Section 3. The government of this church is vested in the members who compose it, and as such, it is subject to the control of no other ecclesiastical organization.

ARTICLE IV – MEMBERSHIP

Section 1. The membership of this church shall be composed of persons who have given evidence of regeneration, who have been baptized by immersion, who have been subscribed to the covenant and constitution of this church.

Section 2. Members may be received upon public confession of faith in the Lord Jesus Christ as Saviour, by transfer of membership from another church of like

faith and order, by statement satisfactory to the church to the effect that they have previously been members of a church of like faith and order, or restoration.

- Section 3. A member is expected to be faithful in all the duties of the Christian life, to be regular in attendance at the services of the church, to give regularly and systematically to its financial support and to the Kingdom causes, and to share in its organized work.
- Section 4. This church shall remove from its membership rolls those who unite with churches of other faiths, those who request a church of like faith and by asking for a letter of transfer, those who may request membership to cease, or by death. Members who have been financially inactive for three (3) months for reasons other than long term illness or military duty (war duty) will be placed on an inactive membership list.
- Section 5. Members may be received into the fellowship of the church at any worship service subject to acceptance at the same or next regular Sunday services.
- Section 6. Persons excluded from the church may be restored after making due confession to the church, and giving satisfactory evidence of repentance for their faults.
- Section 7. The right hand of fellowship is given to new members at the service. It is designed simply as an expression of the welcome and fellowship of the church.
- Section 8. The church as spiritual guidance short of full membership shall provide Watchcare membership for a period not to exceed one (1) year. Persons seeking such membership will be granted permission to avail themselves of all church participation with the exception of being extended the right hand of fellowship. Residents of the area who are members of another church in the area are not eligible for watchcare membership.
- a) Temporary residents (such as military personnel, persons with short-term jobs and college students) are exempted from the one (1) year limitation.

- b) At the end of the one (1) year period, the deacon assigned to the watchcare member shall remind the member that his/her watchcare membership will terminate. A letter will follow this reminder from the Board of Deacons and the Pastor, in which the member will be asked to make a commitment to join the church as a full-fledged member.

ARTICLE V – ORGANIZATIONAL STRUCTURE

- Section 1.** The organizational structure of this church shall consist of the Congregation, the Pastor, the Board of Deacons, the Board of Deaconesses, the Board of Trustees, and the Board of Christian Education.
- Section 2.** The primary officers of the church shall be the Pastor, the Deacons, the Deaconesses, the Chairman of the Board of Trustees, the Chairman of the Board of Christian Education, the Treasurer, the Financial Secretary and the Clerk. The duties of such officers shall be those common to the office, in accordance with the Scriptures, and as hereinafter provided.
- Section 3.** This church shall have such other officers as wisdom and the Holy Spirit may direct to carry out the purpose of this church. The duties of such officers shall be those connected with the offices they fill and according to the instruction of the church.
- Section 4.** Election of all officers shall be in accordance with the plan of the church hereinafter provided.
- Section 5.** This church shall have such auxiliaries and committees as wisdom and the Holy Spirit may direct as necessary for carrying on the work of the church. The duties of these auxiliaries and committees shall be those inherent with the name of the auxiliary or committee.

ARTICLE VI – MEETINGS

- Section 1.** This church shall conduct regular worship services on every Lord's Day and may have Bible Study prayer services on Wednesday evenings. The Lord's Supper shall be observed on the First Sunday of each month. Elements to be served are sacramental wine and unleavened bread. *Any actions pertaining to any form of business shall not be conducted during regular morning*

services or after Holy Communion. The church shall provide all necessary services for the educational, stewardship, missionary, evangelistic, and promotional functions of the church.

Section 2. The church shall conduct regular quarterly church conferences. Conferences shall be held the 3rd Tuesday following the end of each quarter. The meeting date shall be announced two or more Lord Days prior to the date for such meeting. January shall be the annual meeting.

Section 3.  The Pastor, Chairman of the Deacons or Clerk, in that order, may call special business meetings. Such called meetings must be announced publicly at a service of the church at least two weeks prior to the called meeting or by written notice sent to the resident membership of the church at least one week prior to the called meeting. No matter shall be considered at the called meeting except that for which it was called and previously announced.

Section 4. Voting in regular church conferences/meetings shall be limited to members who satisfy the qualifications as outlined in Article 4, Section 4 under membership.

ARTICLE VII – ELECTIONS

Section 1. Annual elections may be held in the January Conference.

Section 2. Officers and staff of the church who shall be elected annually are:

Pastor

Deacons

Trustees

Treasurer & Asst. Treasurer

Finance Secretary & Asst. Fin. Secretary

Clerk & Asst. Clerk

Condolence Committee (3 Person)

Chairman, Board of Christian Education

Church School Supt.

Asst. Church School Supt.

Church Hostess

Choir Directors

Church Organist

Asst. Church Organist

Church School Secretary

Church Sexton

Asst. Church Sexton

Section 3. One third of the members of the Board of Christian Education shall be elected annually for a term of three years. The Board shall consist of nine members.

Section 4. All church organizations shall elect their own officers and report the same to the church and church clerk.

ARTICLE VIII – ADOPTION AND AMENDMENTS

Section 1. This Constitution shall be considered and adopted and in immediate effect when two-thirds (2/3) of the members present at the business meeting at which the vote is taken shall vote in favor of the same.

Section 2. This Constitution may be amended, altered or repealed by a two-thirds (2/3) vote of the members present at any regular business meeting of the church, provided that such proposed amendment, alteration or repeal be given to the Clerk in writing and that such proposed change shall be presented to the church in writing at least thirty (30) days prior to the time the vote is taken.

Section 3. The adoption of this Constitution and By-Laws shall affect a repeal of all previously adopted or accepted rules in conflict herewithin.

BY-LAWS

ARTICLE I – GOVERNMENT OF THE CHURCH

Section 1. The government of the church shall be in the hands of the members.

Section 2. Five (5) percent of the membership alive and on the rolls (not to include members on inactive status for three (3) or more months) shall constitute a quorum except for election of officers, twenty-five (25) percent, and for call of a pastor, twenty-five (25) percent shall be necessary and likewise for dismissal.

Section 3. The church business meeting shall observe the following order of business:

1. Devotions
2. Call to order by Moderator
3. Reading of Minutes
4. Report of clubs and auxiliary organizations
5. Report of committees
6. Unfinished business
7. New business
8. Adjournment

Section 4. The church business meeting shall be guided by "*Robert's Rules of Order*" (current edition) except in cases especially provided for this constitution.

Section 5. The church year shall begin January 1 and end December 31. The financial year shall run concurrently with the calendar year.

Section 6. All organizations shall make financial reports at each annual conference. They shall report on any projects or activities of particular interest to the church. All such reports shall be in *writing* and submitted to the clerk for inclusion in the church records.

ARTICLE II – CHURCH FINANCE

Section 1. Membership in the church involves financial obligation to support the church and its causes with regular, proportionate contributions.

Section 2. The church shall provide a system which will enable the officers to record all receipts and credit individual contributions. So as to avoid discrepancy in financial recording, envelopes shall not be opened during regular church services. The unsealing and recording of the information therein shall be the sole responsibility of the Finance Committee.

- Section 3. Inasmuch as this church shall operate on the stewardship plan, special offerings and gifts may be sought by the church or by any of its organizations only upon approval of the church. This does not preclude individuals making special contributions to various causes at any time the Holy Spirit may move them.
- Section 4. All anniversary funds and church programs shall be given to the general church fund at the time of that program. Thereafter, any other funds may be given to the church voluntarily by the organization.
- Section 5. All funds received for special purposes are to be used only for purposes for which specified.
- A. The current expense fund shall be used for expenses necessary for the operation of the church, church school, choir, and salaries of paid officers and staff as outlined in the budget. The church must approve use of money from this fund for other purposes.
 - B. The building fund shall be used for the maintenance and improvement of the church property and the procurement of properties that will enable the church to better fulfill its mission as stated herein.
- Section 6. The Trustees, in cooperation with the Treasurer, Financial Secretary, and Finance Committee, shall have all financial records audited at the end of each calendar year.
- Section 7. All bills coming to the church which are not provided for in the general order and/or budget should go automatically given to the Finance Committee for investigation; after investigation, the bill shall then be given to the church treasurer for payment.

ARTICLE III – CHURCH BURIAL

- Section 1. Members who have given regular and proportionate financial support to the church will not be required to pay a burial fee.
- Section 2. Members 21 years of age or older, who have not contributed at least \$520.00 to the financial support of the church during the year prior to death, will be required to pay a fee (see appendix A). Non-active members will be required to pay the current burial fee.

Section 3. Members who become totally disabled and have given adequate financial support to the church prior to their disability may be freed of financial obligations.

Section 4. Any dependant child of a financially supporting member will not be charged a burial fee.

ARTICLE IV – WORSHIP SERVICES

Section 1. The Order of Worship for Sunday Morning Services shall be the responsibility of the Minister along with the members of the Deacon Board.

Section 2. The first Sunday of each month shall be designated for the ordinance of Communion.

Section 3. Special Services

- A. Baptism – Committee to work with the Pastor
- B. Funerals – as the bereaved family desires in consultation with the Pastor (See Appendix A)
- C. Weddings – as the family desires in consultation with the Pastor, the Choir Director and the Organist (See Appendix B)
- D. Other Special Services – Other special services may be held when the need is felt. Such requests should be made to the Pastor and Officers of the church in sufficient time (*2 weeks prior to the event*) for approval and finalizing of plans.

ARTICLE V – CHURCH OFFICERS AND DUTIES

PASTOR

Section 1. Election and Dismissal

- A. A pastor shall be chosen and called by the church whenever a vacancy occurs. A pulpit/pastor search committee shall be elected by the church to seek out a suitable pastor, and their recommendation will constitute a nomination. The pulpit/pastor search committee shall bring to the consideration of the church only one

nomination at the time. The election of a pastor shall take place at a called business conference in a Sunday morning following the regular hour of worship, after notice as provided for other called or special business meetings. Election and call shall be by written ballot, and affirmative vote of three-fourth (3/4) of those members present and voting being necessary for a call.



B. A pastor shall be called by the church to serve on an annual bases. In the event he is not re-elected, at least thirty (30) days notice shall be given of termination, unless otherwise mutually agreed with both the pastor and the church seeking to follow the will of God and the leadership of the Holy Spirit. Voting upon termination shall be by written ballot and shall require a majority vote of those present and voting to constitute termination.

Section 2. Duties and Responsibilities

The pastor is responsible to the church for leading the church in determining and attaining its mission. He proclaims the gospel and provides pastoral care for persons in the church and community. He serves as initiator to involve church members in the work of the church so that its divine mission can be achieved:

- A. Proclaim the gospel and lead church members in the proclamation of the gospel in the church and community.
- B. Care for persons and lead church members to care for persons in the church and community.
- C. Provide leadership for congregational services and in conducting the church ordinances (Lord's Supper and Baptism).
- D. Provide administrative leadership to guide the church in the attainment of its divine mission.
- E. Conduct weddings and funeral services and perform such other duties as usually pertaining to the office.
- F. Work closely with the deacons in their training and performance in their work of proclamation, caring, and building up of the church fellowship.
- G. Serve as moderator in meetings for the transaction of business and provide administrative leadership for the total church

programs such as Sunday School, Bible Study, Prayer Meetings, etc.

- H. Visit the members of the church, especially the sick, aged, and distressed.
- I. Supervise church staff members according to plan of staff organization and provide for training and development.

Section 3. Leaves

- A. The pastor shall be granted a vacation away from his regular duties two weeks per year. The pastor in cooperation with the deacons shall secure someone to serve in his absence at no expense to the pastor.
- B. The pastor may be granted sick leave, not to include more than four (4) Lord's Days per year. The deacons shall secure someone to serve in his absence at no expense to the pastor.

THE BOARD OF DEACONS

Section 1. Acceptance and Dismissal

- A. The number of deacons shall be left to the discretion of the body varying according to the size of the membership.
- B. In case of a vacancy created by death, disability, or resignation, a candidate meeting the qualifications, as stated below, may be nominated by the Deacon Board and Pastor, presented at the next regular church conference. If approved by the body, the candidate shall be trained in the Eighteen Articles of the Baptist Doctrine of Faith for a period of at least one (1) year before being ordained. Additional or alternate training may also be provided by the current pastor.
- C. A deacon may be dismissed when due charges have been presented against him at a Church Conference, and two-thirds (2/3) of the members present have voted for dismissal.
- D. Any deacon voluntarily leaving the Deacon Board with prejudice may upon application to the Deacon Board seek reinstatement. Upon favorable recommendation to the Church Conference by the deacon and with the approval of the Church Conference, the deacon shall be restored to an active status.

- E. At such time when the active deacons deem wise, they shall have the privilege of recommending a deacon who has served the Church faithfully to be a Deacon Emeritus with full voting privileges.

Section 2. Qualifications

- A. The Board of Deacons shall consist of faithful members of the Church having the New Testament qualifications and who have proved themselves to be earnest workers in Christ's Kingdom.
- B. The deacons shall be faithful in deportment, faithful to all services of the Church, faithful in prayer, and faithful in services. They shall be spiritual assistants and advisors to the pastor, and with him shall have general oversight of the membership and the spiritual affairs of the church. They shall maintain the essential Christian character as stated in I Tim 3:8-13 and Acts 6:1-6.

Duties

- A. The Board of Deacons shall assist the pastor in administering the ordinances, visiting the sick, aged, and distressed members, and aid in all of the spiritual affairs of the church. With the pastor they are to consider and formulate plans for the constant effort and progress of the church in all things pertaining to the saving of souls, the development of Christians, and the extension of growth of the Kingdom of God.
- B. By proper organization and method among themselves, they are to establish and maintain personnel fraternal relation with, and an inspiring oversight of, all the membership of the church; especially are they to seek to know the physical needs and the moral and spiritual struggles of the brethren and sisters; and to serve the whole church in relieving, encouraging and developing all who are in any such needs.
- C. In counsel with the pastor and by such methods as the Holy Spirit may direct in accordance with the New Testament teachings, they are to have oversight of the discipline of the church. They are always to be guided by the principles set forth in Matthew 18:15-17; I Corinthians 5:9-13; I Thessalonians

5:12-14. The deacons shall be free to call upon any member of the church to aid in discipline.

- D. In any period when the church is without a pastor, unless the church shall otherwise provide, the deacons will arrange for temporary ministry and take counsel with reference to securing a pastor, as outlined in Section 1. A. Election and Dismissal of Pastor.

THE BOARD OF TRUSTEES

- Section 1. The number of trustees composing the Trustee Board shall be left to the discretion of the church, varying according to the size of membership.
- Section 2. The trustees shall have title to the church property and shall perform such duties as are required by law.
- Section 3. The trustees shall provide necessary insurance on the church property and see that it is properly maintained.
- Section 4. The Board of Trustees, Financial Secretary, and Treasurer shall prepare an annual budget each year for approval of the church body.
- Section 5. The Board of Trustees, Financial Secretary, and Treasurer shall be custodians of all finances of the church and shall give approval for all expenditures with approval of two-thirds (2/3) of the church body.
- Section 6. The Board of Trustees, Financial Secretary, and Treasurer shall be responsible for the counting and recording of all collections taken in the all church services
- Section 7. The trustees should meet at least once each quarter.

THE BOARD OF DEACONESSES

- Section 1. The Board of Deaconesses shall assist the pastor in developing the spiritual life of the women and girls of the church for the best possible Christian service. They shall cooperate with the pastor and the Board of Deacons in the care of sick, needy, and distressed members of the

church, and in the preparation of the observance of the Ordinances of the Church.

- Section 2. Deaconesses shall hold office as long as they shall faithfully discharge their duties.
- Section 3. Any deaconess who, for a period of three (3) months, fails to perform faithfully the duties of her office automatically vacates the same. The church may, for good sufficient cause, remove any deaconess for strife.
- Section 4. The Board of Deaconesses shall choose annually a chairperson, vice-chairperson, secretary, and treasurer that shall meet regularly each month.
- Section 5. The chairperson or the secretary, who shall notify other members, can call special meetings. A majority of the members shall constitute a quorum.

THE CLERK

- Section 1. The clerk of the church shall keep a record of all the actions of the church.
- Section 2. The clerk shall keep a register of the names of members, with dates of admission, removal, or death, together with a record of baptisms and marriages.
- Section 3. The clerk shall notify all officers, members of committees, and delegates of their elections or appointments.
- Section 4. The clerk shall preserve on file all communications and written official reports, and give legal notice of all meetings, where such notice is necessary, as indicated in these by-laws.

THE TREASURER

- Section 1. The treasurer shall receive, preserve, and pay out, upon receipt of proper authority all money, or things of value paid or given to the church, keeping at all times an itemized account of all receipts and disbursements. All payments are to be made by check.

- Section 2. The treasurer shall render to the deacons and trustees prior to each Semi-Annual Conference, an itemized report of receipts and disbursements for the preceding conference which shall be read to the church at the regular meeting of the conference.
- Section 3. The treasurer shall render to the Finance Committee, prior to the Annual Conference (January), an itemized report of receipts and disbursements for the preceding year. This is in addition to the report required in Section 2 above. This report is also to be read to the church in the Annual Conference.
- Section 4. The treasurer, in cooperation with the Board of Trustees and the Finance Committee, may have all financial records audited at the end of each year by an independent auditing firm.
- Section 5. The treasurer shall relinquish all financial records and the annual account at the end of each year, its audit, and acceptance and approval by the church, deliver the same to the church clerk, who shall keep and preserve it as a part of the permanent records of the church.
- Section 6. The treasurer shall see that special funds in his care are used only for the purposes specified.
- Section 7. The treasurer's position shall be bonded to the extent recommended by the Board of Trustees.
- Section 8. The treasurer shall reconcile all bank statements.

THE FINANCIAL SECRETARY

- Section 1. The Financial Secretary shall keep accurate records of the financial contributions made to the church.
- Section 2. The Financial Secretary may be a member of the Board of Trustees.
- Section 3. The Financial Secretary and Clerk should prepare a financial statement for all contributions made by any member, upon request, by the 30th of January of each year.

- Section 4. The Financial Secretary shall record all money received through the church offering. He/she shall pass out quarterly statements involving income and expenditures to the members.

THE SECRETARY

- Section 1. The secretary shall be a member of the church in good Christian standing.
- Section 2. The secretary and clerk shall see that all financial records are kept up-to-date in a ledger provided for that purpose.
- Section 3. The secretary shall assist the Financial Committee in the preparation of all financial reports.
- Section 4. The secretary shall assist the treasurer in the preparation of the books and records for the annual audit.
- Section 5. The church council shall select the secretary.

THE CHURCH SCHOOL SUPERINTENDENT

- Section 1. The Church School Superintendent shall direct or delegate to others all Church School activities and shall work in full cooperation with the Pastor, Board of Deacons, Board of Deaconesses, Board of Trustees, and Church School Faculty.
- Section 2. The School Superintendent shall give a report of the Church School's activities to the church at regular business meetings.

THE MINISTER OF MUSIC

- Section 1. The Minister of Music is responsible to the pastor for assisting the church in planning, conducting and evaluating a comprehensive music program based on program tasks.

- A. Direct the planning, coordination, operation, and evaluation of a comprehensive music program.
- B. Assist the pastor in planning congregational services of the church and is responsible for the selection of the music.
- C. Be aware of weddings and funerals to be held in the church; be available for counsel and arrange and provide music for special projects, ministries, and other church related activities in cooperation with appropriate individuals or groups.
- D. Direct music groups and congregational singing.
- E. Supervise the work of all music leaders in the music program.
- F. Work in cooperation with the appropriate persons in selecting, enlisting, training, and counseling with song leaders, accompanists, and other musicians who serve in the church program organizations.
- G. Coordinate the performance schedules of music groups and individuals in the functions of the church.
- H. Keep informed on current music methods, materials, promotion, and administration, utilizing them where appropriate.
- I. Coordinate the training and use of instrumentalists and vocalist in groups or as individuals.
- J. Prepare and administer the music program budget.
- K. Perform other responsibilities as requested.

THE MUSIC ASSISTANT

Section 1. The Music Assistant is responsible to the Minister of Music for serving as musical assistant of the church and assisting in the music ministry.

- A. Play for all services of the church, both regular and special, as assigned.
- B. Serve as accompanist for choirs, ensembles, and soloists in regular and special rehearsals and performances, as assigned.
- C. Play for weddings and funerals, as requested and with the approval of the Minister of Music.
- D. Assist the Minister of Music in planning worship services choir rehearsals, and special music events.
- E. Assist the Minister of Music in planning and giving direction to a training program design for developing organists and pianists in the church.
- F. Perform other responsibilities as assigned.

ARTICLE VI – STANDING COMMITTEE

(Election, Terms and Functions)

Section 1. *General.* All church committees shall be elected by the church upon nomination by the Committee on Committees. Other nominations may be made and received at the time of such election. Committee members shall serve on a rotation system as nearly as practical and shall serve from January 1st of each year, except as otherwise provided. The following committee shall be elected.

Section 2. *Committee on Committees.* The Committee on Committees shall consist of four (4) members, serving four-year terms. The membership of the committee shall be selected by the pastor and the By-Law Committee. The new members may be elected in October, and shall serve ex-officio with the other members until January when the retiring term expires. This committee shall be responsible for nominating and enlisting all other committees' personnel and presenting the names to the church in conference for election.

Section 3. *Baptist Committee.* The Baptist Committee shall consist of six ⁽⁵⁾(6) members serving two-year (2) terms, with both sexes to be represented. The Baptist Committee shall assist in preparing for the ordinance of baptism. The committee is responsible for preparing the candidates and the baptistery for the ordinance.

Section 4. *Benevolence Committee.* The Benevolence Committee shall consist of three (3) to five (5) members, serving three (3) year terms. The Benevolence Committee shall act for the church in performing acts of benevolence to members, their families, and other persons in need (Nightingales). (See appendix C.)

Section 5. *Building and Grounds Committee.* The Building and Grounds Committee shall consist of the Board of Trustees. Its work shall include maintaining all church buildings and grounds.

Section 6. *Finance Committee.* The Finance Committee shall consist of six ⁽⁵⁾(6) members, serving three-year (3) terms from April 1 of each year. This committee shall assist the church in planning for and management of

the expenditures of all budgeted funds and shall cooperate with the Church Council and a representative from all auxiliaries and committees in the development of the annual budget requests. The Finance Committee shall fix the amount of bonds to be required of the church treasurer, trustees or others as required. The Finance Committee shall arrange for and report on an annual audit of all church finances, including the records of the treasurer and the trustees and others handling church funds.

- Section 7. *The Lord's Supper Committee.* The Lord's Supper Committee shall consist of five (5) members serving five-year (5) terms. This committee shall prepare the elements and the equipment for the observance of the ordinance of the Lord's Supper. The committee shall handle the preparatory and maintenance work needed to observe this memorial to the Savior. The committee will prepare the elements on a schedule approved by the church.
- Section 8. *The Church Hostess in Bereavement Committee.* The Church Hostess in Bereavement Committee shall consist of seven (7) members serving two-year (2) terms. This committee shall minister to the practical needs of members of the church and their families in times of bereavement. Such ministry shall be performed in the discretion of the committee in the event of the death of any church member of the immediate family, including husband or wife, parent or child, and any other persons in the community.
- Section 9. *The Library Committee.* The Library Committee shall consist of five (5) members, serving five-year (5) terms. This committee shall promote the use of the Library in all areas of the church ministry.
- Section 10. *The Drama Committee.* The Drama Committee shall consist of six (6) members, serving three-year (3) terms. This committee shall cooperate with the Church Council for the use of drama in the promotion and ministry of the Church.
- Section 11. *The Flowers Committee.* The Flowers Committee shall consist of four (4) members, serving two-year (2) terms. The committee shall be responsible for securing, arranging and disposing of arrangements for church services and to provide flowers for the sick and bereaved members. (Lydia Circle)

- Section 12. *The Missions Committee.* The Missions Committee shall consist of five (5) members, serving five-year (5) terms. This committee shall seek to discover possibilities for local missions projects, share the findings with the church program organizations, and serve the church in establishing and conducting such missions' projects as assigned.
- Section 13. *The Greeting and Usher Committee.* The Greeting and Usher Committee shall consist of the Usher Board members. This committee shall assist in the orderly seating of the congregation, distribution of bulletins and such other materials as appropriate; and shall lead in and encourage an atmosphere of welcome, warmth, friendliness, and fellowship at all services.
- Section 14. *The History Committee.* The History Committee shall consist of five (5) members, serving five-year (5) terms. This committee shall preserve and use the historical records of the church. The necessary records of the past for use of all committees are to be kept by the History Committee and made available when needed. The committee will be especially concerned with gathering and preserving available church records, recording full and accurate records, and using the records to help members understand and appreciate their heritage and mission.
- Section 15. *The Publicity and Public Relations Committee.* The Publicity and Public Relations Committee shall consist of three (3) members, serving three-year (3) terms. This committee shall acquaint itself with the publicity and public relations needs of the church and choose the means and perform the function of communicating to those inside and outside the church.
- Section 16. *The Recreation Committee.* The Recreation Committee shall consist of five (5) members, serving five-year (5) terms. This committee shall supervise recreational activities and shall serve the church in seeing that all recreational activities sponsored by the church or any organizational unit are properly planned and that they contribute to the ultimate objectives of the church.
- Section 17. *The Capital Improvements, Planning and Survey Committee.* The Capital Improvements, Planning and Survey Committee shall consist of five (5) members, serving five-year (5) terms. This committee shall

assist the church in keeping it acquainted with the growing needs of the church and shall plan the general direction of future development.

- Section 18. ***The Refreshment Committee.*** The Refreshment Committee shall consist of one (1) member from each organization, serving five-year (5) terms. This committee shall coordinate and plan in conjunction with the various organizations the refreshment preparation.
- Section 19. ***The Constitution and By-Laws Committee.*** The Constitution and By-Laws Committee shall consist of seven (7) members, serving four-year (4) terms. This committee shall be called upon for interpretation of the constitution whenever questions arise; shall see that the operation of the church is closely in keeping with the constitution and by-laws adopted by the church, and shall recommend changes or amendments needed after thorough evaluation. The present Constitution and By-Laws Committee will continue to serve in this capacity for four (4) years. Thereafter, committee members will be nominated by the Committee on Committees and voted upon in a regular church conference.
- Section 20. ***The Board of Christian Education.*** The Board of Christian Education shall consist of nine (9) members. The common duties of a Board of Christian Education are:
- A. Communicate and promote the educational ministry.
 - B. Evaluate programs for Christian education and personnel.
 - C. Recruit and train qualified teachers.
 - D. Set a budget for educational programs.
 - E. Coordinate a calendar of events.
- Section 21. ***The Scholarship Committee.*** The Scholarship Committee shall consist of nine (9) members. This committee shall be responsible for securing eligibility for scholarship funds and equal and periodic distribution of available funds. (See Appendix D)
- Section 22. ***The Youth Committee.*** The Youth Committee shall coordinate youth activities and aid in the spiritual development of the church's youth.

ARTICLE VII – PROGRAM ORGANIZATIONS

- Section 1. **General.** All organizations of the church shall be under church control, all officers being elected by the church and reporting regularly to the church. The pastor shall be an ex-officio officer of all the organizations.
- Section 2. **Sunday School.** Sunday School shall be divided into departments and classes for all ages and conducted under the direction of a general superintendent, for the study of God's Word. Sunday School is to be conducted each Sunday morning. The tasks of the Sunday School shall be to teach the biblical revelation, lead in reaching all prospects for the church, lead all church members to worship, witness, learn, and minister daily, and provide and interpret information regarding the work of the church and the denomination.
- Section 3. **Training Union.** There shall be a Training Union, divided into departments for all ages and conducted under the direction of a director. The Training Union is to be conducted each Sunday evening. The Training Union shall serve as the training organization of the church. The tasks of the Training Union shall be to teach systematic theology, Christian history, Christian ethics, and church polity and organization, give orientation to new church members, train all church members to worship, witness, learn and minister daily, train potential leaders, provide for specialized training, provide organization and leadership for special projects of the church, and provide and interpret information regarding the work of the church and the denomination.
- Section 4. **Women's Missionary Union.** There shall be a Missionary Union with such officers and such forms of organizations as needed. The task of the Missionary Union shall be to teach missions, lead women and girls to participate in missions, provide organization and leadership for special projects of the church, and provide and interpret information regarding the work of the church and the denomination.
- Section 5. **Brotherhood.** There shall be a Brotherhood, made up of such standard organizations. This program shall be directed by a president who shall be elected by the church. The tasks of the Brotherhood are to teach missions, lead all men and boys to participate in mission activities, provide organization and leadership for special projects of the church, and provide and interpret information regarding the work of the church and denomination.

Section 6. ***Church Music Program.*** There shall be a Church Music Program under the direction of the Ministry of Music. The tasks of the Church Music Program are to select the music for the congregational services and organizations of the church, lead persons to participate in hymn singing, train persons to lead, sing, and play music, provide organization and leadership for special projects of the church, and provide and interpret information regarding the work of the church and denomination.

Section 7. ***Superintendent of Training.*** The Superintendent of Training shall correlate the program of training of the church and shall handle training course records.

Section 8. ***Children's Church.*** The Children's Church shall assist with the spiritual training of the children three (3) to twelve (12) years old.

ARTICLE VIII – DISCIPLINE

Section 1. Should any unhappy differences arise between members or groups, the aggrieved members along with the pastor and deacons should in tender spirit make every effort to resolve their difference.

Section 2. Should any case of gross breach of covenant or public scandal occur, the deacons should endeavor to rectify the offenses and if such efforts fail, shall report the case to the church.

Section 3. If the church vote to entertain a complaint, which must be made in writing, it shall appoint a reasonable time and place of hearing and notify the person in question thereof, furnishing him with a copy of the charges.

Section 4. At such hearing, the accused member may call to his aid any member of the church as counsel. If he shall not present himself/herself at the time appointed, or give satisfactory reasons for his neglect to do so, the church may proceed in his absence.

Section 5. Any church member or officers who willingly violates the provision of the constitution and by-laws shall be called before the church conference for action by that body.

ARTICLE IX – ADOPTION AND AMENDMENTS

- Section 1. The by-laws shall be considered adopted in immediate effect when two-thirds (2/3) of the members present at the business conference at which the vote is taken shall vote in favor of adopting them, at least thirty (30) days notice of such meeting have been given.
- Section 2. The by-laws may be amended, altered or repealed by a two-thirds (2/3) vote of the members present at any regular business meeting of the church, provided that such proposed amendment, alteration, or repeal be given to the clerk in writing and that such proposed change shall be presented to the church at least thirty (30) days prior to the time when the vote is taken.

PARLIAMENTARY RULES

I. Business Meeting

- A. No important business should be conducted without previous notice.
- B. The order of business may be suspended at anytime by vote of the meeting, or by the moderator, no one objecting.
- C. Every business meeting should be opened and closed with prayer.
- D. Moderator may be a representative requested from the association of churches that we are affiliated with.

II. Motions

- A. All business should be presented by a motion, made by one member and seconded by another.
- B. A resolution and an ordinary motion, when requested, should be presented in writing.
- C. A question is not to be discussed until it has been moved and seconded and then stated by the moderator.
- D. A motion before the meeting must be disposed of before any other question can be introduced, except question of privilege.
- E. A motion lost should not be recorded.

III. Speaking

- A. Anyone speaking on a question should rise in place and address the moderator.
- B. If two (2) rises and address the moderator at the same time, preference is given to the one farthest from the moderator.
- C. Anyone using improper language, introducing improper subjects, or who may be otherwise out of order, may be called to order by the moderator, or any member, and must be seated or conform to the rules.
- D. No one speaking may be interrupted without that one's consent, unless the speaker is out of order.
- E. Remarks should be brief, and no one should speak more than twice on the same question, except by permission.

IV. Voting

- A. Voting by the raising of the hand is to be preferred, although this is at the discretion of the moderator of the meeting.
- B. In cases of special importance, voting by ballot or standing may be resorted to.
- C. The moderator calls first the affirmative and then the negative, announcing at the conclusion whether the motion is carried or lost.
- D. All active *Members* are allowed to vote, except such as may be under discipleship.
- E. The moderator may give the deciding vote, but should relay claim of the privilege.

Appendix A

Church Burials

Fees — For active members, the cost is zero. For non-active members (see Article III, Section 2) the cost is \$1250.00. For non-members, the cost will be \$3000.00.

Procedures— The bereaved family shall follow the following procedures. They shall contact the Pastor, then the graveyard attendant. Upon approval from the Financial Secretary via the graveyard attendant, the bereaved family will then contact the church hostess and bereavement committee.

Note: *The church does not provide bereavement meals for non-active and non-members*

Appendix B

WEDDINGS

Fees — For active members only, there will not be a fee charged for the use of the church building. However, a custodial fee of \$125.00 will be required. For non-active members a custodial and building fee of \$300.00 will be required. For non-members, a building and custodial fee of \$500.00 is required. Also, for non-members a refundable security fee of \$300.00 is required.

General Wedding Church Regulations -

1. No alcoholic beverages will be allowed on the church premises.
2. No wedding or rehearsal will be conducted when any member of the wedding party is under the influence of alcoholic beverages.
3. No rice or confetti may be used or thrown inside or outside of the sanctuary or church buildings.
4. The dress of the wedding party should be in good taste for a religious ceremony.
5. Custodial fees should be paid when the Wedding Reservation Form is filed with the church clerk.

Appendix C

Benevolence (Widows) Funds

Requirements -

A widow must have been an active member of the church or a member in good standing for three (3) years prior to being placed on the list. The widow must also meet the New Testament qualifications as outlined in 1 Timothy 5; 5, 9 and 10.

- 1 Timothy 5; 5 - *Now she who is really a widow, and left alone, trust in God and continues in supplications and prayers night and day.*
- 1 Timothy 5; 9 - *Do not let a widow under 60 years old be taken in to the number, and not unless she has been the wife of one man*
- 1 Timothy 5; 10 - *Well reported for good works; if she has brought up children, if she has lodged strangers, if she has washed the saints feet, if she has relieved the afflicted, if she has diligently followed every good work.*
(These passages were quoted from the New King James Version.)

Effective immediately, new applicants must submit a letter of request to the Board of Deacons and/or the Benevolence Committee. After consideration, a decision will be made by the Board of Deacons and/or the Benevolence Committee

General Benevolence

There is an annual General Benevolence Budget that should not exceed \$12,000.00 for the needy and distress. Upon approval the following funds may be available per occurrence;

\$200.00 for food

\$1000.00 burnout

\$250.00 for prescription medication

\$250.00 for utilities (bills will be required)

If more assistance is needed by the person in distress, they may request a consideration from the Finance Committee.

Appendix D

Scholarship Assistance Program

The purpose of the Scholarship Assistance Program is to recognize and encourage Academic Achievement and Excellence while fostering the pursuit of higher education among the members of Zion Benevolent Baptist Church.

Criteria/ Guidelines

1. Divide funds equally.
2. Funds go directly to applicant in his/her name.
3. Each student must be an active member of Zion Benevolent Baptist Church.
4. Only college students and undergraduate students should apply.
5. Packet will be provided for applicants.
6. Applicant will be informed of any changes, etc.
7. Scholarships will be made beginning at Fall Semester (January being preferred).
8. Student must apply for Scholarship Funds.
9. Applicant must provide proof of attendance (letter, receipt, etc.) each semester.

Recognition of College Graduates

College Graduates shall be recognized in June of each year.

Applications should be given to a designated member of the Scholarship Committee (to be announced).

Announcement of Scholarship

Recipients of Scholarship funds shall be announced during a regular Sunday service in August and December (2nd Sunday in August and 4th Sunday in December).

Discipline in the church is not punishment. It is discipline and discipline is designed to train and restore.

The Pattern and Basis for Discipline

1. The discipline of the church is first patterned after the fact that *the Lord Himself disciplines His children* (Heb. 12:6) and, as a father delegates part of the discipline of the children to the mother, so the Lord has delegated the discipline of the church family to the church itself (1 Cor. 5:12-13; 2 Cor. 2:6).
2. Discipline is further based on *the holy character of God* (1 Pet. 1:16; Heb. 12:11). The pattern of God's holiness—His desire for the church to be holy, set apart unto Him—is an important reason for the necessity of church discipline. The church is therefore to clean out the leaven of malice and wickedness from its ranks (1 Cor. 5:6-8). A failure to exercise discipline in the church evidences a lack of awareness of and concern for the holiness of God.
3. Church discipline is to be patterned after and based on *the divine commands of Scripture* (1 Cor. 4:6). We have numerous passages of Scripture which both command and give us God's directives on the how, why, when, and where of church discipline. Again, a failure to exercise this responsibility demonstrates a lack of obedience and belief in the authority of the Bible (1 Cor. 5:1-13; Matt. 18:17-18; Titus 3:10; 2 Thess. 3:6-15; 1 Tim. 5:20; Gal. 6:1).
4. Another basis for the necessity of church discipline is *the testimony of the church in the world* (1 Pet. 4:13-19). The world observes the behavior and life of the church. When the church acts no differently than the world, it loses its credibility and authenticity (1 Pet. 2:11-18; 3:8-16; 4:1-4).

The Purposes of Church Discipline

1. To bring glory to God and enhance the testimony of the flock.
2. To restore, heal, and build up sinning believers (Matt. 18:15; 2 Thess. 3:14-15; Heb. 12:10-13; Gal. 6:1-2; Jam. 5:20).
3. To produce a healthy faith, one sound in doctrine (Tit. 1:13; 1 Tim. 1:19-20).
4. To win a soul to Christ, if the sinning person is only a professing Christian (2 Tim. 2:24-26).
5. To silence false teachers and their influence in the church (Tit. 1:10-11).
6. To set an example for the rest of the body and promote godly fear (1 Tim. 5:20).
reference.
7. To protect the church against the destructive consequences that occur when churches fail to carry out church discipline. A church that fails to exercise discipline experiences four losses:

- **The Loss of Purity:** Church discipline is vital to the purity of the local body and its protection from moral decay and impure doctrinal influences. Why? Because a little leaven leavens the entire lump (1 Cor. 5:6-7).
- **The Loss of Power:** Sin in the life of the church grieves the person of the Holy Spirit and quenches His power. If sin remains unchecked by the loving application of church discipline in a body of believers, the Holy Spirit must abandon such a church to its own carnal resources. The unavoidable result will be the loss of the Lord's blessing until the sin is dealt with.
- **The Loss of Progress:** A church that refuses to practice church discipline will see its ministry decline. The church may want to grow and reach out and it may try all kinds of stop gap measures, promotional campaigns, and programs in an attempt to turn things around, but if there is sin in the camp, it will all be to no avail. (Revelation 2:5).
- **The Loss of Purpose:** As His ambassadors to a lost and dying world, God has called the church to be a holy people, a people who, standing out as distinct from the world, proclaim the excellencies of the works of God in Christ (1 Pet. 1:14-16; 2:9-15). If this is to occur, we must be different from the world and church discipline helps us to both remember and maintain that purpose.

The Practice of Church Discipline

The Manner

The above goals or purposes automatically govern the spirit in which all disciplinary action is to be given. Thus:

1. Discipline must be done by those who are spiritual, truly walking by the Holy Spirit and growing in the Lord (Gal. 6:1).
2. Discipline must be done in a spirit of humility, gentleness and patience, looking to ourselves lest we too be tempted (Gal. 6:1-2; 2 Tim. 2:24-25).
3. Discipline must be done without bias, doing nothing in a spirit of partiality (1 Tim. 5:21).
4. Those who walk disorderly are to be admonished, warned, and appealed to in love (1 Thess. 5:14-15; 1 Tim. 5:1-2; Eph. 4:15; 2 Tim. 4:2). This admonishing, is not restricted to church leaders, but may be done by any person in the body with another if that person is Spirit controlled and spiritually minded (cf. 1 Thess. 5:14 with Gal. 6:1).
5. If there is no response in repentance and obedience, then the sinning believer is to be rebuked publicly and members of the body are to withhold intimate fellowship through the process and procedure of group disapproval and social ostracism as prescribed in the next section, Procedures for Church Discipline: (2 Thess. 3:6, 14-15; Tit. 3:10; 1 Tim. 5:20). These actions have a two-fold objective:

- It is to indicate to the offender that his/her action has dishonored the Lord and has caused a rupture in the harmony of the body. The goal is always restoration and the person is still to be counted as a brother (2 Thess. 3:14-15).
- It is to create fear in the rest of the flock as a warning against sin (1 Tim. 5:20).

6. If there is still no response in repentance and obedience, the church is to apply the procedures of excommunication as directed in Matthew 18:17.

Several examples of church discipline are found in Scripture. The Corinthian believers were to be "gathered together" in order to take action against the offending brother (1 Cor. 5:4-5; Rom. 16:17; 2 Thess. 3:6-15; Phil. 3:17-19).

This is defined by Paul as "punishment inflicted by the majority" (2 Cor. 2:6). As a protective measure, we also find that the whole church in Rome and in Thessalonica were to take action with regard to the unruly and schismatic, not just a few (2 Thess. 3:6-15; Rom. 16:17).

7. Finally, discipline in the name of our Lord always includes a readiness to forgive. The many or majority who discipline must also be ready and eager to forgive, comfort, and reaffirm their love to the sinning person (2 Cor. 2:6-8). (See Procedures for Church Discipline below.)

Reasons for Church Discipline

In church discipline we must exercise extreme care.

1. **General Causes:** Disorderly conduct, conduct clearly out of line with the prescribed commands of Scripture and which negatively impacts the testimony and unity of the church (2 Thess. 3:6-15).

2. **Specific Causes:**

- Difficulties between members (Matt. 18:15-17).
- Divisive or factional people causing divisions in the church (Rom. 16:17-18; Titus 3:9-11).
- Immoral conduct; sins of the type mentioned in 1 Corinthians 5 such as incest, immorality, covetousness, idolatry, abusive speech, drunkenness, swindling, or idle busybodies who refuse to work and run around spreading dissension (1 Cor. 5:1, 11; 2 Thess. 3:10-15).
- False teaching; erroneous teaching and views which concern the fundamentals of the faith and not lesser differences of interpretation (1 Tim. 1:20; 2 Tim. 2:17-18; also implied in Rev. 2:14-16; Phil. 3:2-3, 15-19; Rom. 16:17-18).

The key concerns that guide us in this are:

- a. the holy character of God
- b. the testimony of the flock

- c. the effect upon the unity and purity of the flock
- d. the edification and restoration of the individual.

Procedures for Church Discipline

The scriptural procedure is clear and specific steps are prescribed as follows:

Cautions

If you see the offense or you have accurate knowledge of the sin(s), please note these cautions:

- Be sure it is an offense which calls for discipline and not merely one of our pet peeves. Again, the Word must be our criterion.
- Remember how we too have sinned in the past and heed the warnings of Galatians 6:1.
- Bring the matter before the Lord in prayer before the confrontation takes place (1 Sam. 8:6).
- Don't procrastinate. The longer the delay, the more difficult the condition can become. Remember the consequences listed above.
- Don't gossip or even talk to others about it in the sense of Matthew 18:16 until you have talked to the sinning believer privately. We must guard and protect the person and the flock from rumors and a slanderous tongue (Prov. 6:19b; 10:19; 11:13; 18:8, 21; 20:19).

First Step

First, seek private correction and/or reconciliation with the offender (Matt. 18:15). In Matthew 18:15 many manuscripts have "and if your brother sins *against you*, go and reprove him in private."

1. When the problem involves one believer sinning against another, there are two problems that need to be taken care of: reconciliation and restoration (Matt. 5:23-24).
2. When the problem involves a believer overcome in or by some sin, as was the case in Galatians 6:1, the need is restoration.

Matthew 18:16-17 should not be limited to the problem of one believer sinning against another in view of Galatians 6:1. So, the one offended or who recognizes the offense or sin is to go privately and try to rectify the problem.

Please note these guidelines:

1. Begin by expressing your genuine appreciation for the person and their good qualities to show you are genuinely concerned about their welfare. Then and only then bring up the matter which is of concern.

2. In some situations the sin is apparent and there is no question, but we must allow for the possibility that we have misjudged or have wrong information. We must listen to the other person's side of the story and seek the facts in the interest of truth and fairness.

3. If the person fails to respond, warn them that, according to the instructions of Scripture (Matt. 18:16), you will have to get others as witnesses and return with them to deal with the problem.

Second Step

If the first step fails, take witnesses to strengthen the effect of the discipline, preferably spiritual leaders, so that if it has to be brought before the whole church it can be firmly proven and established (Matt. 18:16-17; 1 Tim. 5:19). The aid of church leadership should be sought if the problem involves an offense that is against the whole body or if it is a threat to the unity of the body.

These initial contacts, private and with witnesses, provide opportunity for loving admonition, correction, and forgiveness. On the other hand, if these first steps do not produce results, it constitutes a warning that further action will be taken and provides occasion for serious rebuke (2 Tim. 4:2; 1 Thess. 5:12-13; Titus 2:15; 3:10).

Third Step

If the second step fails, seek reconciliation and restoration through the whole body. If further action is necessary, it is to be taken before the whole church (2 Thess. 3:14-15; Matt. 18:17; 1 Tim. 5:20).

This action appears to fall into two stages when we combine 2 Thessalonians 3:14 and 1 Corinthians 5:9-13 with Matthew 18:17.

1. The body is to exercise group disapproval by way of social ostracism (refusal to have intimate fellowship).

2. If this doesn't work, the local body of believers is to exercise excommunication: removal from church membership, loss of voting privileges, and continuation of the loss of intimate fellowship. This must be approved of and done by the entire congregation (2 Cor. 2:6).

This is, in essence, the Lord carrying out discipline through the action of the entire body under the leadership of the elders or the spiritually mature (1 Cor. 5:4). Similar heavenly authority is seen in the ratification of this disciplinary action as spelled out in Matthew 18:18-19.

Procedures for Restoration

Forgiveness

In keeping with the goal of restoration, the role of the church must change after there is repentance. This means accepting the person and forgetting the past (2 Cor. 2:7a).

But how do we know when repentance is genuine? What is our responsibility when the sinning party acknowledges their wrong and claims repentance? The following two passages answer this for us.

Luke 3:8, when they "... bring forth fruits in keeping with repentance."

Acts 26:20, "... that they should repent and turn to God, performing deeds appropriate to repentance."

Genuine repentance will make itself evident by its deeds and attitudes. The repentant person will:

1. Freely acknowledge his sin (1 Jn. 1:9; Prov. 28:13a).
- (2) Cease the activity for which he was disciplined or at least seek help if it's a case of life dominating patterns (Prov. 28:13b; Gal. 6:1f; Jam. 5:19-20).
3. Make restitution and/or ask for forgiveness from those hurt as it is applicable (Phil. 18-19; Matt. 5:23-24).
4. He/she will demonstrate a genuine change of heart, a real concern and godly sorrow over his actions, not in order to be forgiven, but because of the harm caused to the glory of God and the hurt caused others (2 Cor. 7:8-11; Ps. 51:17).
5. He/she will begin to manifest the fruit of the Spirit and a concern for the things of Christ (Gal. 5:22).

Comfort

This means reaching out to them, assuring them of your support, and encouraging, exhorting, and challenging them to move on (2 Cor. 2:7b).

Love

This means including them, drawing them close, doing for them that which will aid their growth and complete recovery (2 Cor. 2:8). This would include encouraging them to get involved in ministry (Luke 22:31-32). For positions of leadership, there should be a time of testing to demonstrate their qualifications after the analogy of 1 Timothy 3:10.

1. Article IV - Membership Matthew 3:11 Water Baptism, 1 Corinthians 12:12-27, and Romans 10:9.

Section 1. The membership of this church shall be composed of persons who have given evidence of regeneration, baptized by immersion accepted the Word of God, subscribed to the Covenant, and the Constitution and By-Laws.

Reason: To show membership through the Word of God and willingly subscribed to the Covenant and Constitution of this church. The Bible is different from the Covenant and By-Laws.

Section 2. Members shall be received upon public confession of faith in the Lord Jesus Christ as their Saviour, by transfer of membership from another church of like faith, or by letter from a church of like faith

Reason: Too wordy, the letter is an acceptance from another church.

Section 3. A member is expected to be faithful in all church duties of the Christian life, to be regular in attendance at the services of the church, to return tithes and give faithful offerings for the financial support toward kingdom building, as well as to share in its organized ministries.

Reason: As a member you shall support the kingdom building through tithes, offerings, and talents. Malachi 3:8-12. Replaced systematic with tithes/offerings, as well as work with ministry, and shall to should.

Section 4. This church shall remove from its membership, those who permanently unite with other churches, request a letter of transfer, and those members who are deceased.

Section 5. Members shall be received into the fellowship of the church at any worship service.

Section 6. Members excluded from the church will be restored according to the Word of God.
Reason: The Word of God is the Bible.

Section 7. The right hand of fellowship shall be given to new members received in church services, through baptism, profession of faith, or letter. New members shall be assigned a deacon. Once membership has been established any member can join a ministry of choice.

Section 8. The church will provide watch care membership for any non-member who request for spiritual guidance. (with no administrative benefits-pastor, deacons, clerk, any other elected positions, voting, or burial.

Section 9. This document defines membership as;

- Active member: Participates physically, financially through tithes and/or offerings. (Exceptions for those who are incapacitated to assemble,
- Inactive member: a baptized member, who does not support through tithes and/or offerings and does not attend the church. Reference to Section 3.
- Nonmember: Is not a member of the church.

A. Temporary residents (such as military personnel, persons with short-term jobs and college students) are not excluded from the membership roll.

• B. Deacons shall contact member who no longer attend the church to determine status. Those who have left shall be required to send a letter of such. They shall have ninety (90) days to respond. After ninety (90) days of no response, name (s) shall be removed from the church membership roll by notice of a certified letter.

Section 10. Special Provisions: members who are physically and mentally challenged will be provided special services upon request, such as baptism, burial, sign language, Braille, or any other individual requirements that may be needed.

Article III - Church Burial

Section 1. Active members who are in good standings with tithes and/or offerings will not be required to pay a burial fee.

Section 2. Members 21 years of age or older, who have not contributed at least five hundred twenty dollars (\$520.00) to the financial support of the church during the year prior to death will be required to pay. Reference to Appendix A.

Section 3. Active Members who become totally disabled or incurred long term illness, and have given financial support through tithes and/or offerings to the church prior to their disability or illness shall be freed of financial obligations.

Section 4. In-Active Members who have not contributed tithes/and or offerings to the church during the year prior to death shall be required to pay one-thousand seven hundred fifty dollars (\$1750.00).

Section 5. An active member with dependent child/children-up to age 21, stillborn, or infant shall not be charged a burial fee.

Section 6. Members, who desire to deposit cremated family members or love ones ashes on an existing grave or monument shall do so at no cost, urns shall be uniform. No animal ashes will be allowed on graves.

Section 7. Double head stones will only be allowed, if husband and wife are active members at Zion Benevolent Baptist Church.

Section 8. All entombments or crypts can be placed atop designated family pre-existing grave sites only for active members- Inactive Members will be required to pay a burial fee.

Note: The family shall make arrangements with the deacons concerning burial. If the family of deceased member is financially distressed, the deacons along with family shall make a decision concerning burial.

Page 7 of 33, ZBBC proposed revision



Semi-Annual Church Meeting Agenda

Monday, July 21, 2014 at 7:00pm

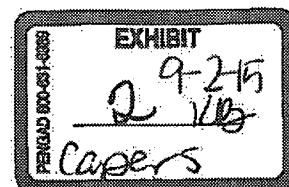
Devotion

Reading of Annual Church Meeting's Minutes (January 15, 2014)

Building Project Update

Financial Reports

Benediction



Zion Benevolent Baptist Church

Semi-Annual Church Meeting

July 21, 2014

(Minutes from Annual Church Meeting on January 15, 2014)

6:58 p.m. Devotion by Deacons

7:05 p.m. Pastor Travien Capers addresses the body of attending members with prayer and scripture (Acts 13:36), and officially opens meeting.

1) Minutes from last meeting by Clerk, Anthony Brown

- *Motion to receive minutes by Trustee Harry Jones. Approval of minutes.*

2) 2014 Church Forecast by Pastor Travien Capers

- *(See Screen Presentation)*
- **The Strategic Plan for the Church**
 - a) **Finances:** To work with the Deacons & Finance Ministry regarding the oversight of church finances.
 - b) **Building Project/ Expansion:** Proceeding as proposed with expansion project, also waiting for changes in weather to have ground breaking on project.
 - c) **Youth Ministry:** We need some work to be done with our Youth Ministry. We need members and retired teachers to give input to help the youth and Youth Ministry. We need to teach our youth to know why they are here and the need to be active in the church.
 - d) **Constitution and By-Laws Ministry:** We need to get back to work updating and clarifying our Constitution and By-Laws.
 - e) **Deacons Ministry and all Ministries:** All Ministry leaders and ministry members need to be active within their ministry.
 - f) **Music Ministry:** We are looking for a Minister of Music that can master music and song preparations. Must be able to do more than just play music; must be an asset to the music ministry and to the body.

3) Treasurer Report Building Fund by Trustee Larry Brown

- *(See handout)*
- Tape Ministry..... \$ 5,968.78
- Sunday School..... \$ 6,339.70
- Business Acct..... \$136,014.58
- Building Fund Acct..... \$251,116.60
- *Motion to receive Report by Deacon Herbert Bell. Approval of Report.*

4) Budget Report by Trustee Lever Thompson

- *(See handout)*
- *Motion to receive Report by Helen Brown. Approval of Report.*

5) Church Officers

- *Motion to retain all officers in some position if they are willing to serve by Trustee David Clarkson. Approval of Motion.*

8:10 p.m. Meeting adjourned in song and prayer by Pastor Travien Capers.



201 Meeting House Road, Hopkins, SC 29061 | (803)776-7990

August 30, 2014

Mrs. Carol Goodson-Eaddy
1204 Clarkson Road
Hopkins, SC 29061

Dear Carol,

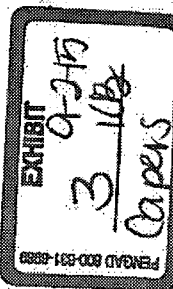
From the inception of the Christian church early in the first century, men and women of conviction have been the cornerstone of church administration. The writers of the New Testament have given instruction on how the church should function from the pulpit to the pew. At times, Biblical instruction is not always followed and respect for the sanctity of the House of God is forgotten. To this end, we write to you.

For years now, your presence and demonstrative actions have been the topic of adverse conversations around our church. Your deliberate disrespect for church administration and ignorance to scriptural protocol has wearied the heart of the faithful, and the church administration has decided to no longer stand idly by as if such behaviors are condoned. Again, the church is tired of the disruptions caused in meetings, the argumentative nature and disrespect shown to church officials and even more disturbingly, your habitual desire to turn church affairs into legal matters. We write to share with you what the Holy Bible records about such decisions and the conclusion to which we, the undersigned have arrived.

In the context of the perpetual disruptions, 1 Corinthians 14:33 records, "For God is not the author of confusion, but of peace, as in all churches of the saints." The church as a whole has been long displeased with even your presence in church meetings because they rarely end peaceably with you there. The ledger of such unbecoming behavior has gone on for too long. Again, such behaviors from you have been longstanding, but they now come to an end.

In examination of the disrespect for church administration, again, the demonstrations are habitual. You have seemed to assume an authoritative voice when in fact you are not an officer of this church. Such blatant disrespect for the scriptural authority of the Pastor, Deacons and officials of this church have gone uncorrected for too long. What the administration is charged to do is for your benefit, and not your detriment, but your disposition shows your indifference to this charge. Hebrews 13:17 reads, "Obey them that have rule over you, and submit yourselves; for they watch for your souls, as they must give account, that

"Not willing that any should perish but that all should come to repentance." - 2nd Peter 3:9(c)



they may do it with joy, and not with grief: for that is unprofitable for you." Over the last few years you have made the spiritual responsibilities of the respective pastors, deacons and other officials more than difficult.

Finally, you seem to have an unusual obsession with turning church affairs into legal matters. 1 Corinthians 6:1-7 writes, "Dare any of you, having a matter against another, go to law before the unjust, and not before the saints? Do ye not know that the saints shall judge the world? and if the world shall be judged by you, are ye unworthy to judge the smallest matters? Know ye not that we shall judge angels? how much more things that pertain to this life? If then ye have judgements of things pertaining to this life, set them to judge who are least esteemed in the church. I speak to your shame. Is it so, that there is not a wise man among you? no, not one that shall be able to judge between the brethren? But brother goeth to law with brother, and that before the unbelievers. Now therefore there is utterly a fault among you, because you go to law one with another. Why do ye rather not take wrong? why do ye not rather suffer yourselves to be defrauded?" What is even more disturbing is that when the Pastor asked to speak with you regarding your concerns and disposition, you responded by saying that a conversation would only be had if an attorney was present. Such a response is nothing short of ungodly. Matthew 18:15-17, "Moreover if thy brother shall trespass against thee, go and tell him his fault between thee and him alone; if he shall hear thee, thou has gained thy brother. But if he will not hear thee, then take with thee one or two more, that in the mouth of two or three witnesses every word may be established. And if he shall neglect to hear them, tell it to the church; but if he neglect to hear the church, let him be unto thee as a heathen and a publican."

Finally, 1 Corinthians 5:13 records, "But them that are without God judgeth. Therefore put away from among yourselves that wicked person." Please know that the abbreviated aforementioned matters are more than substantive cause for us to exercise our decisive action of rescinding your membership of Zion Benevolent Baptist Church of Hopkins, South Carolina. Your name will be removed from the church record on the date this document is signed. We also hereby officially revoke all privileges of membership that are extended to partakers of this body. You are no longer welcome in any official church meetings or gatherings, and we encourage you to worship elsewhere so we may do so in peace. This letter has been sent by Certified Mail.

We will keep you in our prayers.

Travien L. Capers

Dr. Travien L. Capers, Pastor

Lever Thompson Jr.

Fred Davis

Robert D.

Reggie A. Brown

Herbert Bell

James Randall M.D.

Harry Thompson

270 *Dred N. L. P.*

James Jones Jr.

Edwin L. Jones Jr.

David J. Clark

Des. James D.

Larry D. Brown

Norothy B. Adams



Zion Benevolent
201 Meeting Hou
Hopkins, South Carolina 29061

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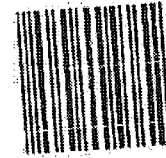
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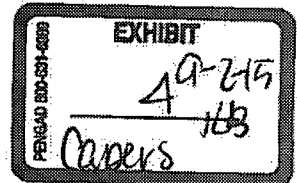
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Mrs. Carol Goodson-Eaddy
1204 Clarkson Road
Hopkins, SC 29061



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**Special Call Church Meeting
Agenda**

Monday, September 8, 2014 at 7pm

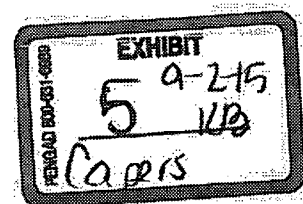
Devotion

Financial Report

Cemetery

Palmetto Law Center

Benediction



Subject: Rody Egister

From: CAROL GOODSON (soso24@bellsouth.net)

To: soso24@bellsouth.net;

Date: Thursday, April 17, 2014 2:34 PM

an response

9th response

Re: Rody Egister

Hide Details

From

• revtcapers@bellsouth.net

To

• Gregory Brown

CC

• CAROL GOODSON

Sister Carleen,

Thank you for the information you shared with Deacon Brown. We have taken these matters into consideration and we endeavor to proceed with the project as planned. Along with Deacon Brown, I apologize if you have any misunderstandings from the transmissions, but I don't feel his email was threatening in any way; nonetheless, please accept our humble apologies. I've come to understand you've had business dealings with the contractor our church has selected to complete our project, we respectfully ask that the integrity of the process be maintained in an effort not to blur lines or accelerate any irritation among either party. We'd like to promote a Christian atmosphere in all that we do as a church. Again, we THANK you for the information shared and will proceed with a watchful eye. My best to you and your family. Please send my warmest regards to your husband. Be blessed.

-Travien

Sent from my iPhone

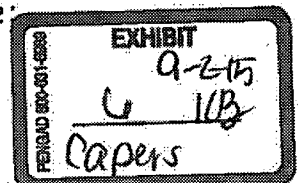
On Apr 16, 2014,

Carleen,

I apologize if
you for the ir
I do believe i

*There no from
are
repeats
from April 14-16
20 14*

wn@gktt.net> wrote:



wasn't clear. I thanked

get out front on this