

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM CHARLETON COUNTY  
Court of Common Pleas

J. C. Nicholson, Circuit Court Judge

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MAY 09 2017

SC Court of Appeals

Consolidated Case Nos. 2010-CP-10-5520; 2010-CP-10-7233;  
2012-CP-10-5559; 2013-CP-10-3733; 2013-CP-10-4175; 2013-CP-10-4176

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John Doe 2 and Jane Doe 4, John Doe 10, Jane Doe 11,  
John Doe 193, Father Doe 194, and John Doe 194.....Respondents,

v.

The Bishop of Charleston, A Corporation Sole, and  
Robert Guglielmone, The Bishop of Charleston,  
in his official Capacity, Rev. Monsignor Martin Laughlin,  
former Administrator of the Diocese of Charleston, in his  
Official capacity; Robert J. Baker, former Bishop of Charleston,  
in his official capacity; Lawrence E. Richter, Jr., David K. Haller,  
and Richter and Haller, LLC.....Defendants,

Of whom,

The Bishop of Charleston, A Corporation Sole,  
Robert Guglielmone, The Bishop of Charleston,  
in his official Capacity, Rev. Monsignor Martin Laughlin,  
former Administrator of the Diocese of Charleston, in his  
Official capacity; and Robert J. Baker, former Bishop of,  
Charleston in his official capacity, are.....Appellants.

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**REPLY IN SUPPORT OF EMERGENCY PETITION  
FOR SUPERSEDEAS ORDER TO STAY TRIAL**

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The Appellants respectfully submit this Reply to the improper return of Defendants Lawrence Richter, David Haller, and Richter & Haller, LLC (“the Lawyer Defendants”). Appellants further move to strike that Return from the record and urge that the Court decline to consider any argument put forward by the Lawyer Defendants.

### ARGUMENT

As a threshold issue, the Lawyer Defendants lack any standing to support or oppose Appellants’ Petition for *Supersedeas* to Stay Trial.<sup>1</sup> The reason for this lack of standing is straightforward: **The trial court imposed a stay on all proceedings involving the Lawyer Defendants until the conclusion of all trials of the claims by Respondents against Appellants.** Thus, the Lawyer Defendants are not affected in any way by the trial judge’s *sua sponte* scheduling order or the court’s preemptive circumvention of Rules 205 and 240 of the Rules of Appellate Procedure. The Lawyer Defendants’ quite obviously want to short circuit Appellants’ ability to seek meaningful review of Orders that dramatically impact Appellants’ substantial rights, but which have zero impact on the Lawyer Defendants. There is nothing just in allowing that to happen.

As set forth more fully in their Petition and Reply, Appellants properly filed their Emergency Petition. The Trial Court’s refusal to recognize the automatic stay under Rule 205, SCACR, left Appellants with no choice but to seek emergency relief. There are no procedural

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<sup>1</sup> The Lawyer Defendants have also filed a motion to dismiss the appeal. The Appellants respectfully submit that the Lawyer Defendants are not Respondents and, therefore, they have no standing or basis to seek dismissal of the appeal. If anyone is to make such a motion, it must be the actual Respondents. Therefore, the Court should disregard the Lawyer Defendants’ motion to dismiss. Absent instructions to the contrary from this Court, the Appellants will make any further response to the Lawyer Defendants’ motion pursuant to the timeline allowed by Rule 240, SCACR.

deficiencies giving rise to a substantive challenge to Appellants' Petition, and the Lawyer Defendants have no standing to assert them in any event.

Again, the most important point with regard to the Lawyer Defendants is that the Emergency Petition **does not affect them either way**. Regardless of whether the Court grants or denies that petition, any proceedings against the Lawyer Defendants will remain stayed for the foreseeable future. The Lawyer Defendants might have self-serving, strategic reasons for wanting the petition denied, but that is not the same as having a legally cognizable right to submit arguments in opposition to the petition. In the present circumstances, that right is reserved to the Respondents, who have already submitted their Return to the Court.<sup>2</sup>

At best, the Lawyer Defendants might be said to have confused the limited issue involved in the pending Emergency Petition (i.e. a request to stay the trial against the Appellants) with the merits of the actual issues on appeal (i.e. the substance of the challenged orders).<sup>3</sup> Whether they have any legally recognized interest to present arguments on the merits of the issues on appeal is a question for another day. But there can be no question that the Lawyer Defendants lack any standing to argue one way or the other about the relief requested in the Emergency Petition. As discussed above, that requested relief does not impact the Lawyer Defendants in any way whatsoever. Simply put, the current petition is a matter that involves and concerns only the Appellants and the actual Respondents, and this Court should limit its consideration to the submissions and arguments of those parties to the appeal.

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<sup>2</sup> The Appellants have served and filed a Reply to the Respondents' Return. To the extent necessary, the Appellants incorporate by reference the arguments and authorities set forth in that Return.

<sup>3</sup> At worst, the Lawyer Defendants' submission can be seen as a cynical attempt to prejudice the rights of the Appellants to have this appeal fairly considered.

For these reasons, the Lawyer Defendants Return should be stricken and all argument contained in that Return should be ignored.

Respectfully submitted,

*R. Heather B. At*  
for Richard S. Dukes, Jr.  
Brian J. Kern  
40 Calhoun Street, Suite 200  
Post Office Box 22129  
Charleston, South Carolina 29413-2129  
Telephone: 843-576-2810  
843-576-2802  
Facsimile: 843-577-1646 (direct fax)  
843-577-1644 (direct fax)  
Email: [rdukes@turnerpadget.com](mailto:rdukes@turnerpadget.com)  
[bkern@turnerpadget.com](mailto:bkern@turnerpadget.com)

A. Peter Shahid, Jr.  
Shahid Law Office, LLC  
89 Broad Street  
Charleston, SC 29401  
Telephone: 843.853.4500  
Facsimile: 843.722-0119  
Email: [peter@shahidlawoffice.com](mailto:peter@shahidlawoffice.com)

ATTORNEYS FOR APPELLANTS

May 9, 2017

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**PROOF OF SERVICE**

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The undersigned, an attorney in this matter for the Appellants, certifies that I have this 9<sup>th</sup> day of May, 2017, served copies of the **Reply In Support of Emergency Petition for Supersedeas Order to Stay Trial** upon counsel for the Respondents and counsel for the Defendants in the lower court by causing them to be deposited in the United States mail with sufficient postage attached, addressed to:

Gregg Meyers  
Pierce, Hems, Sloan & Wilson, LLC  
321 East Bay Street  
Charleston, SC 29401  
(Attorney for the Respondents)

James L. Bruner  
Bruner, Powell, Wall & Mullins, LLC  
P.O. Box 61110  
Columbia, SC 29260-1110  
(Attorney for Defendants Lawrence E. Richter, Jr.  
And Richter & Haller)

Susan Taylor Wall  
McNair Law Firm, P.A.  
P.O. Box 1431  
Charleston, SC 29402  
(Attorney for Defendant David K. Haller).

Copies have also been sent to counsel via e-mail due to the time sensitive nature of the petition.

  
for Richard S. Dukes, Jr.  
Brian J. Kern  
Turner Padget Graham & Laney, P.A.  
P.O. Box 22129  
Charleston, SC 29413-2129  
843-576-2810  
843-576-2802  
[rdukes@turnerpadget.com](mailto:rdukes@turnerpadget.com)  
[bkern@turnerpadget.com](mailto:bkern@turnerpadget.com)

A. Peter Shahid, Jr.  
Shahid Law Office  
89 Broad Street  
Charleston, SC 29401

James C. Geoly  
Burke, Warren, MacKay & Serritella, P.C.  
330 North Wabash Avenue, Suite 2100  
Chicago, IL 60611-3607

ATTORNEYS FOR APPELLANTS

May 9, 2017

# Turner | Padget

Richard S. Dukes

REPLY TO:

E-Mail: [RDukes@TurnerPadget.com](mailto:RDukes@TurnerPadget.com)  
Writer's Direct Dial: (843) 576-2810  
Writer's Direct Fax: (843) 577-1646

May 9, 2017

**Via Hand Delivery**

Hon. Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

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SC Court of Appeals

Re: John Doe 2, et al. v. The Bishop of Charleston, et al.  
Consolidated Case Nos. 2010-CP-105520, 2010-CP-10-7233, 2012-CP-10-5559,  
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Our File No. 8427.252

Dear Ms. Kitchings:

Enclosed are the following materials: (1) the original and seven copies of the Reply in Support of Emergency Petition for *Supersedeas* Order to Stay Trial, and (2) the original and one copy of the Proof of Service. Please file the originals and necessary copies and return the extra stamped copies to our courier. Thank you for your kind assistance.

Sincerely,

TURNER PADGET GRAHAM & LANEY P.A.



for Richard S. Dukes

RSD  
Enclosures

# Turner | Padgett

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Hon. Jenny Abbott Kitchings  
May 9, 2017  
Page 2

cc: Gregg Myers, Esq.  
James L. Bruner, Esq.  
Susan Taylor Wall, Esq.