

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

SC Court of Appeals

J. C. Nicholson, Circuit Court Judge

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

Appellate Case No. 2017-001092

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,
Robert Gugliemone, 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 Gugliemone, 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,

And,

Lawrence E. Richter, Jr., David K. Haller,
and Richter and Haller, LLC..... are Respondents.

**RESPONDENTS/LAWYER DEFENDANTS' SUR-REPLY TO DIOCESE
DEFENDANTS' PETITION FOR SUPERSEDEAS**

Defendants Lawrence E. Richter, Jr., Richter & Haller LLC, and David K. Haller (collectively, the "Lawyer Defendants") file this Sur-Reply to address the Diocese Defendants' argument that the Lawyer Defendants lack standing and are not proper respondents to this appeal, which argument was made for the first time in the Diocese Defendants' Reply filed late yesterday afternoon.

The four (4) orders on appeal--the Order Bifurcating Trials, the Amended Order Bifurcating Trials, the Order on Limited Collateral Review, and the Amended Order on Limited Collateral Review--all arise out of the Lawyer Defendants' motions. Specifically, the Order Bifurcating Trials and Amended Order Bifurcating Trials granted the Lawyer Defendants' motion to bifurcate the proceedings. (Lawyer Defendants' Motion to Bifurcate, Exhibit A.) Likewise, the Order on Limited Collateral Review and Amended Order on Limited Collateral Review arise out of the Lawyer Defendants' motion for summary judgment and limited collateral review and the Lawyer Defendants' 59(e) motion asking the Court to grant a limited collateral review even if it would not grant summary judgment. (Lawyer Defendants' motion for summary judgment and limited collateral Review, Exhibit B; Lawyer Defendants' 59(e) motion, Exhibit C.) Because the orders on appeal are all orders specifically requested by the Lawyer Defendants, the suggestion that the Lawyer Defendants somehow lack a sufficient interest to defend the orders on appeal is manifestly without merit. To the contrary, the Lawyer Defendants are "adverse part[ies]" to this appeal and should therefore be designated as respondents under Rule 202(a), SCACR.

Moreover, on a pragmatic level, the Lawyer Defendants have a significant interest in defending the Circuit Court's decisions because those decisions benefit them. As set forth in the Lawyer Defendants' filings, the Lawyer Defendants requested bifurcation because they believe

that they will suffer extreme prejudice if forced to try these cases in the same proceeding as the substantive sexual abuse claims against the Diocese Defendants. To put it mildly, the sexual abuse claims at issue in these cases are horrific, and it would be grossly unfair to lump the Lawyer Defendants--who did not abuse anyone--into the same proceeding as these claims. The Circuit Court agreed, and the Lawyer Defendants have every interest in vigorously defending the Circuit Court's decision on appeal.

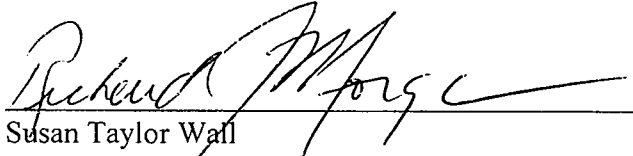
In the same vein, the Lawyer Defendants requested a limited collateral review to properly guide the parties in advance of trial as to the Court's view of the underlying class action notice plan. The Court has now conducted that review, provided the parties extremely useful guidance on the matter, and the Lawyer Defendants have a strong interest in ensuring that the Court's guidance remains valid. Thus, the Lawyer Defendants plainly have appellate standing and should be heard on the validity of the orders on appeal.

Finally, the Diocese Defendants suggest that, even if the Lawyer Defendants are proper respondents, they somehow should not be heard on the supersedeas petition. This is incorrect. As an initial matter, the Appellate Court Rules provided for two types of parties on appeal: appellants and respondents. Rule 202(a), SCACR. Because the Lawyer Defendants are respondents, they have a right to be heard on any motion filed by the appellants.

More fundamentally, the Lawyer Defendants have a great interest in seeing that the trials of these nearly ten-year-old cases are not further delayed. As these cases continue, the Lawyer Defendants continue to incur fees and costs, and continue to be named as defendants in active professional malpractice litigation. It is well past time for these cases to be tried against the Diocese, and the Lawyer Defendants have an obvious interest in advocating for this view.

Wherefore, the Lawyer Defendants continue to request that Diocese Defendants' petition for supersedeas be denied, and the appeal dismissed for want of appellate jurisdiction.

Respectfully submitted,

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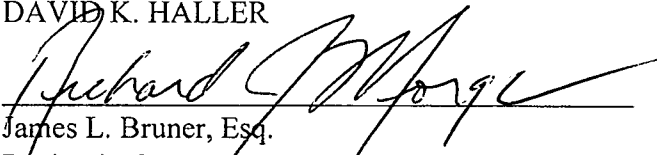
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& HALLER, LLC

May 10, 2017

Charleston, South Carolina

Exhibit A

(Lawyer Defendants' Motion to Bifurcate)

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

JOHN DOE 2 AND JANE DOE 4,

PLAINTIFFS,

V.

THE BISHOP OF CHARLESTON, A CORPORATION SOLE; ROBERT GUGLIEMONE, 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 & HALLER, LLC,

DEFENDANTS.

JOHN DOE 10,

PLAINTIFF,

V.

THE BISHOP OF CHARLESTON, A CORPORATION SOLE; ROBERT GUGLIEMONE, 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 & HALLER, LLC,

DEFENDANTS.

IN THE COURT OF COMMON PLEAS

FOR THE NINTH JUDICIAL CIRCUIT

CASE NO.: 2010-CP-10-5520

**LAWYER DEFENDANTS'
MOTION FOR SEPARATE
TRIALS AND PROPOSED TRIAL
SCHEDULE**

CASE NO.: 2010-CP-10-7233

BY _____

JULIE J. ARMSTRONG
CLERK OF COURT

2015 OCT 27 PM 12:43

FILED

JANE DOE 11,

PLAINTIFF,

V.

THE BISHOP OF CHARLESTON, A
CORPORATION SOLE; ROBERT
GUGLIEMONE, 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 & HALLER, LLC,

DEFENDANTS.

CASE NO.: 2012-CP-10-5559

JOHN DOE 193,

PLAINTIFF,

V.

THE BISHOP OF CHARLESTON, A
CORPORATION SOLE; ROBERT
GUGLIEMONE, 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 & HALLER, LLC,

DEFENDANTS.

CASE NO.: 2013-CP-10-3733

FATHER DOE 194,)
)
 PLAINTIFF,)
)
 V.)
)
 THE BISHOP OF CHARLESTON, A)
 CORPORATION SOLE; ROBERT)
 GUGLIEMONE, 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 & HALLER, LLC,)
)
 DEFENDANTS.)

CASE NO.: 2013-CP-10-4175

JOHN DOE 194,)
)
 PLAINTIFF,)
)
 V.)
)
 THE BISHOP OF CHARLESTON, A)
 CORPORATION SOLE; ROBERT)
 GUGLIEMONE, 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 & HALLER, LLC,)
)
 DEFENDANTS.)

CASE NO.: 2013-CP-10-4176

Pursuant to Rules 18 and 42(b), SCRPC, Defendants Lawrence E. Richter, Jr., Richter & Haller LLC, and David K. Haller (collectively, the "Lawyer Defendants") hereby move for

separate trials from the Diocese Defendants in the various *Doe* cases before the Court and request that the claims against the Diocese Defendants be tried first before any trial of the claims against the Lawyer Defendants.

CATEGORIES OF CASES

While all of the *Doe* cases arise out of sexual abuse allegedly committed by agents of the Diocese Defendants, the cases logically fit into three categories: (1) claims by in-state plaintiffs against the Diocese Defendants alone (the "In-State Cases"), (2) claims by the repressed memory plaintiff (John Doe #193) against the Diocese Defendants and the Lawyer Defendants (the "Repressed Memory Case"), and (3) claims by the out-of-state plaintiffs against the Diocese Defendants and the Lawyer Defendants (the "Out-of-State Cases"). Each category involves different issues:

- ***In-State Cases (6)***. These six (6) cases are pending only against the Diocese Defendants because the plaintiffs were squarely within the notice area of the underlying class action and thus cannot and do not argue that the Lawyer Defendants harmed them in any way.
- ***Repressed Memory Case (1)***. This case involves an in-state plaintiff who claims that he had a repressed memory of sexual abuse at the time of the underlying class action settlement. A threshold issue in this case is whether the plaintiff has made out a *prima facie* case of repressed memory. The Diocese Defendants have submitted deposition transcripts to the Court that bear on that issue.
- ***Out-of-State Cases (6)***. These six (6) cases are pending against both sets of defendants. The plaintiffs' primary claims are against the Diocese Defendants for the underlying sexual abuse. The plaintiffs have asserted alternative claims against the Lawyer Defendants in the event that Plaintiffs are barred by *res judicata* from proceeding against the Diocese Defendants.

OUTSTANDING PRE-TRIAL MOTIONS AND ISSUES

Before trial of any of the pending cases, there are a number of outstanding dispositive and discovery issues to be decided. In the context of proposing an orderly trial schedule, the Lawyer Defendants would request that the following matters be ruled upon before trial:

Lawyer Defendants' Motion for Summary Judgment. The Lawyer Defendants have filed a motion for summary judgment that would fully dispose of the claims against them. These motions are fully briefed and have been heard by the Court. The Lawyer Defendants also filed a supplemental brief advising the Court of the recent dismissal of a similar case by the federal court, Judge C. Weston Houck.

Limited Collateral Review. Should the Court not grant the Lawyer Defendants' motion for summary judgment, because a core issue in these cases is whether the various plaintiffs are bound by the underlying class action settlement, the Lawyer Defendants have requested that the Court conduct a limited collateral review, before trial, as set forth in *Hospitality Management* and issue a ruling as to whether the plaintiffs are bound by the underlying settlement.

Stay Cases Against the Lawyer Defendants. At the hearing on the motions for summary judgment, the Court raised the issue of staying the claims against the Lawyer Defendants while Plaintiffs proceed against the Diocese Defendants. Should the Lawyer Defendants' Motions for Summary Judgment be denied, the Lawyer Defendants request that the Court stay the claims against them until after trial against the Diocese Defendants. The Lawyer Defendants are formalizing that request in this filing as a Motion for Separate Trials.

Deposition of Peter Shahid. Should the Court determine that any claims against the Lawyer Defendants proceed, the Lawyer Defendants request that the Court resolve the issue of whether Peter Shahid may be deposed, which is pending before the Court in the form of Mr. Shahid's motion for a protective order. One of the claims against the Lawyer Defendants is that they conspired with the Diocese Defendants in the underlying class action. The Lawyer Defendants' primary contact with the Diocese Defendants in that action was Peter Shahid. Indeed, Bishop Baker, who was Bishop of Charleston during the pendency of the class action, has testified that he relied on Mr. Shahid to handle negotiations of the class action settlement, to

make certain strategic decisions, and that he was not involved in determining the scope of notice. (Baker Dep. at 16-17, 27-28, 46-51.) Accordingly, Mr. Shahid is clearly a material witness as to whether, in fact, the Lawyer Defendants conspired with the Diocese. The Lawyer Defendants cannot meaningfully prepare for trial without taking Mr. Shahid's deposition and would therefore request that the Court deny his motion for a protective order and require that he submit to a deposition expeditiously.

Repressed Memory Case. At the last hearing, the Court stated that it would determine whether Plaintiff made out a *prima facie* showing that he had a repressed memory of sexual abuse at the time of the underlying class action settlement and notice period. If the Court concludes that the plaintiff has made such a showing, then his case should proceed to trial against the Diocese Defendants alone on two core issues: (1) whether he in fact had a repressed memory so as to toll the statute of limitations, and (2) if so, whether the Diocese Defendants are liable for the underlying sexual abuse. There is no practical way of including the Lawyer Defendants in that proceeding, as Plaintiff's claims against them are only ripe if he is somehow precluded from suing the Diocese Defendants. As noted in the Lawyer Defendants' prior filings, this is a logical and legal impossibility, as a person with a repressed memory could not have received constitutionally sufficient, meaningful notice of the underlying settlement. Thus, if the plaintiff has a repressed memory, his only claims are against the Diocese Defendants, and they are the only ones against whom his claims should be tried.

If the Court concludes that plaintiff has not made a *prima facie* showing of a repressed memory, then the Repressed Memory Case becomes merely another In-State Case (as the repressed memory plaintiff lived in South Carolina at the time of the settlement) and should be tried as such against the Diocese Defendants only.

Treatment of Augusta Plaintiffs. It is undisputed that several of the plaintiffs in the Out-of-State cases lived in or around Augusta, Georgia at the time of the underlying class action settlement. Because notice of the settlement was published in the *Augusta Chronicle*, these individuals are in the same position as the in-state plaintiffs—that is, they were within the geographic scope of the notice provided. The cases filed by these plaintiffs should therefore be treated as In-State Cases, and the Lawyer Defendants should be dismissed from them.

PROPOSED TRIAL SCHEDULE

In the interest of proceeding in an orderly and expeditious fashion, the Lawyer Defendants propose the following trial schedule (without prejudice to the Lawyer Defendants' pending Motion for Summary Judgment):

- April 18, 2016:** Begin trial(s) of In-State Cases. These cases should go first because they are the most straightforward: they involve one set of defendants and a discrete set of issues. *See Doe v. Bishop of Charleston*, 407 S.C. 128, 754 S.E.2d 494 (2014).
- May 2, 2016:** Begin trial of Repressed Memory Case against the Diocese Defendants. This case should go next, as it is essentially an in-state case with one added issue: whether the plaintiff had a repressed memory at the time of the underlying settlement.
- May 9, 2016:** Begin trial(s) of Out-of-State Cases against the Diocese Defendants.
- June 13, 2016:** If necessary, begin trials against the Lawyer Defendants.

MOTION FOR SEPARATE TRIALS

As noted above, the Lawyer Defendants request that the claims against the Diocese Defendants and the Lawyer Defendants be tried separately. Under the rules, the Court may order the separate trial of any claims or issues “in furtherance of convenience,” “to avoid prejudice,” or “when separate trials will be conducive to expedition and economy.” Rule 42(b), SCRPC. Here, as explained in more detail below, all of these reasons – expediency, the avoidance of prejudice, and convenience – militate in favor of separate trials for the claims against the Diocese

Defendants and the Lawyer Defendants. Indeed, attempting to present the claims against the Diocese Defendants and Lawyer Defendants to a jury in a unified proceeding would be hopelessly confusing and impractical.

Expediency. One of the most common reasons for separate trials is to speed the resolution of the case. Indeed, separate trials are particularly appropriate “where the determination of one claim may obviate the need to adjudicate one or more other claims.” Moore’s Fed. Prac. Civ. § 42.20[4][d] (interpreting federal rule that is substantively the same as Rule 42(b), SCRCF). Here, as the claims against the Lawyer Defendants are **explicitly alternative** to the claims against the Diocese Defendants, a finding of liability against the Diocese Defendants would negate the claims against the Lawyer Defendants. This strongly militates in favor of separate trials, as the cases could resolve the cases entirely through a set of short trials against the Diocese Defendants alone, rather than a series of much longer and more complicated trials against both sets of defendants.

Avoidance of Prejudice. The Lawyer Defendants would be prejudiced in at least two significant ways if the claims against the Diocese Defendants were tried at the same time.

- **First**, the alleged acts of sexual abuse committed by agents of the Diocese Defendants against the plaintiffs were so gruesome and abominable that forcing the Lawyer Defendants to sit at the same table as co-defendants would prejudice the jury against them. The jury is likely to be overwhelmed with revulsion at the alleged acts of the Diocese Defendants’ agents and would hold everyone on the defense side liable regardless of their role. This would be grossly unfair, as the Lawyer Defendants did not abuse anyone.
- **Second**, attempting to try sexual abuse claims against the Diocese Defendants and **alternative** legal malpractice claims against the Lawyer Defendants in the same proceeding is all but certain to hopelessly confuse the jury. If both sets of claims were tried at the same time, the jury would be presented – in a single proceeding – with evidence of alleged horrific sexual abuse, the Diocese Defendants’ alleged cover-up of such abuse, the Diocese Defendants’ alleged failure to respond to the plaintiffs’ notice of such abuse, the notice procedures in the underlying class action settlement, the plaintiffs’ claim that they did not receive notice of the class action settlement, competing expert testimony on the standard of care for class

action lawyers, and the Lawyer Defendants' acts in litigating and settling the class action. This is far more than a jury can be reasonably expected to handle in a single proceeding, and forcing a jury to do so is highly likely to prejudice the Lawyer Defendants, as the primary issue the jury will understand and remember is the alleged sexual abuse.

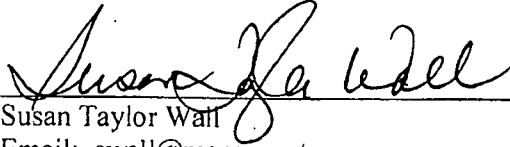
For both of these reasons, it is only fair that the Lawyer Defendants be accorded separate trials from the Diocese Defendants to avoid the substantial prejudice they would incur in a unified proceeding.

Convenience. Courts typically hold that separate trials are more convenient where the claims "contain substantially different material" or "raise new or complex issues," or where a unified proceeding would "undermine the focus of the trier of fact" or "confuse the issues." Moore's Fed. Prac. Civ. § 42.20[4][b]. Here, the claims against the Diocese Defendants are largely negligent supervision claims concerning the failure to supervise the priests who allegedly sexually abused the plaintiffs; whereas the claims against the Lawyer Defendants are largely legal claims concerning the complex intricacies of class action practice. Because these sets of claims and the issues involved in each are worlds apart, it would be far more convenient to try them separately. Likewise, asking a jury to consider, at the same time, horrific sexual abuse and complicated legal malpractice questions will necessarily and unfairly confuse the jury. For all of these reasons, convenience dictates that the claims against the Diocese Defendants and the Lawyer Defendants be tried separately.

CONCLUSION

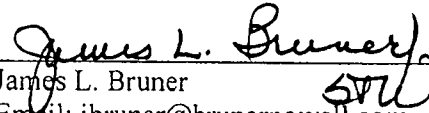
WHEREFORE, based on the pleadings, evidence, discovery materials to date, arguments of counsel and applicable law, the Lawyer Defendants respectfully request that, subject to the Court's ruling on the Lawyer Defendants' Motion for Summary Judgment, the Court order that the claims against the Diocese Defendants and the Lawyer Defendants be tried separately and that the trials be set in accordance with the schedule set forth above.

Respectfully submitted,



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October 26, 2015

Charleston, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

) IN THE COURT OF COMMON PLEAS
)
) FOR THE NINTH JUDICIAL CIRCUIT

JOHN DOE 2 AND JANE DOE 4,
PLAINTIFFS,

)
)
) CASE NO.: 2010-CP-10-5520
)

V.

)
)
) **CERTIFICATE OF SERVICE**
)

) THE BISHOP OF CHARLESTON, A
) CORPORATION SOLE; ROBERT
) GUGLIEMONE, THE BISHOP OF
) CHARLESTON, IN HIS OFFICIAL CAPACITY;
) REV. MONSIGNOR MARTIN LAUGHLIN,
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) RICHTER & HALLER, LLC,
)

) DEFENDANTS.
)

JOHN DOE 10,

)
)
) CASE NO.: 2010-CP-10-7233
)

PLAINTIFF,

V.

) THE BISHOP OF CHARLESTON, A
) CORPORATION SOLE; ROBERT
) GUGLIEMONE, THE BISHOP OF
) CHARLESTON, IN HIS OFFICIAL CAPACITY;
) REV. MONSIGNOR MARTIN LAUGHLIN,
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) RICHTER, JR., DAVID K. HALLER, AND
) RICHTER & HALLER, LLC,
)

) DEFENDANTS.
)

FILED
2015 OCT 27 PM 12:43
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

JANE DOE 11,
PLAINTIFF,

V.

THE BISHOP OF CHARLESTON, A
CORPORATION SOLE; ROBERT
GUGLIEMONE, THE BISHOP OF
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FORMER BISHOP OF CHARLESTON, IN HIS
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DEFENDANTS.

JOHN DOE 193,

PLAINTIFF,

V.

THE BISHOP OF CHARLESTON, A
CORPORATION SOLE; ROBERT
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CHARLESTON, IN HIS OFFICIAL CAPACITY;
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DEFENDANTS.

CASE NO.: 2012-CP-10-5559

CASE NO.: 2013-CP-10-3733

FATHER DOE 194,

PLAINTIFF,

V.

THE BISHOP OF CHARLESTON, A CORPORATION SOLE; ROBERT GUGLIEMONE, 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 & HALLER, LLC,

DEFENDANTS.

CASE NO.: 2013-CP-10-4175

JOHN DOE 194,

PLAINTIFF,

V.

THE BISHOP OF CHARLESTON, A CORPORATION SOLE; ROBERT GUGLIEMONE, 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 & HALLER, LLC,

DEFENDANTS.

CASE NO.: 2013-CP-10-4176

I certify that a copy of the foregoing **LAWYER DEFENDANTS' MOTION FOR SEPARATE TRIALS AND PROPOSED TRIAL SCHEDULE** has been served upon the

following counsel of record via email and by mailing a copy of the same to them via U.S. Mail, postage prepaid and addressed as shown below this 26 day of October, 2015:

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Phone: 843-723-7831

Exhibit B

(Lawyer Defendants' Motions for Limited Collateral Review and
Summary Judgment)

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

JOHN DOE 2 AND JANE DOE 4,

PLAINTIFFS,

V.

THE BISHOP OF CHARLESTON, A CORPORATION SOLE; ROBERT GUGLIEMONE, 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; RICHTER & HALLER, LLC,

DEFENDANTS.

JOHN DOE 10,

PLAINTIFF,

V.

THE BISHOP OF CHARLESTON, A CORPORATION SOLE; ROBERT GUGLIEMONE, 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; RICHTER & HALLER, LLC,

DEFENDANTS.

) IN THE COURT OF COMMON PLEAS

) FOR THE NINTH JUDICIAL CIRCUIT

CASE NO.: 2010-CP-10-5520

FILED
2015 MAR -2 PM 2:41
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

CASE NO.: 2010-CP-10-7233

JANE DOE 11,)
)
PLAINTIFF,)
)
V.)
)
THE BISHOP OF CHARLESTON, A)
CORPORATION SOLE; ROBERT)
GUGLIEMONE, 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;)
RICHTER & HALLER, LLC,)
)
DEFENDANTS.)

CASE NO.: 2012-CP-10-5559

JOHN DOE 193,)
)
PLAINTIFF,)
)
V.)
)
THE BISHOP OF CHARLESTON, A)
CORPORATION SOLE; ROBERT)
GUGLIEMONE, 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;)
RICHTER & HALLER, LLC,)
)
DEFENDANTS.)

CASE NO.: 2013-CP-10-3733

FATHER DOE 194,)
)
 PLAINTIFF,)
)
 V.)
)
 THE BISHOP OF CHARLESTON, A)
 CORPORATION SOLE; ROBERT)
 GUGLIEMONE, 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;)
 RICHTER & HALLER, LLC,)
)
 DEFENDANTS.)

CASE NO.: 2013-CP-10-4175

JOHN DOE 194,)
)
 PLAINTIFF,)
)
 V.)
)
 THE BISHOP OF CHARLESTON, A)
 CORPORATION SOLE; ROBERT)
 GUGLIEMONE, 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;)
 RICHTER & HALLER, LLC,)
)
 DEFENDANTS.)

CASE NO.: 2013-CP-10-4176

DEFENDANT DAVID K. HALLER'S
MOTION FOR LIMITED COLLATERAL REVIEW AND SUMMARY JUDGMENT

Pursuant to Rule 56, SCRPC, and the Supreme Court's decision in *Hospitality Management Assocs. v. Shell Oil Co.*, 356 S.C. 644, 591 S.E.2d 611 (2004), Defendant David K. Haller hereby moves the Court to conduct a limited collateral review of the underlying class action to find that it does not preclude Plaintiffs' claims against the Bishop of Charleston and the various parties related to the Roman Catholic Diocese of Charleston. Upon reaching that conclusion, the Court should, by Plaintiff's own admission, grant summary judgment in favor of David K. Haller, Lawrence E. Richter, Jr., and Richter & Haller LLC (collectively, the "Lawyer Defendants").

This motion is supported by the pleadings, the record of the prior class action, discovery materials, applicable law and arguments of counsel. Haller specifically reserves the right to file and rely upon a more detailed memorandum of law at or before the hearing on this motion. Mr. Haller fully joins the motion for limited collateral review and summary judgment filed by Mr. Richter and Richter & Haller LLC.

In brief, the grounds for this motion are as follows:

BACKGROUND

These cases all arise out of allegations of sexual abuse committed against minors by various priests of the Roman Catholic Diocese of Charleston. Plaintiffs are the alleged victims of the abuse and their family members. The primary defendants in this matter are the Bishop of Charleston and the various parties associated with him (collectively, the "Diocese Defendants"), who are alleged, among other things, to have negligently failed to prevent the abuse.

Plaintiffs have also brought alternative causes of action against the Lawyer Defendants. The Lawyer Defendants represented a plaintiff class in a 2006 class action concerning sexual

abuse by priests of the Diocese of Charleston. The class action was settled in 2007 pursuant to a settlement and arbitration agreement wherein absent class members were permitted to tell their story to an arbitrator in a non-adversarial proceeding, after which the arbitrator awarded each an amount of money based on the severity of the abuse, within a matrix range agreed upon by the parties and the court. The settlement and class notification procedures were approved by the class action court on both a preliminary and final basis, and numerous individuals came forward and received arbitration awards pursuant to the settlement.

Plaintiffs in these cases are people who either: (1) claim that they did not receive notice of the class action and thus were unable to participate in the settlement, or (2) claim they had a repressed memory of their abuse at the time of the settlement and thus could not participate. Plaintiffs' primary theory is that they are not bound by the class settlement because of the alleged lack of notice, and that they may therefore freely sue the Diocese Defendants without any *res judicata* effects of the prior class action settlement. Their alternative theory is that, if they are precluded by the prior class action, then they have claims against the Lawyer Defendants based on the contention that they should have received notice of the class action.

MOTION FOR LIMITED COLLATERAL REVIEW

Under the Supreme Court's decision in *Hospitality Management*, when an individual attempts to bring a claim that was the subject of a prior class action, the court should conduct a "limited collateral review" of the prior class action to determine if the individual's claim is precluded. *Id.* at 659, 591 S.E.2d at 619. The core of this inquiry is whether the individual received sufficient notice of the prior class action. *Id.* at 660, 591 S.E.2d at 619. If the court concludes that the individual did not, then the prior class action has no *res judicata* effect, and the individual's claims against the class action defendant may go forward. *Id.*

In the prior class action, notice was sent to people identified by the Diocese Defendants and published in newspapers in and very near South Carolina. It therefore follows that out-of-state individuals did not receive sufficient notice and should not be bound by the prior class action. Likewise, an individual with a repressed memory could not have been expected to appreciate any notice given at the time of the prior class action and also should not be bound. Accordingly, upon conducting a limited collateral review, the Court should conclude that the Plaintiffs are not bound by the prior class action.

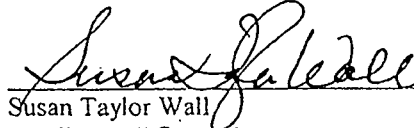
MOTION FOR SUMMARY JUDGMENT

By Plaintiffs' own admission, if their claims against the Diocese Defendants are not precluded, then they have no claims against the Lawyer Defendants. This admission is sensible, as nothing the Lawyer Defendants did in the class action could harm people not bound by it. Therefore, upon concluding that Plaintiffs are not bound by the prior class action and can freely sue the Diocese Defendants for their injuries, the Lawyer Defendants must be dismissed from this case as a matter of law.

* * * * *

WHEREFORE, Mr. Haller respectfully requests that his the Court forthwith conduct a limited collateral review of the prior class action, issue a ruling that the Plaintiffs' claims against the Diocese Defendants are not precluded by the prior class action, and grant summary judgment in favor of the Lawyer Defendants.

Respectfully submitted,



Susan Taylor Wall

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Henry W. Frampton, IV

Email: hframpton@mcnair.net

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Phone: (843) 723-7831

Fax: (843) 722-3227

ATTORNEYS FOR DEFENDANT

DAVID K. HALLER

February 27, 2015

Charleston, South Carolina

2010-CP-10-5520

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing DEFENDANT DAVID K. HALLER'S MOTION FOR LIMITED COLLATERAL REVIEW AND SUMMARY JUDGMENT has been served upon the following counsel of record by mailing a copy of the same to them, postage prepaid, in the United States Mail, addressed as shown below this 27 day of February, 2015:

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*Attorney for Defendants Lawrence E. Richter, Jr.
and Richter & Haller, LLC*

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*Attorney for Defendants The Bishop of
Charleston, a Corporation Sole, Robert
Gugliemone, the Bishop of the Diocese 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*

FILED
2015 MAR -2 PM 2:41
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

Jeslyn Harvey
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Post Office Box 1431
Charleston, South Carolina 29402
Phone: 843-723-7831

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS

John Doe 2 and Jane Doe 4,)
)
Plaintiffs,)

CASE NO.: 2010-CP-10-5520

v.)

The Bishop of Charleston, et. al.)
)
Defendants.)

John Doe 10,)
)
Plaintiff,)

CASE NO.: 2010-CP-10-7233

v.)

The Bishop of Charleston, et. al.)
)
Defendants.)

Jane Doe 11,)
)
Plaintiff,)

CASE NO.: 2012-CP-10-5559

v.)

The Bishop of Charleston, et. al.)
)
Defendants.)

John Doe 193,)
)
Plaintiff,)

CASE NO.: 2013-CP-10-3733

v.)

The Bishop of Charleston, et. al.)
)
Defendants.)

BY _____

FILED
2015 APR -2 AM 11:05
JULIE J. ARMSTRONG
CLERK OF COURT

Father Doe 194,)	CASE NO.: 2013-CP-10-4175
)	
Plaintiff,)	
)	
v.)	
)	
The Bishop of Charleston, et. al.)	
)	
Defendants.)	

John Doe 194,)	CASE NO.: 2013-CP-10-4176
)	
Plaintiff,)	
)	
v.)	
)	
The Bishop of Charleston, et. al.)	
)	
Defendants.)	

RICHTER DEFENDANTS' NOTICE OF MOTION AND MOTION FOR LIMITED COLLATERAL REVIEW AND FOR SUMMARY JUDGMENT

TO: PLAINTIFFS AND GREGG MEYERS, THEIR COUNSEL

YOU WILL PLEASE TAKE NOTICE that the Defendants Lawrence E. Richter, Jr. and Richter and Haller, LLC will move before the Honorable J. C. Nicholson, Jr. at the Charleston County Judicial Center, Charleston, South Carolina on the tenth (10th) day following service hereof, or as soon thereafter as counsel can be heard, for an Order pursuant to John Doe, et. al. v. The Bishop of Charleston, et. al., 407 S.C. 128, 754 S.E.2d 494 (2014) and Rule 56, SCRCP, as follows:

1. Conducting a limited collateral review of the class action settlement in *John Doe #53, et. al. v. The Bishop of Charleston, a Corporation Sole, and the Bishop of the Diocese of Charleston, in his official capacity*, Case Nos. 2006-CP-18-1310, 1311 and 1636 ("the Underlying Class Action");

2. Upon conducting a limited collateral review of the Underlying Class Action settlement, finding that the settlement reached therein does not preclude the plaintiffs in these cases who did not reside in South Carolina in 2007 (the "Nonresident Plaintiffs") from bringing claims against the Diocesan Defendants for sexual abuse at the hands of priests;
3. Upon conducting a limited collateral review of the Underlying Class Action settlement, finding that the settlement reached therein does not preclude John Doe 193, who alleges that he repressed the memory of his sexual abuse until June 2010 (the "Repressed Memory Plaintiff"), from bringing claims against the Diocesan Defendant for sexual abuse at the hands of priests;
4. Upon concluding that the Nonresident Plaintiffs and the Repressed Memory Plaintiff are not precluded from bringing claims against the Diocesan Defendants for sexual abuse at the hands of priests by the settlement in the Underlying Class Action, then finding and concluding that the Nonresident Plaintiffs and the Repressed Memory Plaintiff's allegations against the Lawyer Defendants in their Complaints are irrelevant, as alleged, and that the Lawyer Defendants are entitled to summary judgment as a matter of law; and
5. Finding and concluding that there are no genuine issues as to any material facts relating to the Lawyer Defendants and that the Lawyer Defendants are entitled to summary judgment as a matter of law.

These motions will be based upon the pleadings in these matters, the record in the Underlying Class Action, such memoranda and affidavits as may be hereafter served and filed and the law in such cases as have been made and provided. You are intended to attend and take part as you may deem just and proper.



James L. Bruner
Caitlin C. Heyward
BRUNER POWELL WALL & MULLINS, LLC
P. O. Box 61110
Columbia, SC 29260
(803) 252-7693
*Attorneys for the Defendants Lawrence E. Richter,
Jr. and Richter & Haller, LLC*

February 25, 2015

CERTIFICATE OF SERVICE

I, Kaye White an employee of Bruner, Powell, Wall & Mullins, LLC, attorneys for Defendants Lawrence E. Richter, Jr. and Richter & Haller, LLC, do hereby certify that on February 25, 2015, I served a copy of the documents listed below on counsel of record by depositing a copy of same in the U.S. Mail, first-class, postage prepaid and addressed as follows:

Pleadings served:

1. Richter Defendants' Notice of Motion and Motion for Limited Collateral Review and for Summary Judgment

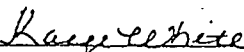
Counsel served:

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Attorney for the Plaintiff

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Attorneys for the Diocesan Defendants

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Attorney for David K. Haller

James C. Geoly, Esq.
Burke Warren Mackay & Serritella, PC
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Chicago, Illinois 60611
Attorneys for the Diocesan Defendants



Kaye White

Exhibit C

(Lawyer Defendants' Rule 59(e) Motion)

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

JOHN DOE 2 AND JANE DOE 4,

PLAINTIFFS,

V.

THE BISHOP OF CHARLESTON, A CORPORATION SOLE; ROBERT GUGLIEMONE, 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 & HALLER, LLC,

DEFENDANTS.

) IN THE COURT OF COMMON PLEAS

) FOR THE NINTH JUDICIAL CIRCUIT

) CASE NO.: 2010-CP-10-5520

) **LAWYER DEFENDANTS'**
) **NOTICE OF MOTION AND RULE**
) **59(E) MOTION**

BY _____

JULIE J. ARMSTRONG
CLERK OF COURT

2015 DEC 23 PM 1:47

FILED

Pursuant to Rule 59(e), SCRCP, Defendants Lawrence E. Richter, Jr., Richter & Haller LLC, and David K. Haller (collectively, the "Lawyer Defendants") move to alter to amend the Court's Order filed on December 8, 2015, which the Lawyer Defendants received on December 14, 2015, denying their motion for limited collateral review and summary judgment to the limited extent that the Order did not rule upon the request for a limited collateral review of the settlement in the underlying class action proceedings.

As a threshold question, the Court must conduct a pre-trial limited collateral review to determine whether Plaintiffs are or are not bound by the settlement of the underlying class action. Accordingly, the Lawyer Defendants request that the Court amend its Order to include a limited

collateral review of the underlying class action and a determination of whether Plaintiffs are barred by the underlying class action settlement.

ARGUMENT

In the Complaint, the Plaintiffs' claims against the Lawyer Defendants are expressly alleged to be alternative to their primary sexual abuse claims against the Diocese Defendants. Indeed, Plaintiffs specifically allege that their causes of action against the Lawyer Defendants are only pertinent if they, as alleged absent class members in a prior class action, are precluded from pursuing claims against the Diocese Defendants. (*See, e.g.* -5520 Compl. ¶¶ 177, 196.) Thus, the Complaints, by their own terms, present a threshold question: Are Plaintiffs precluded from pursuing claims against the Diocese Defendants?

Our Supreme Court set forth the framework for deciding that question in *Hospitality Management Associates v. Shell Oil Co.*, 356 S.C. 644, 591 S.E.2d 611 (2004). There, the Court held that the trial court should conduct a "limited collateral review" of the prior class action to determine whether it binds the absent class members now trying to bring suit. *Id.* at 660, 591 S.E.2d at 619-20. That review consists of reviewing the record in the prior class action to determine: "(1) whether there were safeguards in place to guarantee sufficient notice and adequate representation; and (2) whether such safeguards were, in fact, applied." *Id.* at 660, 591 S.E.2d at 619-20.

In *Doe v. Bishop of Charleston*, 407 S.C. 128, 754 S.E.2d 494 (2014), the Supreme Court emphasized the necessity of a limited collateral review in these very cases. Specifically, the Court held that it was error for the lower court to dismiss one of the in-state cases without first conducting a limited collateral review to determine the preclusive effect of the prior class action settlement

and remanded that case for further proceedings. *Id.* at 128, 754 S.E.2d at 499. The purpose of the remand was to conduct such a review. *Id.* at 140, 754 S.E.2d at 501.

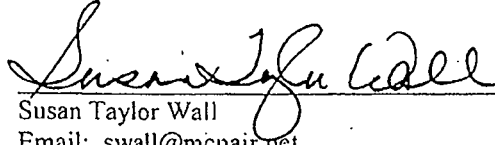
Moreover, from a practical perspective, this case cannot be tried without a ruling as to the preclusive effect of the underlying class action settlement. The limited collateral review will give rise to its own issues and defenses that the parties will present at trial. Without a ruling, the most fundamental legal issues are left unanswered and the case cannot be submitted to the jury without a legal foundation. Accordingly, to place these cases in a posture where they can be tried without reversible error, the Court should amend its prior Order to conduct a limited collateral review and rule on whether the underlying class action precludes the Plaintiffs' claims against the Diocese Defendants.¹

CONCLUSION

For the foregoing reasons and any others in the record, the Lawyer Defendants respectfully submit that the Court should amend its Order denying the motion for limited collateral review and summary judgment and conduct a limited collateral review and issue a pre-trial ruling as to whether the underlying class action precludes Plaintiffs' claims against the Diocese Defendants.

¹ The Lawyer Defendants have already briefed and argued their view that the underlying class action should not be held to have a preclusive effect and thus will not repeat that argument here. While the Lawyer Defendants maintain that view, the purpose of this motion is to convey the importance of having a ruling on the preclusive effect of the underlying class action before trial whether that ruling is for or against preclusion.

Respectfully submitted,



Susan Taylor Wall

Email: swall@mcnair.net

Henry W. Frampton, IV

Email: hframpton@mcnair.net

MCNAIR LAW FIRM, P.A.

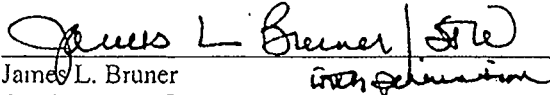
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LAWRENCE E. RICHTER, JR. AND RICHTER
& HALLER, LLC

December 22, 2015

Charleston, South Carolina

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON
JOHN DOE 2 AND JANE DOE 4,
PLAINTIFFS,

V.

THE BISHOP OF CHARLESTON, A
CORPORATION SOLE; ROBERT
GUGLIEMONE, 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 & HALLER, LLC,
DEFENDANTS.

) IN THE COURT OF COMMON PLEAS
)
) FOR THE NINTH JUDICIAL CIRCUIT
)
) CASE NO.: 2010-CP-10-5520
)
)
)

CERTIFICATE OF SERVICE

FILED
2015 DEC 23 PM 1:47
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____

I certify that a copy of the foregoing **LAWYER DEFENDANTS' NOTICE OF MOTION AND
RULE 59(E) MOTION** has been served upon the following counsel of record by mailing a copy
of the same to them in the U.S. Mail, postage prepaid and addressed as shown below this **22** day
of December 2015:


Gregg Meyers, Esq.
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*Attorneys for Defendants The Bishop of
Charleston, a Corporation Sole, Robert
Gugliemone, the Bishop of the Diocese 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*


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Charleston, South Carolina 29401
Phone: 843-723-7831

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

J. C. Nicholson, Circuit Court Judge

RECEIVED

MAY 11 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

Appellate Case No. 2017-001092

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,
Robert Gugliemone, 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 Gugliemone, 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,

Of whom,

Lawrence E. Richter, Jr., David K. Haller,
and Richter and Haller, LLC..... are Respondents.

PROOF OF SERVICE

The undersigned hereby certifies that on May 11, 2017, the foregoing **RESPONDENTS/LAWYER DEFENDANTS' SUR REPLY TO DIOCESE DEFENDANTS' PETITION FOR SUPERSEDEAS** was served on all counsel of record via e-mail and U.S. Mail, addressed as follows:

Gregg Meyers, Esq.
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greggmeyers@phswlaw.com

Attorney for Respondents

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Benjamin C. Bruner, Esq.
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*Attorney for Respondents/Lawyer Defendants
Lawrence E. Richter, Jr. and Richter &
Haller, LLC*

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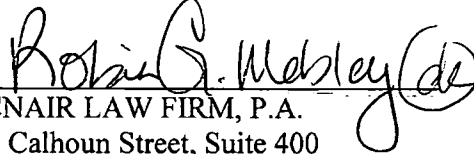
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Attorneys for Appellants

*The Bishop of Charleston, a Corporation
Sole, Robert Gugliemone, the Bishop of
Charleston, in his Official Capacity, Rev.
Monsignor Martin Laughlin, Former
Administrator of the Diocese of Charleston,
and Robert J. Baker, Former Bishop of
Charleston, in his Official Capacity*


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MCNAIR
ATTORNEYS

Susan Taylor Wall

May 11, 2017

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VIA HAND DELIVERY

The Honorable Jenny Abbot Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

Re: *John Doe 2, et al. v. The Bishop of Charleston, et al.*
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
Appellate Case No.: 2017-001092

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MAY 11 2017

SC Court of Appeals

Dear Ms. Kitchings:

Enclosed for filing, please find the original and seven copies of Respondents/Lawyer Defendants' Sur-Reply to Diocese Defendants' Petition for Supersedeas.

By copy of this letter and evidenced by the Proof of Service, I have serving counsel of record with a copy of the same.

Please file the original and return a time-stamped copy via our courier.

Thank you and with kind regards, I am

Very truly yours,

McNAIR LAW FIRM, P.A.

S/ Susan Taylor Wall

Susan Taylor Wall

STW:rgm

Enclosures: as stated

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The Honorable Jenny Abbot Kitchings
May 11, 2017
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