

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM CHARLETON COUNTY  
Court of Common Pleas

J. C. Nicholson, Circuit Court Judge

**RECEIVED**

JUN 08 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

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 the  
Bishop of the 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, and the  
Bishop of the 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.

**Doe Respondents' Return to Petition for  
Rehearing By Diocese Appellants**

The Doe Respondents, plaintiffs in the various cases in the trial court, oppose the Petition to Rehear by the Diocese Appellants. The Court correctly determined that the trial court’s orders to bifurcate and schedule the trials, and giving limited collateral review of the defective class action proceedings, are interlocutory, and not reviewable. *Fulmer v. Cain*, 670 S.E.2d 652, 654 (S.C. 2008) (“the ‘mode of trial’ exception to the general rule that only final orders are appealable is confined to orders which abridge a party’s constitutional right to trial by jury”); *Flagstar Corp. v. Royal Surplus Lines*, 533 S.E.2d 331, 332 (S.C. 2000) (“trial of all issues in the case in a single proceeding is not a mode of trial to which the parties are entitled as a matter of right.”) The Diocese simply overstates the holding in *Morrow v. Fundamental Long-Term Care Holdngs, LLC*, 773 S.E.2d 144 (S.C. 2015), which incorrectly claimed to have been an interlocutory order about bifurcation. 773 S.E.2d at 147: “We decline the Fundamental Defendants’ invitation to base our decision on the manner in which the motion was characterized—one of bifurcation.” The rationale of *Morrow* is not that bifurcation is a substantial right, but that when defendants are dismissed a substantial right is affected.

Conclusion

The petition to rehear should be denied.

Respectfully submitted,



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Official capacity; and Robert J. Baker, former Bishop of,  
Charleston in his official capacity, are.....Appellants.

**Proof of Service**

Pursuant to SCACR 240(d), by my signature below, I certify that I have on June 6, 2017,  
caused to be served on counsel listed below a copy of the

**Doe Respondents' Return to Diocese Petition to Rehear**

by causing a copy of the document to be placed in the United States mail, first-class postage pre-paid, addressed to the following counsel of record:

Richard S. Dukes, Jr.  
Brian Kern  
Turner Padget  
40 Calhoun Street, Suite 200  
PO Box 22129  
Charleston SC 29413-2129

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Shahid Law Office, LLC  
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PO Box 61110  
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McNair Law Firm, P.A.  
PO Box 1431  
Charleston SC 29401

In addition, a pdf copy of the document was emailed to:

[rdukes@turnerpadget.com](mailto:rdukes@turnerpadget.com)  
[bkern@turnerpadget.com](mailto:bkern@turnerpadget.com)  
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Done June 6, 2017



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COURT MEDIATOR  
† MEMBER SC, FL & GA BAR  
+ SPECIAL COUNSEL  
▲ OF COUNSEL  
● MEMBER SC & TN BAR

June 6, 2017

Jenny Abbott Kitchens  
Clerk of Court  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia SC 29201

**RECEIVED**  
JUN 08 2017  
SC Court of Appeals

Re: Return to Petition for Rehearing  
Appellate Case No. 2017-001092  
John Doe 2 et al. Respondents v. The Bishop of Charleston et al. Appellants

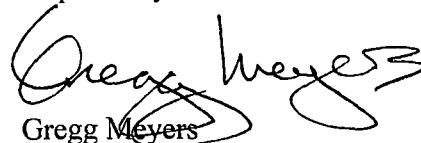
Dear Ms. Kitchens:

Enclosed please find:

the original of a proof of service,  
the original and six copies of a Return to Petition for Rehearing

Please file these documents with the court. Thank you very much.

Respectfully submitted,

  
Gregg Meyers



**PIERCE, HERNS, SLOAN & WILSON, LLC**  
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South Carolina Court of Appeals  
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