

Attachment A

Order filed August 10, 20117

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

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

John Doe 2 and Jane Doe 4,

v.

Plaintiff,

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; Robert J. Baker,
former Bishop of Charleston, in his official
capacity; Lawrence E. Richter, Jr., David K.
Haller, and Richter and Haller, LLC,

Defendants.

RECEIVED

SEP 27 2017

SC Court of Appeals

**ORDER GRANTING DIOCESE
DEFENDANTS' MOTION FOR SUMMARY
JUDGMENT**

BY _____
JUDGE OF COURT
2017 AUG 10 PM 3:18

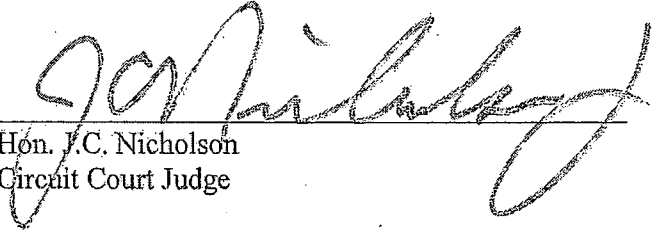
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This matter came before the Court on a Motion for Summary Judgment filed by Defendants The Bishop of Charleston, a Corporation Sole, Robert Guglielmone, The Bishop of Charleston, in his official Capacity, Rev. Monsignor Martin Laughlin, former Administrator of the Diocese of Charleston, in his Official capacity; Robert J. Baker, former Bishop of Charleston, in his official capacity (the "Diocese Defendants") regarding the sole remaining claims by Plaintiff – that the Diocese Defendants engaged in a civil conspiracy with the Lawyer Defendants (Third Cause of Action). ~~All other claims against the Diocese Defendants were dismissed by Order of Judge Roger Young on June 27, 2011. During oral argument on July 20, 2017, Plaintiff's counsel notified the Court that Plaintiffs were abandoning their cause of action for civil conspiracy as to all defendants in all cases.~~

For that reason, the Diocese Defendants' Motion for Summary Judgment is hereby **GRANTED** and Plaintiffs' claims against the Diocese Defendants for Civil Conspiracy is **DISMISSED with PREJUDICE**. These being the last claims remaining against the Diocese

Defendants, the Bishop of Charleston, a Corporation Sole, Robert Guglielmono, 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 are hereby **DISMISSED** from this case entirely.

Date 8/8/17



Hon. J.C. Nicholson
Circuit Court Judge

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
Civil Action No.: 2012-CP-10-3559

RECEIVED

SEP 27 2017

SC Court of Appeals

Jane Doe II,

v.

Plaintiff,

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; Robert J. Baker, former
Bishop of Charleston, in his official capacity;
Lawrence E. Richter, Jr., David K. Haller, and
Richter and Haller, LLC,

Defendants.

**ORDER GRANTING DIOCESE
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

BY _____
CLERK OF COURT
2017 AUG 10 PM 3:42

This matter came before the Court on a Motion for Summary Judgment filed by Defendants 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; Robert J. Baker, former Bishop of Charleston, in his official capacity (the "Diocese Defendants") regarding the sole remaining claims by Plaintiff – that the Diocese Defendants engaged in a civil conspiracy with the Lawyer Defendants (First Cause of Action) and that the Diocese Defendants aided and abetted the Lawyer Defendants' breach of fiduciary duty (Fifth Cause of Action). During oral argument on July 20, 2017, Plaintiff's counsel notified the Court that Plaintiff was abandoning her cause of action for civil conspiracy as to all defendants in all cases. All that remains then, is the claim that the Diocese Defendants aided and abetted the Lawyer Defendants' breach of fiduciary duty. Having considered the Diocese

Defendants' Motion and Memorandum of Law and having heard oral arguments from all counsel on July 20, 2017, the Court finds that no genuine issues of material fact exist and that Defendants are entitled to judgment as a matter of law.

STANDARD FOR SUMMARY JUDGMENT

Summary judgment is proper when it is clear there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. Summary judgment should be granted when plain, palpable, and undisputable facts exist on which reasonable minds cannot differ. In determining whether any triable issues of fact exist, the evidence and all inferences which can be reasonably drawn from the evidence must be viewed in the light most favorable to the nonmoving party. In order to resist a motion for summary judgment, the nonmoving party must come forward with specific facts showing genuine issues necessitating trial. Once a party moving for summary judgment carries the initial burden of showing an absence of evidentiary support for the nonmoving party's case, the nonmoving party may not simply rest on mere allegations or denials contained in the pleadings.

NationsBank v. Scott Farm, 465 S.E.2d 98, 100 (Ct. App. 1995) (internal citations omitted).

"[A] court cannot ignore facts unfavorable to th[e nonmoving] party and must determine whether a verdict for the party opposing the motion would be reasonably possible under the facts."

Stewart v. State Farm Mut. Auto Ins. Co., 533 S.E.2d 597, 600 (Ct. App. 2000),

It is not sufficient that one create an inference that is not reasonable or an issue of fact that is not genuine. The judge is not required to single out some one morsel of evidence and attach to it great significance when patently the evidence is introduced solely in a vain attempt to create an issue of fact that is not genuine [or material].

Priest v. Brown, 396 S.E.2d 638 (Ct. App. 1990) (citations omitted). "[W]hen plain, palpable,

and indisputable facts exist on which reasonable minds cannot differ, summary judgment should be granted." See *Logan v. Cherokee Landscaping & Grading Co.*, 698 S.E.2d 879, 882 n.4 (Ct. App. 2010) (citation omitted).

Plaintiff's Claim for Aiding and Abetting Breach of Fiduciary Duty

At oral argument and on brief, Plaintiff clarified that his aiding and abetting related solely to the Lawyer Defendants' original proposal to advertise the class action settlement nationally that later was changed to publication notice in 11 newspapers and the Diocese's own publication. No class had been certified at the time the Lawyer Defendants made their original proposal for nationwide notice, and the Court had not yet even considered whether class certification was appropriate. The Court further had not yet approved the class action settlement agreement – which itself had not been finalized and agreed upon by the Diocese and the Lawyer Defendants.

It has been long-settled in this State that a cause of action for aiding and abetting breach of fiduciary duty requires that plaintiff *prove* (1) a breach of fiduciary duty owed to the plaintiff; (2) the defendant's knowing participation in the breach; and (3) damages. "The gravamen of the claim is the defendant's knowing participation in the fiduciary's breach." *Future Group II v. Nationsbank*, 478 S.E.2d 45, 50 (S.C. 1996) (internal citations omitted). Where the defendant owes no fiduciary duty to the plaintiff as a matter of law, then the Diocese Defendants cannot knowingly participate in a breach of that duty. *Mason v. Mason*, 770 S.E.2d 405, 422 (S.C. 2015).

In support of their Motion for Summary Judgment, the Diocese Defendants submitted deposition testimony from former Bishop Robert Baker, who as Bishop of Charleston agreed to the class action settlement on behalf of the Diocese. Bishop Baker's testimony was that he wanted as broad a class notice as possible. The class notice was, in fact, approved by and ordered by the Court. The notice program was the subject of an objection filed by clients of Mr. Meyers, in which his clients specifically requested that the Court require nationwide publication.

There is no evidence whatsoever that the Lawyer Defendants failed to carry out the notice program ordered by Judge Goodstein. It is clear that the Diocese Defendants complied in every respect with the class action settlement agreement, and that the Lawyer Defendants followed the

Court's Order Approving Class Action Settlement precisely. In short, each and every action by the parties to the class action settlement was either directly ordered by Judge Goodstein or was approved by her.

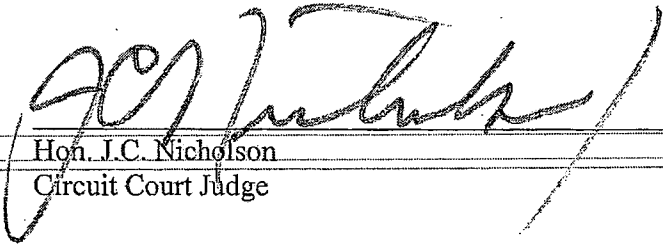
Plaintiff has submitted nothing more than argument – Plaintiff has not come forward with even the merest scintilla of evidence establishing a genuine issue of material fact regarding any of the essential elements of this claim and, failing any admissible evidence to support the claim, the Diocese Defendants are entitled to summary judgment.

CONCLUSION

For that reason, the Diocese Defendants' Motion for Summary Judgment is hereby **GRANTED** and Plaintiffs' claims against the Diocese Defendants for Civil Conspiracy and Aiding and Abetting Breach of Fiduciary Duty are **DISMISSED with PREJUDICE**. These being the last claims remaining against the Diocese Defendants, the Bishop of Charleston, a Corporation Sole, Robert Guglielmono, 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 are hereby **DISMISSED** from this case entirely.

Date

8/8/17


Hon. J.C. Nicholson
Circuit Court Judge

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
Civil Action No.: 2013-CP-10-3733

John Doe 193,

v.

Plaintiff,

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; Robert J. Baker, former
Bishop of Charleston, in his official capacity;
Lawrence E. Richter, Jr., David K. Haller, and
Richter and Haller, LLC,

Defendants.

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SC Court of Appeals

**ORDER GRANTING DIOCESE
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

BY

CLARENCE M. COOPER, JR.
CLERK OF COURT

2017 AUG 10 PM 3:48

FILED

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This matter came before the Court on a Motion for Summary Judgment filed by Defendants 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; Robert J. Baker, former Bishop of Charleston, in his official capacity (the "Diocese Defendants") regarding the sole remaining claims by Plaintiff – that the Diocese Defendants engaged in a civil conspiracy with the Lawyer Defendants (Third Cause of Action) and that the Diocese Defendants aided and abetted the Lawyer Defendants' breach of fiduciary duty (Sixth Cause of Action). During oral argument on July 20, 2017, Plaintiff's counsel notified the Court that Plaintiff was abandoning his cause of action for civil conspiracy as to all defendants in all cases. All that remains then, is the claim that the Diocese Defendants aided and abetted the Lawyer Defendants' breach of fiduciary duty. Having considered the Diocese

Defendants' Motion and Memorandum of Law and having heard oral arguments from all counsel on July 20, 2017, the Court finds that no genuine issues of material fact exist and that Defendants are entitled to judgment as a matter of law.

STANDARD FOR SUMMARY JUDGMENT

Summary judgment is proper when it is clear there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. Summary judgment should be granted when plain, palpable, and undisputable facts exist on which reasonable minds cannot differ. In determining whether any triable issues of fact exist, the evidence and all inferences which can be reasonably drawn from the evidence must be viewed in the light most favorable to the nonmoving party. In order to resist a motion for summary judgment, the nonmoving party must come forward with specific facts showing genuine issues necessitating trial. Once a party moving for summary judgment carries the initial burden of showing an absence of evidentiary support for the nonmoving party's case, the nonmoving party may not simply rest on mere allegations or denials contained in the pleadings.

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NationsBank v. Scott Farm, 465 S.E.2d 98, 100 (Ct. App. 1995) (internal citations omitted).

"[A] court cannot ignore facts unfavorable to th[e nonmoving] party and must determine whether a verdict for the party opposing the motion would be reasonably possible under the facts."

Stewart v. State Farm Mut. Auto Ins. Co., 533 S.E.2d 597, 600 (Ct. App. 2000).

It is not sufficient that one create an inference that is not reasonable or an issue of fact that is not genuine. The judge is not required to single out some one morsel of evidence and attach to it great significance when patently the evidence is introduced solely in a vain attempt to create an issue of fact that is not genuine [or material].

~~*Priest v. Brown*, 396 S.E.2d 638 (Ct. App. 1990) (citations omitted). "[W]hen plain, palpable, and indisputable facts exist on which reasonable minds cannot differ, summary judgment should be granted." See *Logan v. Cherokee Landscaping & Grading Co.*, 698 S.E.2d 879, 882 n.4 (Ct. App. 2010) (citation omitted).~~

Plaintiff's Claim for Aiding and Abetting Breach of Fiduciary Duty

At oral argument and on brief, Plaintiff clarified that his aiding and abetting related solely to the Lawyer Defendants' original proposal to advertise the class action settlement nationally that later was changed to publication notice in 11 newspapers and the Diocese's own publication. No class had been certified at the time the Lawyer Defendants made their original proposal for nationwide notice, and the Court had not yet even considered whether class certification was appropriate. The Court further had not yet approved the class action settlement agreement – which itself had not been finalized and agreed upon by the Diocese and the Lawyer Defendants.

It has been long-settled in this State that a cause of action for aiding and abetting breach of fiduciary duty requires that plaintiff *prove* (1) a breach of fiduciary duty owed to the plaintiff; (2) the defendant's knowing participation in the breach; and (3) damages. "The gravamen of the claim is the defendant's knowing participation in the fiduciary's breach." *Future Group II v. Nationsbank*, 478 S.E.2d 45, 50 (S.C. 1996) (internal citations omitted). Where the defendant owes no fiduciary duty to the plaintiff as a matter of law, then the Diocese Defendants cannot knowingly participate in a breach of that duty. *Mason v. Mason*, 770 S.E.2d 405, 422 (S.C. 2015).

In support of their Motion for Summary Judgment, the Diocese Defendants submitted deposition testimony from former Bishop Robert Baker, who as Bishop of Charleston agreed to the class action settlement on behalf of the Diocese. Bishop Baker's testimony was that he wanted as broad a class notice as possible. The class notice was, in fact, approved by and ordered by the Court. The notice program was the subject of an objection filed by clients of Mr. Meyers, in which his clients specifically requested that the Court require nationwide publication.

There is no evidence whatsoever that the Lawyer Defendants failed to carry out the notice program ordered by Judge Goodstein. It is clear that the Diocese Defendants complied in every respect with the class action settlement agreement, and that the Lawyer Defendants followed the

Court's Order Approving Class Action Settlement precisely. In short, each and every action by the parties to the class action settlement was either directly ordered by Judge Goodstein or was approved by her.

Plaintiff has submitted nothing more than argument – Plaintiff has not come forward with even the merest scintilla of evidence establishing a genuine issue of material fact regarding any of the essential elements of this claim and, failing any admissible evidence to support the claim, the Diocese Defendants are entitled to summary judgment.

CONCLUSION

For that reason, the Diocese Defendants' Motion for Summary Judgment is hereby **GRANTED** and Plaintiffs' claims against the Diocese Defendants for Civil Conspiracy and Aiding and Abetting Breach of Fiduciary Duty are **DISMISSED with PREJUDICE**. These being the last claims remaining against the Diocese Defendants, 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; Robert J. Baker, former Bishop of Charleston, in his official capacity are hereby **DISMISSED** from this case entirely.

Date

E/E/17


Hon. J.C. Nicholson
Circuit Court Judge

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
Civil Action No.: 2016-CP-10-1632

RECEIVED

SEP 27 2017

SC Court of Appeals

John Doe 297,

v.

Plaintiff,

The Bishop of Charleston, a Corporation Sole,
Robert Guglielmono, 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.

**ORDER GRANTING DIOCESE
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

BY

JULIE A. HARRIS
CLERK OF COURT

2017 AUG 10 PM 3:48

FILED

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This matter came before the Court on a Motion for Summary Judgment filed by Defendants The Bishop of Charleston, a Corporation Sole, Robert Guglielmono, 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 (the "Diocese Defendants") regarding the sole remaining claims by Plaintiff – that the Diocese Defendants engaged in a civil conspiracy with the Lawyer Defendants (Third Cause of Action) and that the Diocese Defendants aided and abetted the Lawyer Defendants' breach of fiduciary duty (Sixth Cause of Action). During oral argument on July 20, 2017, Plaintiff's counsel notified the Court that Plaintiff was abandoning his cause of action for civil conspiracy as to all defendants in all cases. All that remains then, is the claim that the Diocese Defendants aided and abetted the Lawyer Defendants' breach of fiduciary duty. Having considered the Diocese

Defendants' Motion and Memorandum of Law and having heard oral arguments from all counsel on July 20, 2017, the Court finds that no genuine issues of material fact exist and that Defendants are entitled to judgment as a matter of law.

STANDARD FOR SUMMARY JUDGMENT

Summary judgment is proper when it is clear there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. Summary judgment should be granted when plain, palpable, and undisputable facts exist on which reasonable minds cannot differ. In determining whether any triable issues of fact exist, the evidence and all inferences which can be reasonably drawn from the evidence must be viewed in the light most favorable to the nonmoving party. In order to resist a motion for summary judgment, the nonmoving party must come forward with specific facts showing genuine issues necessitating trial. Once a party moving for summary judgment carries the initial burden of showing an absence of evidentiary support for the nonmoving party's case, the nonmoving party may not simply rest on mere allegations or denials contained in the pleadings.

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At oral argument and on brief, Plaintiff clarified that his aiding and abetting related solely to the Lawyer Defendants' original proposal to advertise the class action settlement nationally that later was changed to publication notice in 11 newspapers and the Diocese's own publication. No class had been certified at the time the Lawyer Defendants made their original proposal for nationwide notice, and the Court had not yet even considered whether class certification was appropriate. The Court further had not yet approved the class action settlement agreement – which itself had not been finalized and agreed upon by the Diocese and the Lawyer Defendants.

It has been long-settled in this State that a cause of action for aiding and abetting breach of fiduciary duty requires that plaintiff *prove* (1) a breach of fiduciary duty owed to the plaintiff; (2) the defendant's knowing participation in the breach; and (3) damages. "The gravamen of the claim is the defendant's knowing participation in the fiduciary's breach." *Future Group II v. Nationsbank*, 478 S.E.2d 45, 50 (S.C. 1996) (internal citations omitted). Where the defendant owes no fiduciary duty to the plaintiff as a matter of law, then the Diocese Defendants cannot knowingly participate in a breach of that duty. *Mason v. Mason*, 770 S.E.2d 405, 422 (S.C. 2015).

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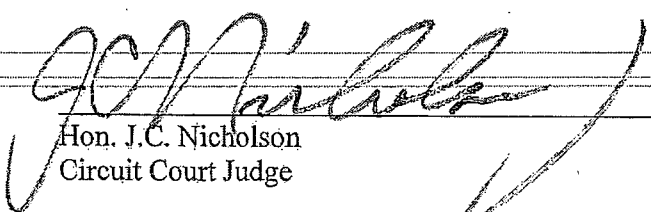
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CONCLUSION

For that reason, the Diocese Defendants' Motion for Summary Judgment is hereby **GRANTED** and Plaintiffs' claims against the Diocese Defendants for Civil Conspiracy and Aiding and Abetting Breach of Fiduciary Duty are **DISMISSED with PREJUDICE**. These being the last claims remaining against the Diocese Defendants, the Bishop of Charleston, a Corporation Sole, Robert Guglielmo, 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 are hereby **DISMISSED** from this case entirely.

Date

5/8/19


Hon. J.C. Nicholson
Circuit Court Judge

FORM 4

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2010-CP-10-5520; 2010-CP-10-7233; 2012-CP-10-5559; 2013-CP-10-3733; 2013-CP-10-4175; 2013-CP-10-4176; 2015-CP-10-5486; 2016-CP-10-1632

RECEIVED

John Doe, et al.
 PLAINTIFF(S)

The Bishop of Charleston, a Corporation Sole, et al.
 DEFENDANT(S)

SEP 27 2017

Submitted by:	SC Court of Appeals	Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant
		or <input type="checkbox"/> 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. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRCP; Rule 41(a), SCRCP (Vol. Nonsuit); Rule 43(k), SCRCP (Settled); Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRCP; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- STAYED DUE TO BANKRUPTCY**
- 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:

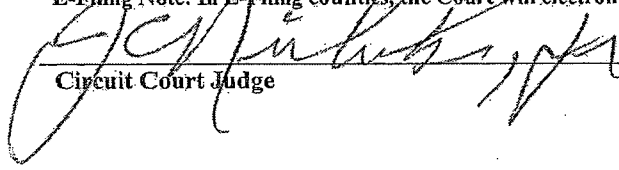
ORDER INFORMATION

This order ends does not end the case.
 Additional Information for the Clerk :

INFORMATION FOR THE JUDGMENT 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 (List amount(s) below)
		\$
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.

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.


 Circuit Court Judge

2117
 Judge Code

8/8/17
 Date