THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas
Diane Schafer Goodstein, Circuit Court Judge

Appellate Case No. 2015-000622

The Protestant Episcopal Church in the Diocese of South Carolina; The Trustees of The Protestant Episcopal Church in South Carolina, a South Carolina Corporate Body; All Saints Protestant Episcopal Church, Inc.; Christ St. Paul's Episcopal Church; Christ the King, Waccamaw; Church of The Cross, Inc. and Church of the Cross Declaration of Trust; Church of The Holy Comforter; Church of the Redeemer; Holy Trinity Episcopal Church; Saint Luke's Church, Hilton Head; St. Matthews Church; St. Andrews Church-Mt. Pleasant Land Trust; St. Bartholomews Episcopal Church; St. David's Church; St. James' Church, James Island, S.C.; St. John's Episcopal Church of Florence, S.C.; St. Matthias Episcopal Church, Inc.; St. Paul's Episcopal Church of Bennettsville, Inc.; St. Paul's Episcopal Church of Conway; The Church of St. Luke and St. Paul, Radcliffeboro; The Church of Our Saviour of the Diocese of South Carolina; The Church of the Epiphany (Episcopal); The Church of the Good Shepherd, Charleston, SC; The Church of The Holy Cross; The Church of The Resurrection, Surfside; The Protestant Episcopal Church of The Parish of Saint Philip, in Charleston, in the State of South Carolina; The Protestant Episcopal Church, The Parish of Saint Michael, in Charleston, in the State of South Carolina and St. Michael's Church Declaration of Trust; The Vestry and Church Wardens of St. Jude's Church of Walterboro; The Vestry and Church Wardens of The Episcopal Church of The Parish of Prince George Winyah; The Vestry and Church Wardens of The Church of The Parish of St. Helena and The Parish Church of St. Helena Trust; The Vestry and Church Wardens of The Parish of St. Matthew; The Vestry and Wardens of St. Paul's Church, Summerville; Trinity Church of Myrtle Beach; Trinity Episcopal Church; Trinity Episcopal Church, Pinopolis; Vestry and Church Wardens of the Episcopal Church of

The Parish of Christ Church; Vestry and Church Wardens of The Episcopal Church of the Parish of St. John's, Charleston County, The Vestries and Churchwardens of The Parish of St. Andrews,,.....

Respondents,

v.

The Episcopal Church (a/k/a The Protestant Episcopal Church in the United States of America) and The Episcopal Church in South Carolina,..... Appellants.

RESPONSE TO AMICUS CURIAE BRIEF OF THE HONORABLE WILLIAM T. HOWELL AND THE HONORABLE H. SAMUEL STILWELL

I. Justice Hearn's recusal is warranted under the Judicial Canons and the Due Process Clause.

As set forth in the Motion to Recuse, Justice Hearn should have recused herself under Canon 3E because of her bias, her and her husband's greater than *de minimis* interest that could be substantially affected by the outcome of this proceeding, and her husband's role as a witness in the underlying dispute. (Mot. Recuse pp. 17-19.) While amici argue that "[n]o reasonable person could believe that Justice Hearn should be condemned as biased because she sings in the choir or attends a church that is not a party," (Br. of Amici p. 22.), they largely disregard the volume of evidence and various bases for recusal submitted with the Motion to Recuse. As a result, amici's position is unhelpful to the Court.

Amici take the position that Justice Hearn did not have greater than a *de minimis* interest in the outcome of the action because the Court's non-final result from the five opinions of the Justices is that St. Paul's Conway did not accede to the Dennis Canon, so St. Anne's could not obtain St. Paul's Conway's property. (Br. of Amici pp. 13-14.) The test under the Canon, however, is not whether the judge has an interest greater than de minimis *after the result of a proceeding*; the test is whether the judge has an interest "that could be substantially affected by

the proceeding." Canon 3E(c), CJC, Rule 501, SCACR. When viewed under the proper test, disclosure and recusal should have occurred.

Justice Hearn's opinion, were it to control in its entirety, would directly benefit St. Anne's despite it not being a party to the action, for Justice Hearn emphasized that she would "find that all thirty-six parishes acceded to the Dennis Canon such that a legally cognizable trust was created in favor of the National Church." (Op. at 19 n.27). Thus, Justice Hearn's opinion favored transferring St. Paul's Conway property to TEC. Even if St. Anne's disclaimed any interest in the property *in this litigation*, under the Court's current opinion, TEC will take St. Paul's Conway's property and may transfer an interest in or the right to use the church to St. Anne's. (*See* Mot. Recuse Ex. 31 p. 4.) Amici's position regarding this issue should thus be rejected.

Next, Amici argues that Justice Hearn does not have greater than a *de minimis* interest because George Hearn was not called as a witness at trial. (Br. of Amici p. 14.) Again, Justice Hearn's interest, as well as George Hearn's interest imputed to her, arise out of their personal involvement in the events underlying the litigation. An individual need not be a trial witness to have a greater than *de minimis* interest under Canon 3E(d)(iii), and Amici cannot dispute that George Hearn was a deposition witness. Moreover, Amici cite no authority defining a "material witness" under Canon 3E(d)(iv) as only applying to trial witnesses. Many witnesses at trials have limited knowledge of the facts, whereas key actors in the underlying action frequently do not testify at the trial. Materiality is defined by the witness's connection to the underlying dispute, not their strategic role in the litigation.

Amici do not factually dispute the evidence filed in support of the Motion to Recuse detailing George Hearn's substantial involvement in leading the opposition to St. Paul's Conway and the founding of St. Anne's. (Mot. Recuse pp. 5-6, 8-9.) George Hearn's key role in the events

giving rise to this action demonstrates his greater than *de minimis* interest. Amici's conclusory statement that "[t]here is no evidence either Hearn has more than a *de minimis* interest" simply disregards the evidence provided with the Motion to Recuse. (Br. of Amici p. 14.)

Amici also argue that Justice Hearn does not have greater than a *de minimis* interest because St. Anne's is not a party to the litigation. (Br. of Amici pp. 14-16.) Amici's argument misapprehends the basis for Justice Hearn's inclusion as a party to the action under Canon 3E(d)(i). At the time the case was filed, Justice Hearn was a member of either the unincorporated association TECSC or the unincorporated association St. Anne's, which was itself a member of the unincorporated association TECSC. (*See* Mot. Recuse pp. 11-12.) TECSC and TEC are both comprised of individual members, including Justice Hearn; as unincorporated associations, neither TEC nor TECSC are legal entities "separate from the persons who compose [them]." *Graham v. Lloyd's of London*, 296 S.C. 249, 255, 371 S.E.2d 801, 804 (Ct. App. 1988); *Medlin v. Ebenezer Methodist Church*, 132 S.C. 498, 129 S.E. 830 (1925).

Under South Carolina law, an individual's membership in an unincorporated association may subject that person to personal liability for the association's debts. *See Elliott v. Greer Presbyterian Church*, 181 S.C. 84, 186 S.E. 651 (1936); *Crocker v. Barr*, 305 S.C. 406, 409, 409 S.E.2d 368, 370 (1991); S.C. Code Ann. § 15-35-170 ("On judgment being obtained against an unincorporated association under process served as provided in § 15-9-330 final process may issue to recover satisfaction of such judgment, and any property of the association and the individual property of any copartner or member thereof found in the State shall be liable to judgment and execution for satisfaction of any such judgment."). Thus, under South Carolina law, Justice Hearn could be personally liable for a judgment against TECSC at least until the time of the incorporation

of St. Anne's. Accordingly, Justice Hearn is a party under Canon 3E(d)(i) and has greater than a *de minimis* interest under Canon 3E(d)(iv).

Additionally, Amici claim that Justice Hearn was not required to follow the disclosure provisions of Canon 3F, which are permissive. (Br. of Amici pp. 23-24.) Amici ignore, however, that remittal of disqualification, as happened here, may only properly occur after disclosure pursuant to the provisions of Canon 3F. Canons 3E and 3F do not contemplate a disqualified judge remaining on the case despite declining to disclose the basis for the disqualification to the parties. Accordingly, Justice Hearn was obligated to recuse herself or disclose the bases for the disqualification.[1]

Finally, Amici address Justice Hearn's decision not to recuse in the context of whether her conduct constituted a constitutional due process violation. (Br. of Amici pp. 11-16.) Importantly, "[t]he Due Process Clause demarks only the outer boundaries of judicial disqualifications." *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 889–90 (2009). "Because the codes of judicial conduct provide more protection than due process requires, most disputes over disqualification will be resolved without resort to the Constitution." *Id.* Because Justice Hearn was disqualified pursuant to Canon 3E but failed to recuse herself or disclose the basis for her disqualification, her prospective recusal and vacating her opinion are warranted.

In any event, Justice Hearn's refusal to recuse does rise to the level of a due process violation. As the United States Supreme Court has recognized, due process requires recusal where

[1] Amici argue that, "[u]nder Fox's theory, any justice would arguably be required to disclose any pertinent information any time he or she learns of any case with a constitutional interest, subject to immediate appealability to the Supreme Court." (Br. of Amici p. 24.) Canon 3F does not necessarily require disclosure prior to the Supreme Court obtaining jurisdiction over the case. Regardless, Professor Fox's "theory" is exactly what Canon 3F contemplates: justices disclosing pertinent information in all cases in which they are disqualified but have not yet recused.

the judge's situation "offer[s] a possible temptation to the average man as a judge to forget the burden of proof . . . , or which might lead him not to hold the balance nice, clear, and true[.]" *Ward v. Vill. of Monroeville, Ohio*, 409 U.S. 57, 60 (1972). As set forth in the Motion to Recuse, Justice Hearn's interest in the issues and parties, coupled with the imputation of George Hearn's key role in the underlying dispute, offers the temptation to not hold the balance "nice, clear, and true." (Mot. Recuse pp. 13-17.) Accordingly, Justice Hearn should prospectively recuse herself and the Court should vacate Justice Hearn's opinion under the Judicial Canons and Due Process Clause.

II. The Motion to Recuse is supported by proper evidence.

Amici contend that two forms of evidence submitted in support of the Motion to Recuse, excerpts from Justice Hearn's opinion and media sources, provide insufficient support for her recusal. Both sources may be relied upon in determining whether Justice Hearn should recuse from hearing the petition for rehearing.

First, Amici suggest that a judge's actions in a particular case may not serve as the basis for recusal or disqualification in that case. (Br. of Amici pp. 16-17.) Amici's unyielding rule is not supported by state law. Although a motion to recuse may not be "predicated" on rulings or comments in the case before the judge, *Mallett v. Mallett*, 323 S.C. 141, 146–47, 473 S.E.2d 804, 808 (Ct. App. 1996), "a judge's impartiality might reasonably be questioned when his *factual findings are not supported by the record*." *Ellis v. Procter & Gamble Distrib. Co.*, 315 S.C. 283, 285, 433 S.E.2d 856, 857 (1993) (emphasis added). Thus, recusal may be warranted where rulings in the particular case at issue demonstrate the judge's reliance upon extrajudicial sources or actions.

The United States Supreme Court has recognized that, although the situation rarely arises, recusal "may" be warranted when opinions held by a judge are derived from a source outside the

record and "will" be warranted "if they reveal such a high degree of favoritism or antagonism as to make fair judgment impossible." *Liteky v. United States*, 510 U.S. 540, 555 (1994). Thus, contrary to amici's claim, an objectively reasonable basis for questioning a judge's impartiality may arise in judicial rulings alone and "surely do[es] so when accompanied by extrajudicial actions." *See In re Int'l Bus. Machines Corp.*, 45 F.3d 641 (2d Cir. 1995) (granting writ of mandamus directing trial judge to recuse himself from case).

Movants do not contend that recusal is warranted because Justice Hearn decided against Movants, as Amici claim. (Br. of Amici pp. 17-18.) Instead, Justice Hearn's reliance on facts outside the record in her opinion demonstrates that her basis for ruling against Movants was derived from extrajudicial sources and warrants her recusal from hearing the Petition for Rehearing. (*See* Mot. Recuse pp. 9-10.)

Second, Amici contend that newspaper editorials and other media coverage do not serve as a proper foundation for recusal, citing *Cheney v. U.S. Dist. Court for D.C.*, 541 U.S. 913 (2004). (Br. of Amici pp. 19-20.) However, the motion to recuse in *Cheney* relied *solely* on editorials requesting that Justice Scalia recuse himself. *See* Mot. Recuse, *Cheney v. United States Dist. Court for D.C.*, available at 2004 WL 3741418, at 3 (2004). Unlike the motion to recuse in *Cheney*, the Motion to Recuse Justice Hearn is not based solely on media articles. The Motion to recuse is supported by two affidavits by individuals with personal knowledge of the facts; two affidavits by experts in professional ethics; the deposition testimony of Justice Hearn's spouse; primary source articles from The Episcopal Church; and discovery from outside the record on appeal. The opinion articles from the media provided to the Court were included to support Movants' factual claims about Justice Hearn's conflicts, and to demonstrate the public recognition of bias—not to prove the bias, as amici claim. Newspaper articles and other media may be relevant to demonstrate

whether the appearance of impartiality may be questioned. *See United States v. Tucker*, 78 F.3d 1313, 1322 (8th Cir. 1996) (granting motion to recuse premised primarily on newspaper articles demonstrating public recognition of bias).

III. The Motion to Recuse was timely filed under South Carolina law.

Amici argue that the Motion to Recuse should be denied as untimely filed pursuant to *Davis v. Parkview Apartments*, 409 S.C. 266, 762 S.E.2d 535 (2014). (Br. of Amici pp. 6-9). This argument should be rejected.

Amici argue that the Court in *Davis* instructed parties to file motions to recuse "at the first opportunity after the discovery of disqualifying facts." (Br. of Amici p. 8.) The *Davis* Court gave no such an instruction. In *Davis*, the Court stated in dicta that the timeliness of the motion to recuse there was "questionable." *Id.*, 409 S.C. at 289, 762 S.E.2d at 547 (citing *Duplan Corp. v. Milliken, Inc.*, 400 F.Supp. 497, 510 (D.S.C. 1975)). The federal court in *Duplan*, however, the only authority noted by the *Davis* Court for this "questionable" observation, found that a motion to recuse was untimely under the federal recusal statute, which has an express timing provision. 28 U.S.C. § 144 (stating that an affidavit in support of a motion to recuse must be filed within ten days before the beginning of the term at which the proceeding is to be heard). South Carolina does not have a recusal statute similar to the federal recusal statute, and cases relying upon the federal timeliness requirement are thus inapposite under South Carolina law.

The cited dicta from *Davis* does not support amici's proposed rule, which would require that all parties in an appeal file motions for recusal at "their first opportunity." The proposed rule of amici does not represent sound policy and is not supported by the Canons. The Canons contemplate the opposite—placing the determination regarding recusal and duty to disclose and recuse on the judge, not the parties. The adoption of a rule as proposed by Amici would require

that parties "at their first opportunity" file recusal motions, thereby placing into the public record such matters as Justice's financial records detailing their financial interest in a party; private communications detailing current and former relationships between a Justice and a party, counsel, or law firm; familial or personal connections to or statements regarding the facts or issues; or other details which could relate to the Justice's impartiality.

Requiring that parties file motions to recuse at the "first opportunity" to avoid waiving recusal is also a rule that includes an assumption that all grounds warranting recusal are learned at the same point in time. The reality is that such does not always occur. *See Ellis v. Procter & Gamble Distrib. Co.*, 315 S.C. 283, 285, 433 S.E.2d 856, 857 (1993) (evidence of judicial prejudice gleaned from noting unsupported facts cited in opinion of the judge). Movants here did not learn of all of the grounds for recusal—for example, Justice Hearn's reliance on facts from outside the record in reaching her opinion—until the release of her opinion. Further, in this 5 member appellate court context, if the Court's opinion had been, for example, 4-1 in Movants' favor, Movants would have not been prejudiced by Justice Hearn's opinion, and the Motion would have been unnecessary. The proposed rule of amici would mandate the motion in all circumstances at the parties' first opportunity. Creating a rule that requires parties to invade the Justices' self-executing duty to recuse themselves is contrary to judicial economy and unwarranted.[2] (*See* Reply to Mot. to Recuse pp. 7-10 (detailing problems with creating a timeliness requirement for appellate motions to recuse).

Regardless, the Motion to Recuse is timely. This Court has recognized that "[a]n opinion of an appellate court is not final until the remittitur is filed in the lower court." *Harleysville Mut.*

[2] Moreover, such a rule would require that parties file superfluous motions to recuse Court of Appeals judges before learning the judges on their panel. This problem would be especially prominent in the South Carolina Court of Appeals.

Ins. Co. v. State, 401 S.C. 15, 23, 736 S.E.2d 651, 655 n.2 (2012) (citing *Brackenbrook North Charleston, LP v. Cnty. of Charleston,* 366 S.C. 503, 623 S.E.2d 91 (2005)). "The timely filing of a petition for rehearing stays the sending of the remittitur, thereby depriving the decision of finality." *Id.* (citing *State v. Hallock,* 277 S.C. 413, 288 S.E.2d 398 (1982)). Hence, none of the opinions of the Justices here are yet final or binding on anyone. Accordingly, Justice Hearn's prospective recusal will not undo any final decisions. Instead, the Justice appointed to hear the petition for rehearing may take Justice Hearn's place and participate in the Court's final opinion, which opinions would be rendered only after consideration of the arguments made in the Petition for Rehearing.

Amici make no argument that prospective recusal is unavailable and inappropriate in these circumstances. Indeed Amici offer no meaningful response to Movants' argument that, at an absolute minimum, timeliness concerns cannot bar relief *prospectively*. As Movants explained at length in their motion for recusal and their reply brief in support of that motion, when a motion for recusal is "presented to the [judge] prior to a proceeding over which the judge would preside," the motion simply cannot be denied for lack of timeliness, lest a judge who has an actual or apparent bias be allowed to continue to preside over the case. *United States v. Furst*, 886 F.2d 558, 581 (3d Cir. 1989); *see also In re Kensington Int'l*, 368 F.3d 289, 316-17 (3d Cir. 2004); *Bradley v. Milliken*, 426 F. Supp. 929, 931 (E.D. Mich. 1977). Amici offer no response before there is none. The judicial system simply cannot tolerate a tolerate with an actual or apparent bias to continue to sit on proceedings after a recusal motion is brought.

In several cases, an appellate judge or justice recusing prospectively as to rehearing, based on facts arising both before or after the decision. *See Core Commc'ns, Inc. v. Verizon Pennsylvania, Inc.*, 490 F.3d 336, 337 (3d Cir. 2007) (appointing replacement judge to panel to

hear rehearing after judge on original panel participated in oral argument, panel conference, and joined in the decision prior to discovering facts causing him to recuse from the petition for rehearing); *Jones v. Trammell*, 777 F.3d 1099, 1100 (10th Cir. 2015) (judge subject to recusal argument in rehearing petition voluntarily recused himself from consideration of petition for rehearing, even though argument only "might" meet grounds for recusal, to avoid "risk of undermining the public's confidence in the judicial process"); *see also Herbert v. D.C.*, 698 A.2d 1017, 1018 (D.C. 1997); *Briggs v. United States*, 48 F.3d 288 (8th Cir. 1995).

A decision of the Indiana Court of Appeals represents persuasive reasoning. *Pickett v. State*, 903 N.E.2d 1073 (Ind. Ct. App. 2009) (unpublished table decision). An Indiana Court of Appeals judge had a practice of recusing himself in all appeals in which a party was represented by the judge's former wife. The appellant in *Pickett* was represented by the judge's ex-wife, but the judge inadvertently failed to recuse himself. The issue was not raised by the appellant until the petition for rehearing. The Indiana Court of Appeals recognized that the conflict was not waivable under the Judicial Canons and respected the judge's decision to prospectively withdraw as to rehearing. The court withdrew the panel opinion, designated a replacement judge, and continued with the appeal as normal. *Pickett v. State*, 905 N.E.2d 67 (Ind. Ct. App. 2009) (unpublished table decision).

It is indisputable that both the judge and the appellant in *Pickett* knew and had always known that the appellant was represented by the judge's ex-wife. The ex-wife filed the petition requesting recusal. The *Pickett* Court, however, unlike TEC here, did not suggest that the appellant engaged in gamesmanship, waived an unwaivable basis for recusal, or untimely raised it in the petition for rehearing. Instead, the *Pickett* Court simply eliminated the issue by appointing a replacement, thereby avoiding any risk of undermining the public's confidence in the judicial

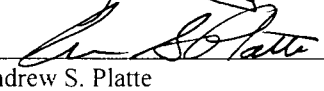
process and allowing the appeal to continue as normal. The Court should respectfully consider a similar approach.

CONCLUSION

Respectfully, Justice Hearn should recuse herself from hearing the Petition for Rehearing and the Court should vacate her opinion and appoint a Justice to hear the Petition. Failing that, the Court should vacate all of the opinions and order rehearing.

[SIGNATURE PAGE ATTACHED]

C. Alan Runyan



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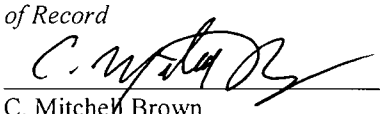
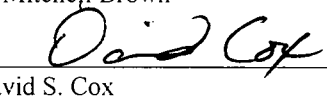


C. Mitchell Brown



David S. Cox
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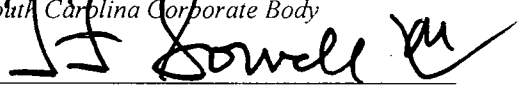

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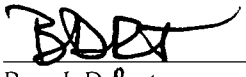

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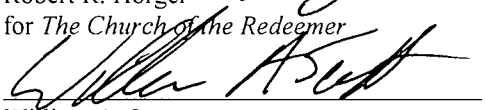

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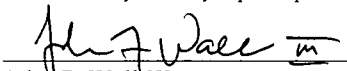

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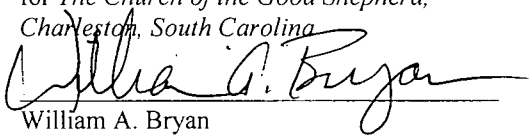

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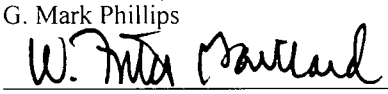

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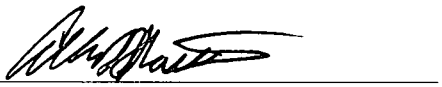

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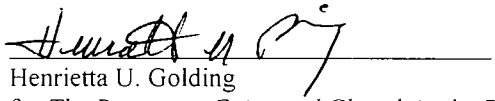

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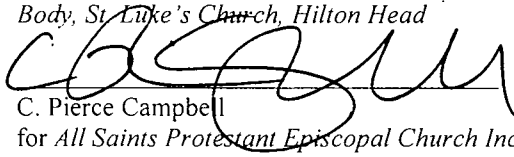

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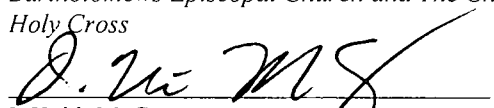

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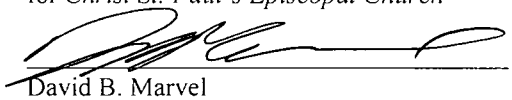

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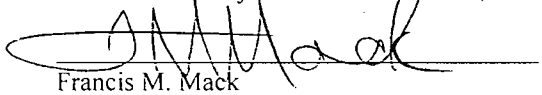

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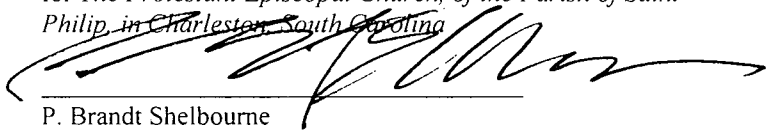
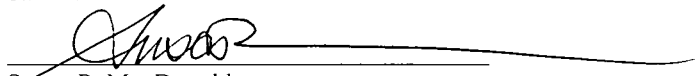
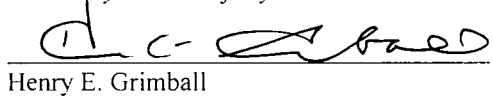


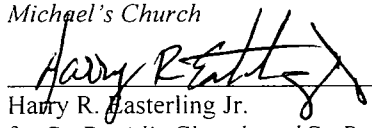
P. Brandt Shelbourne
for *The Vestry and Wardens of St. Paul's Church, Summerville*



Susan P. MacDonald
James K. Lehman
for *Trinity Church of Myrtle Beach*



Henry E. Grimball
for *The Protestant Episcopal Church, The Parish of Saint Michael in Charleston, in the State of South Carolina and St. Michael's Church*



Harry R. Easterling Jr.
for *St. David's Church and St. Paul's Episcopal Church of Bennettsville, Inc.*

Mark V. Evans
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Charles H. Williams

Thomas Davis
for *The Protestant Episcopal Church in the Diocese of South Carolina and the Trustees of The Protestant Episcopal Church in South Carolina, a South Carolina Corporate Body*

John B. Williams
for *Trinity Episcopal Church of Pinopolis*

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas
Diane Schafer Goodstein, Circuit Court Judge

Appellate Case No. 2015-000622

The Protestant Episcopal Church in the Diocese of South Carolina; The Trustees of The Protestant Episcopal Church in South Carolina, a South Carolina Corporate Body; All Saints Protestant Episcopal Church, Inc.; Christ St. Paul's Episcopal Church; Christ the King, Waccamaw; Church of The Cross, Inc. and Church of the Cross Declaration of Trust; Church of The Holy Comforter; Church of the Redeemer; Holy Trinity Episcopal Church; Saint Luke's Church, Hilton Head; St. Matthews Church; St. Andrews Church-Mt. Pleasant Land Trust; St. Bartholomews Episcopal Church; St. David's Church; St. James' Church, James Island, S.C.; St. John's Episcopal Church of Florence, S.C.; St. Matthias Episcopal Church, Inc.; St. Paul's Episcopal Church of Bennettsville, Inc.; St. Paul's Episcopal Church of Conway; The Church of St. Luke and St. Paul, Radcliffeboro; The Church of Our Saviour of the Diocese of South Carolina; The Church of the Epiphany (Episcopal); The Church of the Good Shepherd, Charleston, SC; The Church of The Holy Cross; The Church of The Resurrection, Surfside; The Protestant Episcopal Church of The Parish of Saint Philip, in Charleston, in the State of South Carolina; The Protestant Episcopal Church, The Parish of Saint Michael, in Charleston, in the State of South Carolina and St. Michael's Church Declaration of Trust; The Vestry and Church Wardens of St. Jude's Church of Walterboro; The Vestry and Church Wardens of The Episcopal Church of The Parish of Prince George Winyah; The Vestry and Church Wardens of The Church of The Parish of St. Helena and The Parish Church of St. Helena Trust; The Vestry and Church Wardens of The Parish of St. Matthew; The Vestry and Wardens of St. Paul's Church, Summerville; Trinity Church of Myrtle Beach; Trinity Episcopal Church;

Trinity Episcopal Church, Pinopolis; Vestry and Church Wardens of the Episcopal Church of The Parish of Christ Church; Vestry and Church Wardens of The Episcopal Church of the Parish of St. John's, Charleston County, The Vestries and Churchwardens of The Parish of St. Andrews,,..... Respondents,

v.

The Episcopal Church (a/k/a The Protestant Episcopal Church in the United States of America) and The Episcopal Church in South Carolina, ... Appellants.

PROOF OF SERVICE

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Respondents, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by e-mailing a copy of the same to the following address(es):

Pleadings: **Response to Amicus Curiae Brief of the Honorable William T. Howell and the Honorable H. Samuel Stilwell**

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