

STATE OF SOUTH CAROLINA
In The Court of Appeals

Susan Harrison, Christopher Jones, Connie McKee,
and Desimber Wattleton-Jones, Plaintiffs,

Of Whom Christopher Jones and Desimber Wattleton-Jones,
Are the Appellants

v.

Mitch Eugene Davis a/k/a Mitch Davis a/k/a Michael Davis
Respondent

RECEIVED

AUG 31 2018

SC Court of Appeals

APPELLATE CASE NO. 2018-000625

APPELLANT'S STATUS UPDATE

Appellant Desimber Wattleton-Jones provides this update regarding the status of the captioned case as follows:

1. The Appellant received correspondence from Respondent's counsel, James P. O'Connell, to Judge Maddox dated July 31, 2018. Mr. O'Connell inquires as to the status of the dismissal, the Automatic Stay, and the initial Order for Dismissal, which he wrote, specifically he inquires as to "the Order Dismissing and returning and placing Rev. Davis back to the "The Truth Outreach" church and real estate as it was January 2016." Mr. O'Connell submitted this correspondence even though Judge Maddox made it very clear during the hearing on June 5th, 2018 that the Order he signed with directives returning Mr. Davis to his position as it were prior to his termination and engaging local law enforcement in dispossessing The Cornerstone Cathedral of the property was made in error. Judge Maddox stated he did not read the order as written by Mr. O'Connell in its entirety and apologized for that error during the hearing on June 5th, 2018. Judge Maddox stated that the Order was intended to be Administrative in nature, and stated specifically that the case was now being handled by the Court of Appeals, that he was not lifting the stay, that he could not make any decisions or orders regarding Mr. Davis' position as Pastor nor possession of the property, and that he had simply scheduled the hearing to "correct the

Order on record” regarding the initial Order of Dismissal which was written by O’Connell, all of which is clearly recorded in the transcripts from the hearing on June 5th, 2018.

2. The Cornerstone Cathedral continued to have regularly scheduled services without incident from the date of the last hearing on June 5th, 2018 until Sunday, August 12th, 2018. On this day, Maria Davis, the companion of the Respondent Michael Davis, personally came to serve the Appellant’s with a Summons and Complaint (Case No. 2018-CP-37-00489). Ms. Davis was accompanied by Scott Arnold, a member of The Truth Outreach of Greenville, the church the Respondent currently pastors. On this day, The Cornerstone Cathedral was hosting a joint fellowship service with Pastor Matthew Winters and Overcomers Church. Ms. Davis and Mr. Arnold interrupted the service and stated that they would leave once the documents were served; however, after they handed documents to the Appellant they continued to impede the worship service by causing a disturbance in the foyer of the church with loud shouting and profanity.
3. During this disturbance, Mr. Arnold went into the kitchen of the church where the power breaker was located and turned the power off to the entire building during the worship service while Pastor Matthew Winters was preaching. Ms. Davis and Mr. Arnold disrupted the service entirely and threatened to fight the Elders and Associate Pastor of The Cornerstone Cathedral. The Oconee County Police Department was called, several deputies arrived, and multiple eye witness statements were given by members of The Cornerstone Cathedral and Overcomers Church along with video recordings which were submitted to the police. Ms. Davis and Mr. Arnold were placed on No Trespass and charges were filed against them for Disturbance of a Public Service.
4. With the exception of The Rural Economic Development Corporation and Mark Day, the parties and statements in the Summons and Complaint Maria Davis attempted to serve are addressed in the action currently before the Court of Appeals (2016-CP-37-00060). Specifically, Maria Davis is a subject of the initial complaint, in that she is the person whom the Respondent had an extramarital affair with while he was the pastor of The Cornerstone Cathedral, one of the women who is the subject of the Respondent’s divorce, and the person whom the Respondent currently cohabitates with, although they are still not married, while he is currently pastoring The Truth Outreach of Greenville.
5. These facts have been established by the divorce filing and depositions of Sharon Davis, the ex-wife of the Respondent and former First Lady of The Cornerstone Cathedral, as well

as documentation obtained by the Appellants in the process of discovery, including but not limited to cruise records whereby the Respondent and Maria Davis went on vacation together after the Respondent told the church he was going with his wife Sharon Davis, insurance documentation showing both the Respondent and Maria Davis' cars are registered to the same address, and the Appellants personally visited the Respondent and Maria Davis at the home they shared together prior to the termination of the Respondent as the Pastor.

6. Neither the Respondent Michael Davis, Maria Davis nor The Truth Outreach have any claims to the property located at 185 Cornerstone Drive in West Union, SC, where The Cornerstone Cathedral currently hold its services. This is the reason Judge Maddox revised the initial Order for Dismissal, which was written by the Respondent's attorney in an attempt to unjustly dispossess The Cornerstone Cathedral of the property. However, the property is currently owned by The Rural Economic Development Corporation ("REDC"), of which Mark Day is the Chief Executive Officer.
7. Mr. O'Connell, the Respondent's attorney, has attempted to circumvent the Order of Judge Maddox by excluding Michael Davis from this most recent complaint, and by instead adding Maria Davis and The Truth Outreach as Plaintiffs, with REDC, Mark Day, Christopher Jones, and Desimber Wattleton-Jones as Defendants, while incorporating statements and allegations included in the Respondent's Counterclaims to the initial Complaint which were previously investigated by the Greenville County and Oconee County Sheriff's Departments and determined to be false and unsubstantiated.
8. On August 15th, 2018 the Appellant filed her Answer to this recently filed Complaint, which states in pertinent part that all allegations are denied, service was not perfected, and that the matter should be Dismissed due to Failure to State a Claim.
9. A Revised Order for Dismissal With Prejudice dated August 13th, 2018 (enclosed), was entered by Judge Maddox on August 22nd, 2018, which states in pertinent part, "...the period of time as Ordered by the Court has expired and neither the Court nor the Defendant's attorney has received any written communication from any South Carolina licensed attorney stating the representation of the Plaintiffs, the Court, that the Plaintiffs had spoken to an attorney and were engaging an attorney for this action," which is the sole cause given for the Dismissal of the suit With Prejudice.

10. On Saturday, August 25th, 2018 the Appellants were notified by ADT that the alarm at the building was set and that the authorities were called as the disarm code had not been entered in the time allotted. The Appellants contacted Robert Weidendorf, the Associate Pastor and Head of Security at the church. Upon arrival, Pastor Weidner encountered The Respondent and his companion, Maria Davis, and two of the members of The Truth Outreach of Greenville. The Respondent had contacted a locksmith to break into the church, change the locks, and cut the wires to the alarm system. Shortly after Pastor Weidendorf arrived, an Oconee County Police Officer arrived and began to take statements from the parties involved. Approximately 30 minutes later the Appellants arrived. The Respondent, Michael Davis, had presented the Order of Dismissal dated August 22nd, 2018 to the Officer as the reason/authority giving him access and/or permission to enter the building. The Appellants explained to the Sheriff that the Order of Dismissal was purely administrative and actually removed the permissions given to the Respondent to be restored to any position or access to the property that were included in the original Order. After waiting approximately 45 minutes for a call from the Sheriff, the Officer stated they were not clear regarding who should have access to the building and asked all parties to leave the property until it could be resolved on Monday (August 27th, 2018). The Respondent and his members left the property. The Appellants changed the locks to the building, which marks at least the 7th time the locks have been changed back, and then contacted ADT to come and repair the alarm system. The Appellants held services at the church the following day, Sunday, August 26, 2018 without incident.

11. The Appellant maintains that neither the Respondent Michael Davis, Maria Davis, nor The Truth Outreach have any claims against the Appellants or The Cornerstone Cathedral, due to the fact that at this time, all claims and counterclaims have been Dismissed With Prejudice, and that ultimately, The Congregation, as the highest authority according to the laws governing the State of South Carolina, terminated the Respondent, Michael Davis, from the Position of Pastor for multiple failures in Moral Turpitude on February 14, 2016, in accordance with the Constitution and By Laws.

12. Mr. Davis committed adultery in office and continues in the relationship with Maria Davis, whom to the best of the Appellant's knowledge, he has not married to this day. Separate from the affair with Maria Davis, Mr. Davis has fathered a child born November 2017 with the former treasurer of the church, Elizabeth Estes, whom he also engaged in an intimate relationship prior to his termination as Pastor. In addition to this, Mr. Davis misappropriated funds and allowed Ms. Estes to embezzle funds reserved for the Special

Needs Prom sponsored by The Tim Tebow Foundation, which was investigated by the Oconee County Sheriff's Department and Ms. Estes was charged accordingly, but the Sheriff's Department determined no charges could be filed against Mr. Davis because there was nothing stated in the Constitution and By Laws that prevented him from writing checks to himself in the capacity of the Pastor, as long as those checks did not exceed \$10,000 (this has since been corrected to prevent this issue in the future).

13. For these and other reasons the Members of the Congregation had a constitutional right and moral duty to terminate the Respondent, Michael Davis, in the best interest of the Church, and that decision was and remains final. It is not clear why the Respondent or Maria Davis believe they are entitled to the property where The Cornerstone Cathedral has held worship services for nearly 40 years, or what claims to damages they believe they may have; but the Respondent was legally terminated from the position of Pastor in February 2016. The property was owned originally by the church itself, The Cornerstone Cathedral, and the Deed to the property was never recorded at any time since its inception in the name of the Respondent or any other previous Pastor, or The Truth Outreach, which is a matter of public record available for review at the Oconee County Register of Deeds Office. To the best knowledge of the Appellant, there exists No Civil or Legal Remedy that can cause the Deed of the church property to be given to a terminated Pastor and his new congregation.

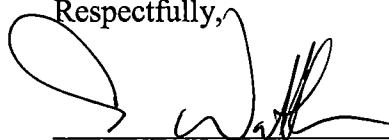
14. The Appellants maintain that while the Amended Order of Dismissal issued by Judge Maddox corrects the language inserted by the Respondent's attorney, it did not go far enough to clarify the legal authority of the church to terminate Mr. Davis as the pastor, and to establish that he has no rights to return to the church in the position of Pastor or to take possession of the property. The initial complaints filed by the Plaintiffs requested damages for the misappropriation of funds by the Respondent and a Declaratory Judgment that the decision of the church was legal and that the termination of the Respondent could not be challenged. The Plaintiffs in this case later decided not to pursue the Respondent for the damages, but to move on and continue the operations and services of the church since the Respondent was pastoring The Truth Outreach of Greenville and had not served in any capacity nor attended any services at The Cornerstone Cathedral for over two years. Therefore, the plaintiffs submitted a Motion for Dismissal a month prior to the original Order issued by Judge Maddox for Lack of Subject Matter Jurisdiction, but that Motion was never scheduled or heard by Judge Maddox.

15. It remains the position of the Appellants that the Order of Dismissal issued by Judge Maddox is insufficient to resolve this civil matter, and although it may be legally sound, given the recent events it is evident that the Order is ambiguous and subject to misinterpretation by the Respondent, his attorney, and local law enforcement. Until such time as it is made completely clear, without any possibility for misinterpretation or misrepresentation, the church and its members remain under the threat of constant harassment, escalating potential violence, costly repairs, and weekly disturbances to the worship services of The Cornerstone Cathedral by the Respondent, his mistress, and his members. However, The Appellant, Desimber Wattleton-Jones, was legally appointed as Senior Pastor by the Congregation, and in her capacity as the Senior Pastor of The Cornerstone Cathedral, she will continue to serve the congregation at 185 Cornerstone Drive, West Union South Carolina, where the church was built and remains, unless and until ordered otherwise by this Honorable Court.

Appellant Desimber Wattleton-Jones submits this Case Status Update as requested by this Honorable Court according to all information currently available. The Appellants await instructions from this Honorable Court regarding how to proceed.

August 27, 2018

Respectfully,



Desimber Wattleton-Jones, Appellant
P.O. Box 1064
Greenville, S.C. 29602
864-999-8237

cc: James P. O'Connell
139 Grace Drive
Easley, SC 29640
Attorney for Respondent

The Honorable Clerk of Court
Oconee County
205 W. Main Street
Walhalla, SC 29691

STATE OF SOUTH CAROLINA)
COUNTY OF OCONEE)

IN THE COURT OF COMMON PLEAS
TENTH JUDICIAL CIRCUIT

SUSAN HARRISON AND)
CHRISTOPHER JONES)

2016-CP-37-00060

AMENDED

v

ORDER OF AND FOR DISMISSAL

RECEIVED

AUG 31 2018

SC Court of Appeals

MITCH EUGENE DAVIS AKA MITCH)
DAVIS AKA MICHAEL DAVIS,)

THE UNDERSIGNED, the attorney for the Defendant, based upon the oral Order of the Court, Honorable Cordell Maddox, issued from the bench, February 22, 2018; that Plaintiffs had to have an attorney of record within twenty (20) days of the date of the hearing or the suit would be dismissed with prejudice.


Defendant giving due credit to the oral order, Defendant states by the Order, issued from the Bench at the Motion Hearing February 22, 2018, that the period of time as Ordered by the Court has expired and neither the Court nor the Defendant's attorney has received any written communication from any South Carolina licensed attorney stating the representation of the Plaintiffs, the Court, that the Plaintiffs had spoken to an attorney and were engaging an attorney for this action.

The Court ORDERS, ADJUDGES, and DECREES:

The above filed suit or action is hereby dismissed with prejudice, pursuant to the Rules of South Carolina Civil Procedure

AND IT IS SO ORDERED!

Dated: 13, 2018
Oconee, South Carolina



Presiding Judge Tenth Judicial Circuit

**OCONEE COUNTY COMMON PLEAS COURT
HEARING COVER SHEET**

JUDGE:	J Cordell Maddox, Jr.
DATE:	06/04/2018
DOCKET #:	2016CP3700060
NATURE OF HEARING:	Judge To Amend Final Order
PLAINTIFF:	Susan Harrison; et al
PLAINTIFF'S ATTORNEY:	Pro Se
DEFENDANT:	Michael Davis; et al
DEFENDANT'S ATTORNEY:	James P O'Connell, Esq.

NOTES: Judge held hearing to amend Order of Dismissal filed 4/5/18; to remove provision of law enforcement involvement. Dismissal was an administrative dismissal. Judge to prepare amended Order of Dismissal.

IF NO HEARING IS HELD PLEASE CHECK ONE OF THE FOLLOWING:

- CASE CONTINUED**
DISMISSAL TO BE FILED
OTHER

STATE OF SOUTH CAROLINA)
)
COUNTY OF OCONEE)
)
SUSAN HARRISON AND)
CHRISTOPHER JONES,)
)
) Plaintiff,)
)
)
)
) v.)
)
) MITCH EUGENE DAVIS AKA MITCH)
) DAVIS AKA MICHAEL DAVIS,)
)
) Defendant)

IN THE COURT OF COMMON PLEAS
TENTH JUDICIAL CIRCUIT

C. A. No.: 2016-CP-37-00060

ORDER OF AND FOR DISMISSAL

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SC Court of Appeals

THE UNDERSIGNED, the attorney for the Defendant, based upon the oral Order of the Court, Honorable Cordell Maddox, issued from the bench, February 22, 2018; that Plaintiffs had to have an attorney of record within twenty (20) days of the date of the hearing or the suit would be dismissed with prejudice.

Defendant giving due credit to the oral order, Defendant states by the Order, issued from the Bench at the Motion Hearing February 22, 2018, that the period of time as Ordered by the Court has expired and neither the Court nor the Defendant's attorney has received any written communication from any South Carolina licensed attorney stating the representation of the Plaintiffs; the Court, that the Plaintiffs had spoken to an attorney and were engaging an attorney for this action.

The Court ORDERS, ADJUDGES, and DECREES that:

The above filed suit or action is hereby dismissed with prejudice, pursuant to the Rules of South Carolina Civil Procedure, and, as Ordered by the Court, from the Motion hearing of February 22, 2018; and Further, that the displacement of and removal of the Defendant as Pastor is reversed and that Defendant Pastor is the Pastor of congregation as existed at the time of the Defendant Pastor being removed.

Further Pastor Mike Davis will have all rights, duties and obligations of the Pastor of the Congregation as the congregations existed at the time and date of removal and will be the Pastor of the Congregation as the congregation existed at the time and date of removal and will be the Pastor of the church and all property of the church as existed at the date and time of removal.

Any police agency is authorized to aid Pastor Mike Davis with reinstatement and into the physical possession of the property of the congregation and church as existed the date and time of removal.

AND IT IS SO ORDERED!

Cordell Maddox
Presiding Judge
Tenth Judicial Circuit

Dated: _____, 2018
Oconee, South Carolina

I SO MOVE:

S/JAMES P. O'CONNELL
ATTORNEY FOR DEFENDANT
139 GRACE DRIVE
EASLEY, SC 29640
PHONE: 864-220-0005
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Oconee Common Pleas

Case Caption: Susan Harrison , plaintiff, et al VS Michael Davis , defendant, et al
Case Number: 2016CP3700060
Type: Order/Dismissal

So Ordered

s/ J. Cordell Maddox Jr.

O. Wattletm
PO Box 1064
Greenville SC
29602

RECEIVED

AUG 31 2018

SC Court of Appeals

Honorable Jenny Abbott Kitchens
SC Court of Appeals
Post Office Box 11629
Columbia, SC 29211