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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Bentley D. Price, Circuit Court Judge

Appellate Case No. 2019-001470

Richard Roe, Respondent,

v.

The Diocese of Charleston, a Corporation Sole, and
the Bishop of the Diocese of Charleston, in his official capacity, Defendants,

Of whom the Bishop of the Diocese of Charleston,
in his official capacity is the Appellant.

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APPEAL FROM CHARLESTON COUNTY
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Bentley D. Price, Circuit Court Judge

Case No. 2019-001471

John Doe, Respondent,

v.

The Diocese of Charleston, a Corporation Sole, and
the Bishop of the Diocese of Charleston, in his official capacity, Defendants,

Of whom the Bishop of the Diocese of Charleston,
in his official capacity is the Appellant.

MOTION TO CONSOLIDATE

The Appellant hereby moves for an Order consolidating the two above-captioned appeals pursuant to Rule 214, SCACR. The Appellant makes this motion on the following grounds:

1. These two appeals involve challenges to orders that ruled upon the exact same legal issue. Other than slight differences relating to the identities of the respective plaintiffs, the two orders are identical. The minor differences in the orders are not germane in any way to the issues on appeal. For all practical purposes, therefore, these two appeals challenge the same legal ruling and the same order.
2. The motions that led to the orders were heard in one combined hearing by the same circuit court judge. Thus, the same hearing transcript applies to both appeals.
3. The attorneys of record in both appeals are the same.
4. The Appellant's arguments on appeal will be the same in both cases, and presumably the Respondents' arguments will also be the same. It will promote judicial economy for the Appellant to submit a single Appellant's Brief and a single Reply Brief, rather than to prepare, file and serve the same brief twice. Similarly, it will save time, effort and money for the Respondents to file one joint Respondents' Brief.¹ Even if the Respondents chose to file separate briefs for some reason, it would still make the most sense for the Court to consider those briefs as part of a consolidated appeal.


¹ This should not be difficult for the Respondents to do, as their respective submissions to the lower court as to the issues on appeal were identical in terms of the arguments and authorities they contained.

5. The record materials for the two appeals are the same and, thus, it will save time, effort and money to prepare and serve one Record on Appeal that will apply to both cases, rather than producing the same Record on Appeal twice.

6. Consolidation of these appeals will not prejudice the Respondents or impact them negatively in any conceivable way.

Therefore, the Appellant requests that the Court consolidate these appeals pursuant to Rule 214, SCACR, and allow the Appellant to submit a single Appellant's Brief, a single Reply Brief, and one Record on Appeal that will apply to both cases.

Respectfully submitted,



Richard S. Dukes, Jr.
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ATTORNEYS FOR APPELLANT

September 17, 2019

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Of whom the Bishop of the Diocese of Charleston,
in his official capacity is the Appellant.

PROOF OF SERVICE

The undersigned, an attorney in this matter for the Appellant, certifies that I have this **17th day of September, 2019**, served a copy of the **Motion to Consolidate** on counsel for the Respondents by causing it to be deposited in the United States mail with sufficient postage attached, addressed to: Lawrence E. Richter, Jr., and Jennifer S. Ivey; The Richter Firm, LLC; 622 Johnnie Dodds Blvd., Mt. Pleasant, SC 29464.

R. Hawthorne Barrett

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September 17, 2019

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Richard S. Dukes, Jr.

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September 17, 2019

Via Hand Delivery

The Hon. Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1220 Senate St.
Columbia, 29201

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SC Court of Appeals

Re: Richard Roe v. The Diocese of Charleston, et al.
Appellate Case No. 2019-001470

John Doe v. The Diocese of Charleston, et al.
Appellate Case No. 2019-001471

Our File No. 8724.252

Dear Ms. Kitchings:

Enclosed are the following materials: (1) the original and seven copies of the Motion to Consolidate, (2) the original and one copy of the Proof of Service, and (3) a check for the filing fee. Please file the originals and necessary copies and return the stamped copies to our courier. Thank you for your kind assistance.

Sincerely,

TURNER PADGET GRAHAM & LANEY P.A.

R. Heather Bennett

for Richard S. Dukes, Jr.

RHB
Enclosures

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The Hon. Jenny Abbott Kitchings
September 17, 2019
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cc: Lawrence E. Richter, Jr.
Jennifer S. Ivey