

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

NOV 18 2014

SC Court of Appeals

APPEAL FROM MCCORMICK COUNTY
COURT OF COMMON PLEAS
Judge Frank Addy, Jr., Circuit Court Judge

CASE NO.: 2013-002236

Samuel L. McPherson, as Presiding Elder of the)
Abbeville-Greenwood District of the African)
Methodist Episcopal (A.M.E.) Church,)
)
Appellant-Respondent,)
)
v.)
)
Henry Banks, Mary Robinson, Delois Phillips,)
Naomi Mattison, and Frank Mattison,)
)
Respondents-Appellants.)
)

SUPPLEMENTAL RECORD ON APPEAL

I.S. Leevy Johnson
William T. Toal
JOHNSON, TOAL & BATTISTE, P.A.
Post Office Box 1431
Columbia, South Carolina 29202
(803) 252-9700
Attorneys for Appellant-Respondent

Marvin R. Watson, Esquire
333 Main Street
P. O. Drawer 799
Greenwood, SC 29648
(864) 229-2569
Attorney for Respondents-Appellants

INDEX

Plaintiff's Responses to Defendant's Request for Production of Documents	R-482
Plaintiff's Memorandum of Law in Support of Motion to Dismiss	R-497
Certificate of Counsel.	R-503

STATE OF SOUTH CAROLINA
COUNTY OF MCCORMICK

IN THE COMMON PLEAS COURT
ELEVENTH JUDICIAL CIRCUIT

Samuel L. McPherson, as Presiding Elder of
The Abbeville-Greenwood District of the
African Methodist Episcopal Church,

Plaintiff,

vs.

Henry Banks, Mary Robinson, Delois Phillips,
Naomi Mattison, and Frank Mattison.
Defendants.

2011-CP-35-34

**PLAINTIFF'S ANSWER TO DEFENDANTS'
REQUEST FOR INSPECTION,
PRODUCTION, AND COPING**

TO: MARVIN WATSON, ESQUIRE, OF THE WATSON LAW FIRM, ATTORNEY FOR
THE DEFENDANTS:

The Plaintiff herein submits its answer to Defendants' Request for Inspection, Production,
and coping pursuant to Rule 34.

GENERAL OBJECTIONS:

1. The Plaintiff objects to each discovery request to the extent that it seeks information
or documents which were compiled in anticipation of litigation or for trial and which are
protected by the attorney work-product doctrine. The Plaintiff further objects to each and every
discovery request to the extent the information called for that is protected by the attorney-client
privilege, consulting expert privilege, or any other privilege. The disclosure of any information
protected by any of the foregoing privileges shall be deemed inadvertent and not with the
intention to waive any privilege with regard to the information disclosed.

2. Any information produced in response hereto is produced expressly subject to any

objections contained herein and is produced without in any way waiving or intending to waive any objections that the Plaintiff may have with respect to the subsequent use of such information and the Plaintiff respectfully reserves:

- a. All questions as to admissibility of any and all such information, in whole or in part, or of the subject matter thereof;
- b. The right to object to the use of any such information, in whole or in part, or the subject matter covered thereby, in any subsequent step or proceeding in this action, on any or all of the foregoing grounds or on any proper grounds whether or not enumerated above; and
- c. The right to object to any and all grounds at any time to Interrogatories or other discovery procedures involving or related to the subject matter of the information sought by the requesting party.

3. The Plaintiff objects to each and every discovery request to the extent that it seeks information that is equally available to or already in the possession of the party and its counsel and the burden on the party or its counsel to obtain the requested information is no greater than the burden on the Plaintiff.

4. The Plaintiff objects to each and every discovery request to the extent it is overly broad, oppressive, unduly burdensome, or unduly expensive. The Plaintiff further objects to each and every discovery request to the extent it seeks information not limited in time, nature, and scope.

5. The Plaintiff objects to each and every discovery request to the extent that it seeks confidential or proprietary information. Similarly, the Plaintiff reserves the right to redact sensitive or proprietary information from any documents that it produces in response hereunder.

6. The Plaintiff states that its agreement to produce documents responsive to these Requests is to produce any documents in its possession and control, and to the extent which they exist, for inspection in the offices of Randall R. Williams , 110 Riley Avenue, Greenwood, SC 29646.

Request No. 1: Titles to all real estate in which you may claim to have a vested or contingent interest, along with all correspondence, contracts of sale, and other documentation

concerning the same, whether or not your alleged interest to said property was acquired prior to this action.

Response: Plaintiff objects to Request No. 1 given the Request is irrelevant and is not reasonably calculated to lead to the discovery of relevant evidence. Plaintiff further objects given the Request is overly broad, unduly burdensome, oppressive, not limited in nature, scope and time to the events at issue.

Request No. 2: All notes and mortgages encumbering any property of which you claim an interest, whether or not the same were incurred prior to this action, along with all correspondence and other documentation concerning each transaction.

Response: Plaintiff objects to Request No. 2 given the Request is irrelevant and is not reasonably calculated to lead to the discovery of relevant evidence. Plaintiff further objects given the Request is overly broad, unduly burdensome, oppressive, not limited in nature, scope and time to the events at issue.

Request No. 3: All contracts of sale and other documents concerning matters or property in which you claim to have a vested or contingent interest.

Response: Plaintiff objects to Request No. 3 given the Request is irrelevant and is not reasonably calculated to lead to the discovery of relevant evidence. Plaintiff further objects given the Request is overly broad, unduly burdensome, oppressive, not limited in nature, scope and time to the events at issue.

Request No. 4: All instruments which were executed or entered into prior to this action, whereby you borrowed money, purchased assets, or disposed of assets.

Response: Plaintiff objects to Request No. 4 given the Request is irrelevant and is not reasonably calculated to lead to the discovery of relevant evidence. Plaintiff further objects

given the Request is overly broad, unduly burdensome, oppressive, not limited in nature, scope and time to the events at issue.

Request No. 5: Titles to all real estate which you believe is subject to this action which may be held in trust by you or for you, together with copies of said trust agreement (s).

Response: Plaintiff objects to Request No. 5 given the Request is irrelevant and is not reasonably calculated to lead to the discovery of relevant evidence. Plaintiff further objects given the Request is overly broad, unduly burdensome, oppressive, not limited in nature, scope and time to the events at issue.

Request No. 6: An inventory and valuation of all personal property you claim to have an interest in, owned by you, including, but not limited to, jewelry, antiques, coin collections, or such other collections whether the same have been acquired prior to this action, or subsequent to this action; also, please state the purchase price of the same and the source of the funds for the acquisition of the same which you alleged may be belonged to your Church Association.

Response: Plaintiff objects to Request No. 6 given the Request is irrelevant and is not reasonably calculated to lead to the discovery of relevant evidence. Plaintiff further objects given the Request is overly broad, unduly burdensome, oppressive, not limited in nature, scope and time to the events at issue.

Request No. 7: Title to all real estate owned by any partnership or by any agent or corporation you claim an interest, regardless of date of acquisition, wherein you are the undisclosed principal, together with all liens which may be existent thereon, including both notes and mortgages.

Response: Plaintiff objects to Request No. 7 given the Request is irrelevant and is not reasonably calculated to lead to the discovery of relevant evidence. Plaintiff further objects

given the Request is overly broad, unduly burdensome, oppressive, not limited in nature, scope and time to the events at issue.

Request No 8: Copies of certificates of title, bills of sale or other indicia of ownership of all vehicles, equipment, boats, airplanes, rolling stock, or other personal property which may be owned by you, owned by third persons as trustees for you, owned by partnerships in which you have a contingent or vested interest, or owned by any corporation in which you own stock or have contingent or vested interest, regardless of the date of acquisition thereof.

Response: Plaintiff objects to Request No. 8 given the Request is irrelevant and is not reasonably calculated to lead to the discovery of relevant evidence. Plaintiff further objects given the Request is overly broad, unduly burdensome, oppressive, not limited in nature, scope and time to the events at issue.

Request No. 9: All certificates of stock or evidence of ownership of corporate interests or Partnership interests by you whether said ownership be vested or contingent, regardless of the Date of acquisition or disposition.

Response: Plaintiff objects to Request No. 9 given the Request is irrelevant and is not reasonably calculated to lead to the discovery of relevant evidence. Plaintiff further objects given the Request is overly broad, unduly burdensome, oppressive, not limited in nature, scope and time to the events at issue.

Request No. 10: All schedules, ledgers, and other back up material which was used in the preparation of any and all claimed ownership.

Response: Plaintiff objects to Request No. 10 given the Request is irrelevant and is not reasonably calculated to lead to the discovery of relevant evidence. Plaintiff further objects given the Request is overly broad, unduly burdensome, oppressive, not limited in nature, scope

and time to the events at issue.

Request No. 11: Current ledgers of any corporation, partnership, or other entity in which you claim to own an interest, whether the same be vested or contingent, including, but not limited to, stock books, bylaws, minutes, and resolutions to date.

Response: Plaintiff objects to Request No. 11 given the Request is irrelevant and is not reasonably calculated to lead to the discovery of relevant evidence. Plaintiff further objects given the Request is overly broad, unduly burdensome, oppressive, not limited in nature, scope and time to the events at issue.

Request No. 12: All ledgers maintained by you hereto during relationship, concerning personal expenditures, together with all checks, receipts, and other backup information used in the preparation thereof from the inception of your relationship through the date of this request and continuing to the date of trial.

Response: Plaintiff objects to Request No. 12 given the Request is irrelevant and is not reasonably calculated to lead to the discovery of relevant evidence. Plaintiff further objects given the Request is overly broad, unduly burdensome, oppressive, not limited in nature, scope and time to the events at issue. Further, Plaintiff is not aware of what relationship Defendants refer.

Request No. 13: All insurance policies, including riders attached thereto, which cover real or personal property owned by you, or Rockford A.M.E. Church which you claim in which you own a vested or contingent interest.

Response: The Defendants are in possession of this information.

Request No. 14: All documents, correspondence, and other writings concerning settlement of any insurance claims made during the past five (5) years, including, but not limited to, the

release executed at settlement of any actions related or similar to this action.

Response: Defendants seek information that is equally available to or already in possession of Defendants and its counsel and the burden of producing the information is greater or equal to Defendants burden.

Request No. 15: All savings accounts, certificates of deposits, Credit Union accounts, or other accounts of an interest bearing nature which are owned by you in any capacity in which you have an interest, in which your are trustee, or which is held in trust for you, from the date of inception to the present and continuing to the date of trial.

Response: Plaintiff objects to Request No. 15 given the Request is irrelevant and is not reasonably calculated to lead to the discovery of relevant evidence. Plaintiff further objects given the Request is overly broad, unduly burdensome, oppressive, not limited in nature, scope and time to the events at issue.

Request 16: All records reflecting certificates of deposits, savings accounts, credit union accounts, and other interest bearing accounts which have been disposed of, transferred, assigned, hypothecated, or otherwise done away with by you, or any person holding said accounts as trustee for you, from the date of the marriage through the date of this request and continuing to the date of trial.

Response: The date of Plaintiff's marriage is irrelevant to the subject matter in this case. Plaintiff objects to Request No. 16 given the Request is irrelevant and is not reasonably calculated to lead to the discovery of relevant evidence. Plaintiff further objects given the Request is overly broad, unduly burdensome, oppressive, not limited in nature, scope and time to the events at issue.

Request 17: All records of all estates inter vivos, or testamentary trusts, or other agreements

or documents under which you are the beneficiary and/or recipient of property, money, or other valuable consideration, including, but not limited to, all fiduciary tax returns during each year of the existence thereof, all accounting, all estate tax returns, both state and federal, and other filings made with the Internal Revenue Service, South Carolina Tax Commission, or other tax related agency.

Response: Plaintiff objects to Request No. 17 given the Request is irrelevant and is not reasonably calculated to lead to the discovery of relevant evidence. Plaintiff further objects given the Request is overly broad, unduly burdensome, oppressive, not limited in nature, scope and time to the events at issue.

Request No. 18: All annuities, pensions and profit sharing plans, retirement programs, and other fringe benefits provided for or by you hereto, including complete records thereof, contribution contracts, and all other documents appertaining thereto, including documentation of present value of said fund.

Response: Plaintiff objects to Request No. 18 given the Request is irrelevant and is not reasonably calculated to lead to the discovery of relevant evidence. Plaintiff further objects given the Request is overly broad, unduly burdensome, oppressive, not limited in nature, scope and time to the events at issue.

Request No 19: Employment contracts by which you are employed by any corporation, partnership, or other entity.

Response: Objection. The Plaintiff objects to this Request on the ground that it is irrelevant not calculated to lead to the production of relevant evidence.

Request No. 20. Complete ledgers of all closely held corporations, partnerships, or other entities, together with receipts, checks, bank statements, and deposit slips backing up the same,

in which you claim to have a vested or contingent interest.

Response: Plaintiff objects to Request No. 20 given the Request is irrelevant and is not reasonably calculated to lead to the discovery of relevant evidence. Plaintiff further objects given the Request is overly broad, unduly burdensome, oppressive, not limited in nature, scope and time to the events at issue.

Request No. 21: All financial statements filed by you hereto with any bank or other lending institution from the date of this action through and including the date of this request.

Response: Plaintiff objects to Request No. 21 given the Request is irrelevant and is not reasonably calculated to lead to the discovery of relevant evidence. Plaintiff further objects given the Request is overly broad, unduly burdensome, oppressive, not limited in nature, scope and time to the events at issue.

Request No. 22: All financial statements provided to any bank or other lending institution by any corporation, partnership, or other entity in which you have a vested or contingent interest, from the date of inception of said entity through the date of this request.

Response: Plaintiff objects to Request No. 22 given the Request is irrelevant and is not reasonably calculated to lead to the discovery of relevant evidence. Plaintiff further objects given the Request is overly broad, unduly burdensome, oppressive, not limited in nature, scope and time to the events at issue.

Request No. 23: Complete checking records and receipts, correspondence and other evidence of your payment for labor and materials for the renovation and improvement of all real estate owned, possessed or which the parties maintain an interest (s); all ledgers, cash receipts, and other documentation reflecting such and your purchase of furniture and fixtures for all real estate owned, possessed or in which either of you maintain an interest, vested

or contingent.

Response: Plaintiff objects to Request No. 23 given the Request is irrelevant and is not reasonably calculated to lead to the discovery of relevant evidence. Plaintiff further objects given the Request is overly broad, unduly burdensome, oppressive, not limited in nature, scope and time to the events at issue.

Request No. 24: Complete checking account and receipt records of all expenditures made for the preservation and maintenance of the Church property for eighteen (18) months prior to the date of this request and through the date of this request.

Response: Defendants seek information that is equally available to or already in the possession of Defendants. Plaintiff's answer is based on the assumption that Defendants refer to Rockford A.M.E. Church.

Request No. 25: Complete records of all funds, services, and other expenditures paid from the date of this action through the date of this request for and on behalf of the maintenance of the household, including, but not limited to, receipts, checks, and the like.

Response: Plaintiff objects to Request No. 25 given the Request is irrelevant and is not reasonably calculated to lead to the discovery of relevant evidence. Plaintiff further objects given the Request is overly broad, unduly burdensome, oppressive, not limited in nature, scope and time to the events at issue.

Request No. 26: Complete records of any cause of actions presently pending against you or any corporation, partnership, or other entity in which you claim a vested or contingent interest and the issues in these cases are similar to the issues claimed by you in this action.

Response: Plaintiff objects to Request No. 26 given the Request is irrelevant and is not reasonably calculated to lead to the discovery of relevant evidence. Plaintiff further objects

given the Request is overly broad, unduly burdensome, oppressive, not limited in nature, scope and time to the events at issue. Further, without waiving any objections, no actions are pending against Plaintiff, other than Defendants counterclaim in this litigation.

Request No. 27: Complete records of disposition of all actions in any Courts of law or equity which have been brought against you or against any corporation, partnership, or other entity in which you own or have owned a contingent or vested interest, including the records of the disposition thereof.

Response: Plaintiff objects to Request No. 27 given the Request is irrelevant and is not reasonably calculated to lead to the discovery of relevant evidence. Plaintiff further objects given the Request is overly broad, unduly burdensome, oppressive, not limited in nature, scope and time to the events at issue.

Request No. 28: Completed records of accounts receivable owned by you or any corporation, partnership, or other entity in which you own a vested or claim a contingent interest, from the date of this action through and including the date of this request, and continuing to the date of trial.

Response: Plaintiff objects to Request No. 28 given the Request is irrelevant and is not reasonably calculated to lead to the discovery of relevant evidence. Plaintiff further objects given the Request is overly broad, unduly burdensome, oppressive, not limited in nature, scope and time to the events at issue.

Request No. 29: Complete records of all accounts payable by you or by any corporation, partnership, or other entity in which you own a vested or contingent interest which may be related to this case.

Response: Plaintiff objects to Request No. 29 given the Request is irrelevant and is

not reasonably calculated to lead to the discovery of relevant evidence. Plaintiff further objects given the Request is overly broad, unduly burdensome, oppressive, not limited in nature, scope and time to the events at issue.

Request No. 30: All contracts of sale or other document evidencing intention of you to sell, dispose of hypothecate, mortgage, or place liens upon any property, including corporate stocks, real estate, and personal property which have been entered into from the date of this action through the date of this request.

Response: Plaintiff objects to Request No. 30 given the Request is irrelevant and is not reasonably calculated to lead to the discovery of relevant evidence. Plaintiff further objects given the Request is overly broad, unduly burdensome, oppressive, not limited in nature, scope and time to the events at issue.

Request No. 31: All options or other documents evidencing intent of you to purchase or sell real estate, personal property, or the like, from the date of this action through the date of this request, and continuing to the date of trial, as it concerns you or any corporation, partnership, or other entity in which you own a contingent or vested interest, including, but not limited to, amounts paid to or by or on behalf of you or both of the parties hereto.

Response: Plaintiff objects to Request No. 31 given the Request is irrelevant and is not reasonably calculated to lead to the discovery of relevant evidence. Plaintiff further objects given the Request is overly broad, unduly burdensome, oppressive, not limited in nature, scope and time to the events at issue.

Request No. 32: All quarterly and monthly returns filed by you or on your behalf concerning any employee who worked for you from the date of this action through the date of this request.

Response: Plaintiff objects to Request No. 32 given the Request is irrelevant and is not reasonably calculated to lead to the discovery of relevant evidence. Plaintiff further objects given the Request is overly broad, unduly burdensome, oppressive, not limited in nature, scope and time to the events at issue.

Request No. 33: All records of any and all contributions by the parties, either jointly or individually, to the purchase, improvement, renovation, and maintenance of the assets to Rockford A.M.E. Church or Rockford Church.

Response: Plaintiff objects. This Court lacks jurisdiction to inquire into the financial contributions made to or on behalf of the African Methodist Episcopal Church. Plaintiff objects as the Request seeks information that is equally available to Defendants and it counsel and the burden and Defendants is no greater than the burden on Plaintiff to obtain the information.

Request No. 34: Any and all documents, photographs, charts, statements, recordings, correspondence, and any and all other demonstrative evidence which you intend to use at the trial of this case in defense of the claims make in connection with the present action.

Response: Plaintiff objects to Request No. 34 given the Request is irrelevant and is not reasonably calculated to lead to the discovery of relevant evidence. Plaintiff further objects given the Request is overly broad, unduly burdensome, oppressive, not limited in nature, scope and time to the events at issue. Plaintiff previously provided the documents requested in number 34.

Request No. 35: All documents evidencing the names, addresses, telephone numbers, and the date on which you, or any corporation, partnership, or other entity in which you own stock or have a vested or contingent interest, whether the same was acquired prior to this action and

continuing to the date of trial relating to the Rockford A.M.E. Church or Rockford Church.

Response: Objection. Request No. 35 is vague and Plaintiff cannot form an answer.

Request No. 36: All evidence of the location and contents of al safety deposit boxes used by you, or any corporation, partnership, or other entity in which you own stock or claim to have a vested or contingent interest, whether the same was acquired prior to the filing of this action, through the date of this request, and continuing to the date of trial concerning Rockford A.M.E. Church or Rockford Church.

Response: Plaintiff objects to Request No. 36 given the Request is irrelevant and is not reasonably calculated to lead to the discovery of relevant evidence. Plaintiff further objects given the Request is overly broad, unduly burdensome, oppressive, not limited in nature, scope and time to the events at issue. Plaintiff not waiving his objection, does not share a joint safety deposit box with Rockford A.M.E. Church.

Request No. 37: All records, documents, or other writings or memoranda pertaining to the management and use of Rockford A.M.E. Church or Rockford Church.

Response: See Book of Discipline of the African Methodist Episcopal Church 2008.

Request No. 38: All such other documents as may hereafter be requested subsequent to the Receipt and review of the foregoing.

Response: Plaintiff objects to Request No. 37 given he cannot produce documents that is not aware. The Request is irrelevant and is not reasonably calculated to lead to the discovery of relevant evidence. Plaintiff further objects given the Request is overly broad, unduly burdensome, oppressive, not limited in nature, scope and time to the events at issue.

Request No. 39. All documents similar to the ones mentioned above which may come into your possession from the date of this request to the date of trial.

Response: Plaintiff objects to Request No. 37 given the Request is irrelevant and is not reasonably calculated to lead to the discovery of relevant evidence. Plaintiff further objects given the Request is overly broad, unduly burdensome, oppressive, not limited in nature, scope and time to the events at issue.



Randall R. Williams
Attorney for the Plaintiff
110 Riley Avenue
P.O. Box 3461
Greenwood, SC 29648-3461
864 227-9156 (Fax) 864-943-1898

Greenwood, South Carolina

12-1, 2011

FILED
CLERK OF COURT

STATE OF SOUTH CAROLINA
COUNTY OF MCCORMICK

IN THE COURT OF COMMON PLEAS
2011 JUL -1 PM 3:46
ELEVENTH JUDICIAL CIRCUIT
CLERK OF COURT
MCCORMICK COUNTY, SC

Samuel L. McPherson, as Presiding Elder of
The Abbeville-Greenwood District of the
African Methodist Episcopal Church,
Plaintiff,

vs.

Henry Banks, Mary Robinson, Delois Phillips,
Naomi Mattison, and Frank Mattison.
Defendants.

2011-CP-35-34

**PLAINTIFF'S MEMORANDUM
OF LAW IN SUPPORT OF
MOTION TO DISMISS DEFENDANT'S
COUNTERCLAIM**

Plaintiff, Samuel L. McPherson, pursuant to Rule 12(b)(1) and 12(b)(6) of the South Carolina Rules of Civil Procedure has filed a Motion to Dismiss the counterclaim filed against him by Defendants. For each of the following additional points and authorities, Plaintiff respectfully request that this court issue an Order dismissing with prejudice the Defendants counterclaims on the basis that this court does not have subject-matter jurisdiction over the claims and requests for relief and the Defendants have failed to state a claim upon which relief may be awarded.

In Pearson v. Church of God 478 S.E. 2nd 849 (S.C. 1996), a former minister in the Church of God was denied his pension because his ministry was revoked. The court enumerated general principles common to both federal and state cases as follows: (1) Courts may not engage in resolving disputes as to religious law, principle, doctrine, discipline, custom or administration; (2) Courts cannot avoid adjudicating rights growing out of civil law; (3) In resolving such civil law disputes, courts must accept as final and binding the decisions of the highest religious

A TRUE COPY
Gwendolyn D. Childs
Clerk of Court, McCormick County
R-497

judicatories as to religious law, principle, doctrine, discipline, custom and administration. Id at 478 S.E. 2nd at 853.

The Defendants counterclaim of defamation should be dismissed because this court does not have jurisdiction to decide this issue and Defendants have failed to state a claim upon which relief may be granted. Defendants allege Plaintiff made false statements that Defendants no longer wanted to remain affiliated with Rockford African Methodist Episcopal (A.M.E.) Church; false statements that Defendants left Rockford A.M.E. Church; and false statements that Defendants wrongfully removed church property from Rockford A.M.E. Church. Defendants allegations in essence asks this court to determine ones status within the church or if one has left the church. The court does not have jurisdiction to determine ones status within the church. The Supreme Court in Watson v. Jones 80 U.S. 679, 729 (1871) recognized that "we cannot decide who ought to be members of the church, nor whether the excommunicated have been justly or unjustly, regular or irregularly cut off from the body of the body of the church."

Defendants admit that they no longer wished to be affiliated with the Connectional African Methodist Episcopal Church. The Defendants cannot be affiliated with Rockford A.M.E. Church and not be affiliated with the Connectional African Methodist Episcopal Church. It does not matter whether Defendants said they did not want to be members of the Connectional African Methodist Episcopal Church or whether they said they did not want to be members of Rockford A.M.E. Church because by terminating their relationship with the National and Connectional African Methodist Episcopal Church they simultaneously terminated their membership with Rockford A.M.E. Church.

The Plaintiff has informed Defendants that they are no longer members of the Connectional African Episcopal Church and Rockford A.M.E. Church. The Book of Doctrine

and Discipline states that "a member who withdraws his or her membership does so on a purely individual basis and as a personal right. Such member has no right or title to the personal or real property of the local or general church." P.64 B of Doc. (Disc) To inquire into this matter will require the court to substitute its judgment for that of the African Methodist Episcopal Church, which it must not do.

This court lacks subject matter jurisdiction over the Defendants counterclaim of negligent misrepresentation and Defendants have failed to state a claim for which relief can be granted because this court cannot inquire into church matters to determine whether Plaintiff breached a duty. The Defendants allege that Plaintiff breached a duty of care by negligently representing that Defendants are no longer members of Rockford A.M.E. Church and that they removed church property.

The Defendants cannot determine their status within the African Methodist Episcopal Church. It is the sole province of the church to decide who are and are not members. Watson v. Jones at 729. In Pearson v. Church of God 478 S.E. 2nd at 853, the South Carolina Supreme Court stated it would not be proper for a trial court...to determine whether the church acted consistently with its religious laws and doctrines, its system of discipline and administration... that would be a quintessentially ecclesiastical matter...a court cannot exercise jurisdiction.

This court does not have subject matter jurisdiction to hear the Defendants counterclaim of Breach of Fiduciary Duty and Defendants have failed to state claim upon which relief may be granted because a civil court does not have jurisdiction over a church's decision as to how the church expends their money. The Defendants' counterclaims allege Plaintiff breached his fiduciary duty of loyalty by requiring Rockford A.M.E. Church to pay exorbitant fees; refusing to lower the assessment the church was required to pay to the National and Regional A.M.E.

Church; failing to assist in the basic maintenance of church facilities misplacement of suitable and professional pastor at the church. In Bell v. Presbyterian Church (United States), 126 F. 3d 328 (4th Cir. 1997), the Plaintiff was an ordained minister and also executive director of a multidenominational outreach program funded by the Presbyterian Church. The outreach program was discontinued by the church due to financial reasons. Mr. Bell brought an action in the district court alleging interference with his contract, intentional infliction of emotional distress, breach of covenant of good faith and fair dealing, interference with his prospective advantage, wrongful termination, and breach of Defendants pledge to contribute to his organization on a yearly basis. The court held "by reason of the First Amendment, a civil court has no jurisdiction over ecclesiastical decisions by churches as to how they spend their funds" The court stated further that "resolution of such an accusation would interpose the judiciary into the Presbyterian churches decisions...."Id at 331. "When the Presbyterian Church decided to withhold funds...the Presbyterian Church made a decision on how it would expend funds raised by the church for religious purposes...."Id at 332.

This court cannot inquire into the churches decision regarding placement of pastors. To do so would require this court to decide who is and is not qualified, which again it must not do. A decision about the nature, extent, administration...and termination of a ministry falls within the ecclesiastical sphere that the First Amendment protects from civil court intervention. **Cite The Defendants would have this court inquire into matters that deal with the nature, extent, administration and government and substitute the courts opinion of the African Methodist Episcopal Church.

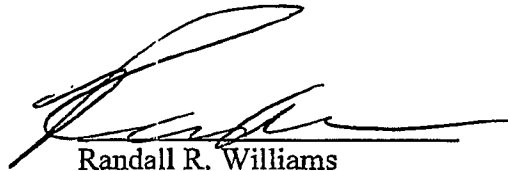
In Watson v. Jones 80 U.S. (13 wall) 679, the United States Supreme Court said "all who unite themselves to.....a (religious) body do so with an implied consent to its government, and

are bound to submit to it. But it would be a vain consent and would lead to the total subversion of such religious bodies if any are aggrieved by one of their decisions could appeal to the secular courts and have the decision reversed." The Defendants' counterclaims require this court to inquire into the administration, government, nature extent, doctrine and laws of the African Methodist Episcopal Church, which this court cannot do. The Defendants counterclaims must be dismissed. It is the function of the church authorities to determine what the essential qualifications of clergy are and whether the candidate possesses them." Id at 721.

That Defendants counterclaim of intentional infliction of emotional distress must be dismissed for lack of subject matter jurisdiction and failure to state a claim upon which relief may be granted. Defendants allege that Plaintiff asserted lies and untruths about Defendants and their relationship to Rockford A.M.E. Church and required Defendants to pay exorbitant fees to the National A.M.E Church. If Defendants refer to their status as members within the A.M.E. Church when they allege the Plaintiff has asserted lies and untruths about Defendants and their relationship to Rockford A.M.E. Church then this Court must not inquire into this matter because the court would have to inquire into church doctrine and administration. This court cannot decide who ought to be members of the church....Watson v. Jones; 80 U.S. at 729

In Pearson 478 S.E. 2d at 853 "the court stated, the courts must accept as final and binding the decision of the highest religious judicatories as to religious law, principle, doctrine, discipline, custom or administration. " The Defendants counterclaim would have this court inquire into the religious, principle, doctrine, discipline, custom's, and administration of the A.M.E. Church. Again this court does not have the jurisdiction to decide economic, financial, and membership decisions of the A.M.E. Church. The A.M.E. solely and singularly determines

who are members and the fees that Rockford A.M.E. Church must pay. The Defendants would have this court substitute its opinion for that of the church. This court must not do so.



Randall R. Williams
Attorney for Plaintiff
110 Riley Avenue
Post Office Box 3461
Greenwood, SC 29648-3461
864) 227-9156

Greenwood, South Carolina
7-1, 2011

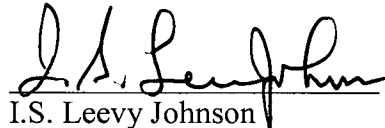
RECEIVED

NOV 18 2014

SC Court of Appeals

CERTIFICATE OF COUNSEL

I certify that this Supplemental Record On Appeal contains all material proposed to be included
by any of the parties and not any other material.



I.S. Leevy Johnson

William T. Toal

Attorneys for Appellant-Respondent

Columbia, South Carolina
November 18, 2014

RECEIVED

NOV 18 2014

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM MCCORMICK COUNTY
COURT OF COMMON PLEAS
Judge Frank Addy, Jr., Circuit Court Judge

CASE NO.: 2013-002236

Samuel L. McPherson, as Presiding Elder of the)
Abbeville-Greenwood District of the African)
Methodist Episcopal (A.M.E.) Church,)
Appellant-Respondent,)
v.)
Henry Banks, Mary Robinson, Delois Phillips,)
Naomi Mattison, and Frank Mattison,)
Respondents-Appellants.)

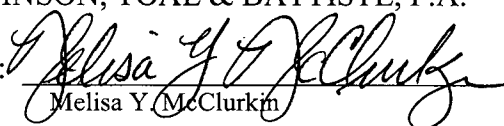
CERTIFICATE OF SERVICE BY MAIL

I, Melisa Y. McClurkin, employee of Johnson, Toal & Battiste, P.A., Attorneys for the Appellant-Respondent, in the above-captioned case, hereby certify that I have served the **Supplemental Record On Appeal** on Marvin Watson, Counsel for Respondents-Appellants, by mailing one copy of the same, postage prepaid and return address clearly indicated on said envelope on November 18, 2014, at the following address:

Marvin R. Watson, Esquire
333 Main Street
P. O. Drawer 799
Greenwood, SC 29648

JOHNSON, TOAL & BATTISTE, P.A.

BY:


Melisa Y. McClurkin

Columbia, South Carolina
November 18, 2014

R-504