

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

**RECEIVED**

APPEAL FROM CHARLESTON COUNTY

**Oct 01 2020**

Bentley D. Price, Circuit Court Judge

**SC Court of Appeals**

Appellate Case No. 2020-000804

John Doe,.....Appellant,

v.

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

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**DIOCESE RESPONDENTS’ MOTION TO STRIKE PORTIONS OF APPELLANT’S  
DESIGNATION OF MATTER  
TO BE INCLUDED IN THE RECORD ON APPEAL**

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The Diocese Respondents, by and through their undersigned attorneys, pursuant to Rule 240 SCACR, hereby move to strike the following documents from Appellant’s designation of matter to be included in the Record on Appeal because Appellant seeks to introduce matters into this appeal that were not before the Circuit Court when it granted summary judgment to

Respondents:

- 1) Transcript of John Doe’s deposition 9/12/19
- 2) Transcript of Dr. Sally Duffy’s deposition 11/26/19

- 3) Transcript of Dr. Dorothy Whalen's deposition 9/19/19
- 4) Transcript of Louisa Storen's deposition 11/18/19
- 5) Louisa Storen's writing of 6/15/16 to Vicar General Msgr. Richard Harris
- 6) Judge Nicholson's Amended Order on Limited Collateral Review of 5/3/17 in

*John Doe 2, et al. v. Bishop of Charleston, et al.* 2010-CP-5520

As noted in Respondent's Initial Brief, Appellant submitted nothing to the Court in response to Respondent's Motions for Summary Judgment. Rather, the evidence in the record before the Circuit Court consisted of the following exhibits that were filed with the Circuit Court prior to the hearing on the motions for summary judgment:

- a) Affidavit of John Barker
- b) Affidavit of Peter Shahid
- c) Affidavit of Hal Brooks
- d) Affidavit of Dr. Elizabeth Loftus
- e) Affidavit of Dr. James Hudson
- f) Affidavit of Dr. Janine Shelby
- g) Affidavit of Dr. Monica Applewhite
- h) Act of the General Assembly, December 13, 1880
- i) Orders of Hon. J.C. Nicholson in *John Doe 193 v. Bishop of Charleston*, Civil

Action 2013-CP-10-3733; Order of Hon. Deadra Jefferson in *John Doe v. The Diocese of Charleston and Jane Doe*, Civil Action 02-CP-10-0770

- j) Affidavit of Hal Brooks
- k) Internal Revenue Service Group Determination Letter
- l) Official Catholic Directory, 1971

m) Settlement Agreement - *John Doe #53, John Doe 66, John Doe 66A, John Doe 67, Jane Doe 1 and Jane Doe 2, and Rachel Roe, Individually and as Representative v. The Diocese of Charleston, A Corporation Sole, and the Bishop of the Diocese of Charleston in His Official Capacity of a Class of People Similarly Situated*, Case Numbers 2006-CP-18-1310, 1311, 1636 (Dorchester County Court of Common Pleas)

n) Orders Certifying Classes and Giving Preliminary Approval to Settlement dated July 30, 2007 and August 31, 2007

**TURNER, PADGET, GRAHAM & LANEY, P.A.**

*s/Richard S. Dukes, Jr.*

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Richard S. Dukes, Jr. (SC Bar No.: 16563)  
40 Calhoun Street, Suite 200 (29401)  
Post Office Box 22129  
Charleston, South Carolina 29413-2129  
Telephone: 843-576-2810  
Email: [RDukes@turnerpadget.com](mailto:RDukes@turnerpadget.com)

R. Hawthorne Barrett (SC Bar No.: 16973)  
P.O. Box 1473  
Columbia, South Carolina 29202  
Telephone: 803-227-4219  
Email: [TBarrett@turnerpadget.com](mailto:TBarrett@turnerpadget.com)

**ATTORNEYS FOR DIOCESE RESPONDENTS**

October 1, 2020

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**PROOF OF SERVICE**

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The undersigned, an attorney in this matter of the Appellant certifies that I have this **1st Day of October, 2020**, served copies of the **Motion to Strike Portions of Appellant's Designation of Matters to be Included in the Record on Appeal** by causing them to be deposited in the United States mail with sufficient postage attached, addressed to:

Larry E. Richter, Jr.  
The Richter Firm, LLC  
622 Johnnie Dodds Boulevard  
Mount Pleasant, SC 29464

*Signature page to follow*

TURNER PADGET GRAHAM & LANEY, P.A.

*s/Richard S. Dukes, Jr.*

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Richard S. Dukes, Jr. (S.C. Bar No.: 16563)

Post Office Box 22129

Charleston, SC 29413

(843) 576-2810

[rdukes@turnerpadget.com](mailto:rdukes@turnerpadget.com)

R. Hawthorne Barrett (S.C. Bar No.: 16373)

P.O. Box 1473

Columbia, SC 29202

(803) 254-2200

[tbarrett@turnerpadget.com](mailto:tbarrett@turnerpadget.com)

**ATTORNEYS FOR RESPONDENTS**

October 1, 2020