

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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Feb 16 2021

SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Bentley D. Price, Circuit Court Judge

Appellate Case No. 2019-001470

John Doe,.....Respondent,

v.

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

and

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

RETURN TO RESPONDENT’S MOTION FOR FEES AND COSTS

Petitioners oppose Respondents’ Motion for Fees and Costs. These appeals were undertaken in good faith as an attempt to protect the identities of victims of childhood sexual abuse and to prevent further embarrassment to them. The appeals were not taken for dilatory purposes but rather posed an important question of whether, under the circumstances, the Courts should take

steps to preserve the anonymity of those victims of sexual abuse. The appeals did not delay the cases, and, in the *John Doe* matter, the Circuit Court granted summary judgment to Petitioners.

Additionally, these appeals were consolidated on Petitioner's motion and proceeded together throughout. Counsel for Respondents did not have to file separate motions to dismiss, draft any separate memoranda, or do any other duplicative work. At all times, counsel for Respondents were able to treat these appeals as a single entity for purposes of their work. For that reason, Respondents' requests for an award of multiple attorney's fees is unjustified and should be rejected. Furthermore, Respondents appear to be not only asking for multiple awards of attorneys' fees, but also requesting fees that exceed the amount allowed under Rule 222, SCACR. Respondents have not demonstrated any reason why a larger fee amount is, or even should be, allowable in this case. Therefore, Respondents' motion should be denied, or, if it is granted, should include only a single attorney's fee that does not exceed the amount allowed pursuant to Rule 222, SCACR.

Respectfully submitted,

s/ R. Hawthorne Barrett

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February 15, 2021

ATTORNEYS FOR APPELLANTS

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PROOF OF SERVICE

The undersigned, an attorney in this matter for the Appellants, certifies that I have this **15th day of February, 2021**, served a copy of the **Return to Respondents' Motion for Fees and Costs** upon all counsel of record by causing them to be deposited in the United States mail with sufficient postage attached, addressed to: Lawrence E. Richter, Jr.; The Richter Firm, LLC; 622 Johnnie Dodds Blvd.; Mt. Pleasant, SC 29464.

s/ R. Hawthorne Barrett

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February 15, 2021

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REPLY TO
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February 15, 2021

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

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

Dear Ms. Kitchings:

Enclosed for filing via email are the Appellant's Return to Respondents' Motion for Fees and Costs and the Proof of Service.

Sincerely,

TURNER PADGET GRAHAM AND LANEY P.A.



R. Hawthorne Barrett

RHB:

cc: Lawrence E. Richter, Jr.