

The Supreme Court of South Carolina

Barbara B. Clark, Warren E. Hatcher, Cassie Keeton,
Daniel Green, Powell Hampton, Amos Hatcher, Bobby
Keeton, James Moseley, Willie B. Oliver, Individually
and as General Officers of the RMUE Church,
Respondents,

v.

Fred Henderson Moore, Appellant.

Appellate Case No. 2012-213391
Lower Court Case No. 2012-CP-27-000291

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APR 02 2013

SC Court of Appeals

ORDER

This appeal, which is currently pending before the South Carolina Court of Appeals, is from an order entered by the clerk of the circuit court on November 5, 2012. The appeal is hereby certified for review by this Court under Rule 204 of the South Carolina Appellate Court Rules (SCACR).


The order on appeal, along with several other orders,¹ were entered after a notice of removal was filed with the United States District Court for the District of South Carolina on November 1, 2012, and before an order remanding the case to state court was filed in the United States District Court on March 12, 2013.² This Court

¹ Several of these orders include language indicating that Retired Judge Richard E. Fields is serving as a special circuit court judge or special judge. This is incorrect since Retired Judge Fields is serving as a special referee in this matter. Any further orders issued in this matter should properly reflect his status as a special referee.

² The Federal District Court has provided this Court with a copy of the Notice of Removal and the Remand Order.

is concerned that the circuit court may have been without jurisdiction to enter any of these orders. *Davis v. Davis*, 267S.C. 508, 229S.E.2d 847 (1976) ("[O]nce removal proceedings to federal court are fulfilled and requisite notice accomplished, the State court loses all jurisdiction in the matter."); *see also Maseda v. Honda Motor Company*, 861 F.2d 1248 (11th Cir. 1988) ("[A]fter removal, the jurisdiction of the state court absolutely ceases and the state court has a duty not to proceed any further in the case. [citation omitted]. Any subsequent proceedings in state court on the case are void *ab initio*.").

Within ten (10) days of the date of this order, counsel in this matter are requested to file a response addressing whether this Court should vacate the order on appeal and the other orders issued by the circuit court while this matter was removed to federal court. If, of course, the order under appeal is vacated, the appeal in this matter will be dismissed as moot.


C.J.
FOR THE COURT

Columbia, South Carolina
April 1, 2013

cc: Darrell T. Johnson, Jr., Esquire
Eduardo Kelvin Curry, Esquire
The Honorable Jenny Kitchings