

The State of South Carolina  
In The Court of Appeals

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Appeal from Charleston County  
Hon. J.C. Nicholson, Circuit Court Judge  
Appellate Case No. 2017-001996

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S.C. SUPREME COURT

John Doe 2 and Jane Doe 4, John Doe 10, Jane Doe 11,  
John Doe 193, Father Doe 194, John Doe 194, John Doe 245 and  
Father Doe 245, and John Doe 297,

Appellants,

v.

The Bishop of Charleston, a Corporation Sole; Robert Gugliemone,  
The Bishop Of Charleston, in his official capacity; Rev. Monsignor  
Martin Laughlin, former Administrator of the Diocese of Charleston,  
in his official capacity; Robert J. Baker, former Bishop of Charleston,  
in his official capacity; Lawrence E. Richter, Jr.,  
David K. Haller, and Richter and Haller, LLC,

Respondents.

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Motion to Recall Remittitur

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## Motion to Recall Remittitur

The fee for this motion will be sent by mail. A Proof of Service accompanies this motion.

On June 24 the Court of Appeals issued the remittitur in this appeal. The same day counsel filed a motion in the Supreme Court to recall the remittitur in light of a June 14 Petition for *Certiorari*. Counsel has received today the Supreme Court's order of August 6 denying Petition to Recall the Remittitur.<sup>1</sup>

On June 14, counsel had served, and thought the Supreme Court had accepted, a Petition for *Certiorari* to the Court of Appeals in this matter. Upon investigation after the remittitur issued, counsel discovered that the Supreme Court had received but not accepted that filing due to the electronic file transfer *method* by which counsel had sent the voluminous record on appeal and other documents associated with the Petition.

The Supreme Court's order denying the Motion to recall the remittitur was without prejudice, permitting a similar motion to the Court of Appeals. This is that motion, and it rests on the disruption caused by counsel's mother's death.

The June 14 Petition for *Certiorari* was sent to the SC Supreme Court June 24 by email to [suptfilings@sccourts.org](mailto:suptfilings@sccourts.org). That Petition is also attached to this motion, in the same form and with the same typographical errors as submitted June 14 and again on June 24. On August 25 the S.C. Supreme Court modified the appellate rules so as to eliminate the requirement for the record on appeal to accompany the Petition for *Certiorari*, the requirement that prevented the June 14 Petition from simply being emailed to the Supreme Court.

None of this confusion would have occurred but for the disruption to counsel from his mother's death.

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<sup>1</sup> That order was not emailed, only sent via US Mail by the Supreme Court. Counsel's mother passed away June 12 in Minnesota, and since June 12 counsel has been out of South Carolina dealing with family matters associated with her death. Counsel expects to be able to return to his office in South Carolina on September 20.

Conclusion

With apologies to the Court and counsel, we ask that the Court recall the remittitur, so the Supreme Court can act on the Petition first sent to the Court on June 14.

Respectfully submitted,

A handwritten signature in blue ink that reads "Gregg Meyers". The signature is written in a cursive style with a large, stylized "G" and "M".

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