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In the Court of Common Pleas for the
State of South Carolina, County of Oconee

Case No.: 2019CP3700585

Michael Davis,
Plaintiff(s),
v
Mark Vincent Day,
Defendant(s).

Transcript of Record

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SC Court of Appeals

HEARING HELD VIA WEBEX

September 28, 2020

Walhalla, South Carolina

BEFORE:

The Honorable R. Scott Sprouse

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APPEARANCES

REPRESENTING THE PLAINTIFF:

James O'Connell, Esquire
139 Grace Drive
Easley, SC 29640

REPRESENTING THE DEFENDANT(S):

Angela Lane, Esquire
Post Office Box 851
Sandy Springs, SC 29677

ALSO PRESENT:

Desimber Rose Wattleton, Pro Se

1 PROCEEDINGS

2 THE COURT: Madam clerk, what we are
3 going to do is go ahead and call the case.

4 THE CLERK: This is case number
5 2019CP3700585, Michael Davis versus Mark Vincent Day
6 (interruption in audio.)

7 THE COURT: This is Ms. Lane's
8 motion.

9 MS. LANE: Thank you, Your Honor.
10 May it please the Court. Under 12(B) (interruption
11 in audio) continue going through some of the
12 procedural history or just the arguments?

13 THE COURT: Let's just go straight to
14 the argument.

15 MS. LANE: Okay. So, the first
16 argument, under 12(B)(1), that the Court lacks
17 subject matter jurisdiction. (interruption in
18 audio) So, the motion is uNder and part of 12(B)(1).
19 I'm arguing that the Court lacks subject matter
20 jurisdiction to revoke the decisions of the church
21 with regard to its government. The church
22 (interruption in audio) Plaintiff Michael Davis
23 (interruption in audio) transfer property and how
24 the church governed itself. (interruption in audio)
25 and the defendant's support of this motion to

1 dismiss.

2 THE COURT REPORTER: I'm sorry, I
3 can't make a record of this.

4 THE COURT: This is what we are going
5 to do. We are apparently going to be unsuccessful
6 to get a virtual hearing to where everyone can
7 understand what is being said and a proper record
8 can be taken. This is a motion. And what I would
9 like each party to do is submit to me a memorandum
10 outlining your issues and exhibits that you want to
11 file with your memorandum, and any case law that you
12 would like me to review.

13 You are muted, Mr. O'Connell. Do you
14 have a question?

15 MR. O'CONNELL: Can you hear me now?

16 THE COURT: I can barely hear you.

17 MR. O'CONNELL: (Interruption in
18 audio).

19 THE COURT: Any issue that you want
20 as part of your memorandum. Serve each other with a
21 copy of your memorandum and have it to me by the end
22 of next Friday. And I will take this matter under
23 advisement.

24 MR. O'CONNELL: Thank you very much
25 (interruption in audio). You want one for each one

1 of those?

2 THE COURT: For each one. And each
3 of you can respond to what the other submitted. You
4 can submit responses.

5 MR. O'CONNELL: Yes, Your Honor. I
6 think that we have already done that, but I'll
7 double check. (interruption in audio).

8 THE COURT: I'll just take it under
9 advisement. Y'all get that to me.

10 MR. O'CONNELL: (interruption in
11 audio) thank you much.

12 THE COURT: All right. Thank you.

13 (Hearing concluded.)

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CERTIFICATE

STATE OF SOUTH CAROLINA:

COUNTY OF OCONEE:

I, MONA L. MANLEY, Court Reporter, certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes.

DATED this 22nd day of September, 2021.

Mona L. Manley /s/

MONA L. MANLEY
South Carolina Court Reporter
Circuit Reporter for the 10th Circuit
(850) 893-6662
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Appellate Case No. 2020-00147