

The State of South Carolina
In The Court of Appeals

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Nov 08 2021

SC Court of Appeals

Appeal from Charleston County
Hon. J.C. Nicholson, Jr., Circuit Court Judge

Appellate Case No. 2017-001996

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

Petition to Rehear

Appellants petition the Court of Appeals to rehear its order of October 25, 2021, denying the appellants' motion to recall the remittitur. The court failed to address two explicit matters related to the motion. Given that the Petition for Certiorari was timely submitted to the S.C. Supreme Court but the voluminous record was transmitted by an electronic means other than that preferred by the court, the Court of Appeals has failed to consider (1) whether the submitted Petition for Certiorari was properly submitted under (a) the court rules modified during the covid-

19 pandemic or (b) the permanent rule change made the week following the court's October 25 ruling, each of which dispensed with the traditional requirement to submit the Record on Appeal with the Petition, or (2) whether the death in counsel's immediate family constituted good cause to accept the petition as timely filed without the electronic Record.

There are, of course, compelling reasons to not recall the remittitur. If the remittitur is recalled the Court of Appeals risks the Supreme Court considering the merits of an appeal involving awkward facts, including (among others) a collusive class action, explicit judge-shopping, orders of the Supreme Court that were ignored, a fraud on the court with information withheld as to the fee award, and class counsel committing various misconduct in representing the class. The Court might strongly prefer to continue to avoid confronting any of those regrettable aspects of the record, as the Court of Appeals has succeeded in avoiding to date.

This Petition is submitted on the off-chance that the Court would concern itself with professional misconduct affecting hundreds of sexual abuse victims.

Conclusion

The motion to recall the remittitur should be reconsidered, and the remittitur recalled.

Respectfully submitted,



Gregg Meyers, S.C. Bar No. 9908
217 Lucas Street F-1
Mt. Pleasant SC 29464
843-324-1589
attygm@gmail.com

Attorney for Appellants

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Certificate of Service

Pursuant to SCACR 240(c)(1), counsel certifies that a copy of this Petition has been served on opposing counsel for the parties by email sent to counsel of record simultaneously with the email submission to the Court of Appeals pursuant to Administrative Order 2020-05-29-02, the order applicable to proceedings during the covid-19 pandemic.

Also pursuant to that order, the \$50 filing fee for the Petition, established by SCACR 240(d) will be separately forwarded to the Court by United States mail.

Respectfully submitted,



Gregg Meyers, S.C. Bar No. 9908

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Mt. Pleasant SC 29464

843-324-1589

attygm@gmail.com

Attorney for Appellants