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Feb 08 2022

S.C. SUPREME COURT

C. Alan Runyan
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February 8, 2022

Via Email

Patricia A. Howard, Clerk
South Carolina Supreme Court
1231 Gervais Street
Columbia, SC 29102

*RE: The Protestant Episcopal Church in the Diocese of South Carolina,
et al. v. The Episcopal Church, et al.
Appellate Case No. 20-000986*

Dear Ms. Howard:

On February 3, 2022, this Court wrote the parties and began its correspondence with the phrase “Unless either party objects...” On February 7, 2022, without asking Plaintiffs-Respondents if they objected, the Defendants-Appellants sent their letter and attachments to the Court. Please accept this letter as the Plaintiffs-Respondents’ response to the Court’s letter of February 3, 2022, and our objection to Defendants-Appellants’ letter of February 7, 2022.

The February 7, 2022 letter of Defendants-Appellants included a document, identified as the Journal of the 1987 Convention, which was never introduced as an exhibit. The document contains no exhibit number nor bates production number because the complete Journal of the 1987 Convention of the Respondent Diocese is not an exhibit in any record. It was not a trial exhibit before Judge Goodstein nor an exhibit before Judge Dickson. Therefore, it does not appear in either record on appeal. SCACR 210(h). A portion of that journal was an exhibit before Judge Goodstein

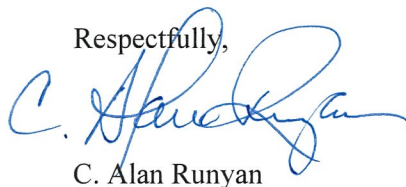
(D-401 A), and it is in the current record on appeal. R. 8459-62. That portion was never submitted to Judge Dickson.

In this Court's February 3 letter, this Court referenced certain pages of the proceedings before Judge Dickson. In those proceedings, counsel for TEC stated that the 1987 Convention papers had been "entered into evidence." That is incorrect. Further, the reference by TEC's counsel to the Diocesan version of the Dennis Canon's at the hearing before Judge Dickson (referenced in this Court's letter of February 3) was expressly "not to make the argument that that bound the parishes...." R. 4911.

The issue of what effect, if any, the Diocesan version of the Dennis Canon's presence, and then its removal in 2010 (R.2462-63), had on Defendant TEC's arguments about accession to TEC's Dennis Canon was not raised to nor ruled upon by either Judge Goodstein nor Judge Dickson.

In summary, the document submitted by counsel for Appellants was: 1) not admitted into evidence and is not in any appellate record; 2) expressly not referenced by Appellants as part of any argument to Judge Dickson to bind any parish; 3) was not an issue on appeal by Appellants of the rulings of Judge Dickson; and 4) the significance, if any, of its presence and then removal 2 years before the Respondents withdrew from TEC was not considered by Judge Goodstein or Judge Dickson on the issue of accession by any parish to a trust. For all these reasons, Plaintiffs-Respondents respectfully object to its consideration in this matter.

Respectfully,



C. Alan Runyan

Enclosure(s)
CAR/jps
Cc: All Counsel of Record