

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF DORCHESTER )  
 )  
 The Protestant Episcopal Church In The )  
 Diocese Of South Carolina; The Trustees of )  
 The Protestant Episcopal Church in South )  
 Carolina, a South Carolina Corporate Body; )  
 All Saints Protestant Episcopal Church, Inc.; )  
 Christ St. Paul's Episcopal Church; Christ )  
 The King, Waccamaw; Church Of The )  
 Cross, Inc. and Church Of The Cross )  
 Declaration Of Trust; Church Of The )  
 Holy Comforter; )  
 Church Of The Redeemer; )  
 Holy Trinity Episcopal Church; Saint )  
 Luke's Church, Hilton Head; Saint )  
 Matthews Church; St. Bartholomews )  
 Episcopal Church; St. Davids Church; )  
 St. James' Church, James Island, S.C.; St. )  
 John's Episcopal Church of Florence, S.C.; )  
 St. Matthias Episcopal Church, Inc.; St. )  
 Paul's Episcopal Church of Bennettsville, )  
 Inc.; St. Paul's Episcopal Church of Conway; )  
 The Church Of St. Luke and St. Paul, )  
 Radcliffeboro; The Church Of Our Saviour )  
 Of The Diocese of South Carolina; The )  
 Church Of The Epiphany (Episcopal); The )  
 Church Of The Good Shepherd, Charleston, )  
 SC; The Church Of The Resurrection, )  
 Surfside; The Protestant Episcopal Church, )  
 Of The Parish Of Saint Philip, In Charleston,)  
 In The State Of South Carolina; The )  
 Protestant Episcopal Church, The Parish Of )  
 Saint Michael, In Charleston, In The State )  
 Of South Carolina and St. Michael's Church )  
 Declaration Of Trust; The Vestry and Church )  
 Wardens Of The Episcopal Church Of The )  
 Parish Of Prince George Winyah; The Vestry )  
 And Church Wardens Of The Episcopal )  
 Church Of The Parish Of St. Helena and The )  
 Parish Church of St. Helena Trust; The )  
 Vestry and Church Wardens Of The )  
 Episcopal Church Of The Parish Of St. )  
 Matthew; The Vestry and Church Wardens )

IN THE COURT OF COMMON PLEAS  
 FOR THE FIRST JUDICIAL CIRCUIT

FILED - RECORDED  
 2013 JAN 31 PM 5:29  
 CHERYL GRANHAM  
 CLERK OF COURT  
 DORCHESTER COUNTY

Case No. 2013-CP-18-00013

**TEMPORARY INJUNCTION  
 (CONSENT)**

Of The Episcopal Church Of The Parish Of )  
St. Andrew's Church, Mount Pleasant; The )  
Vestry and Wardens Of St. Paul's Church, )  
Summerville; Trinity Church of Myrtle )  
Beach; Trinity Episcopal Church; Vestry and )  
Church-Wardens Of The Episcopal Church )  
Of The Parish Of Christ Church; Vestry )  
and Church Wardens Of The Episcopal )  
Church Of The Parish Of St. John's, )  
Charleston County )

PLAINTIFFS, )

v. )

The Episcopal Church (a/k/a, The )  
Protestant Episcopal Church in the )  
United States of America) )

DEFENDANT. )

This matter is before the Court pursuant to this Court's Temporary Restraining Order ("TRO") issued on January 23, 2013 at 5:11PM. The TRO provided that a hearing would be held on February 1, 2013 at 9:00AM in the Richland County Courthouse "to determine whether the present Order should be extended or a temporary injunction should issue." By consent of the parties, this Order resolves that determination.

**IT IS THEREFORE ORDERED,**

The reasons for the issuance of this temporary injunction are set forth in the TRO and the Court incorporates in all respects the TRO which is attached, and made a part of this Order. Pursuant to Rule 65 (d) the acts enjoined under this temporary injunction are as follows:

No individual, organization, association or entity, whether incorporated or not, may use, assume, or adopt in any way, directly or indirectly, the registered names and the seal or mark of The Protestant Episcopal Church in the Diocese of South Carolina as are set out below or any names or seal that may be perceived to be those names and seal or mark. The registered names

and mark that are subject to this order are: the seal of the Diocese of South Carolina as described in its registration with the South Carolina Secretary of State; the name “The Protestant Episcopal Church in the Diocese of South Carolina”, as registered with the South Carolina Secretary of State; the name “The Diocese of South Carolina”, as registered with the South Carolina Secretary of State; and the name “The Episcopal Diocese of South Carolina,” as registered with the South Carolina Secretary of State. Again, this seal and these names are those registered by this Plaintiff corporation with the South Carolina Secretary of State.

The following persons employed by, or serving as the officers or directors of the Diocese of South Carolina or of the Trustees are not subject to this order:

- **Diocese of South Carolina:** Mark J. Lawrence, Chief Operating Officer; James B. Lewis, Registered Agent; John Wallace, Treasurer; Nancy J. Armstrong, Assistant Treasurer; Joy Hunter, Director of Communications; Paul C. Fuener, President and Director; John M. Barr, III, Director; J. Reid Boylston, III, Director; Ann Hester Willis, Director and Secretary; Julian Jeffords, III, Director; William G. Lyles, III, Director; Ed Mitman, Director; Andrew O’Dell, Director; Elizabeth Pennewill, Director; Suzanne Schwank, Director; Gregory A. Snyder, Director; A. Kenneth Weldon, Director;
- **Trustees:** Mark J. Lawrence, President; Craige Borrett, Trustee and Secretary; Jeffrey Miller, Trustee; Robert Horn, Trustee; Robert Kilgo, Trustee; Robert Kunes, Trustee; Glynn Watson, Trustee; and Ivan Anderson, Trustee.

Any party may move this Court upon written notice served at least 14 days before the time specified for the hearing, unless the parties consent to a shorter time, for an order modifying

or dissolving this temporary injunction. This temporary injunction will remain in effect until further order of the Court.

IT IS SO ORDERED!

A handwritten signature in black ink, appearing to read "Diane S. Goodstein". The signature is written in a cursive style with a large, looping initial "D".

Diane S. Goodstein  
Circuit Court Judge  
First Judicial Circuit

January 31 2013

STATE OF SOUTH CAROLINA )  
COUNTY OF DORCHESTER )  
The Protestant Episcopal Church In The )  
Diocese Of South Carolina; The Trustees of )  
The Protestant Episcopal Church in South )  
Carolina, a South Carolina Corporate Body; )  
All Saints Protestant Episcopal Church, Inc.; )  
Christ St. Paul's Episcopal Church; Christ )  
The King, Waccamaw; Church Of The )  
Cross, Inc. and Church Of The Cross )  
Declaration Of Trust; Church Of The )  
Holy Comforter; )  
Church Of The Redeemer; )  
Holy Trinity Episcopal Church; Saint )  
Luke's Church, Hilton Head; Saint )  
Matthews Church; St. Bartholomews )  
Episcopal Church; St. Davids Church; )  
St. James' Church, James Island, S.C.; St. )  
John's Episcopal Church of Florence, S.C.; )  
St. Matthias Episcopal Church, Inc.; St. )  
Paul's Episcopal Church of Bennettsville, )  
Inc.; St. Paul's Episcopal Church of Conway; )  
The Church Of St. Luke and St. Paul, )  
Radcliffeboro; The Church Of Our Saviour )  
Of The Diocese of South Carolina; The )  
Church Of The Epiphany (Episcopal); The )  
Church Of The Good Shepherd, Charleston, )  
SC; The Church Of The Resurrection, )  
Surfside; The Protestant Episcopal Church, )  
Of The Parish Of Saint Philip, In Charleston, )  
In The State Of South Carolina; The )  
Protestant Episcopal Church, The Parish Of )  
Saint Michael, In Charleston, In The State )  
Of South Carolina and St. Michael's Church )  
Declaration Of Trust; The Vestry and Church )  
Wardens Of The Episcopal Church Of The )  
Parish Of Prince George Winyah; The Vestry )  
And Church Wardens Of The Episcopal )  
Church Of The Parish Of St. Helena and The )  
Parish Church of St. Helena Trust; The )  
Vestry and Church Wardens Of The )  
Episcopal Church Of The Parish Of St. )  
Matthew; The Vestry and Church Wardens )

IN THE COURT OF COMMON PLEAS  
FOR THE FIRST JUDICIAL CIRCUIT

FILED-RECORDED  
2013 JAN 23 PM 5:10  
CERK OF COURT  
DORCHESTER COUNTY

Case No. 2013-CP-18-00013

**TEMPORARY RESTRAINING ORDER**

ISSUED AT 5:11 PM

JANUARY 23, 2013

CERTIFIED COPY  
2013 JAN 23 PM 5:15  
CERK OF COURT  
DORCHESTER COUNTY

Of The Episcopal Church Of The Parish Of )  
St. Andrew's Church, Mount Pleasant; The )  
Vestry and Wardens Of St. Paul's Church, )  
Summerville; Trinity Church of Myrtle )  
Beach; Trinity Episcopal Church; Vestry and )  
Church-Wardens Of The Episcopal Church )  
Of The Parish Of Christ Church; Vestry )  
and Church Wardens Of The Episcopal )  
Church Of The Parish Of St. John's, )  
Charleston County )

PLAINTIFFS, )

v. )

The Episcopal Church (a/k/a, The )  
Protestant Episcopal Church in the )  
United States of America) )

DEFENDANT. )

---

This matter is before this Court on a Motion for a Temporary Restraining Order pursuant to Rule 65 (b), South Carolina Rules of Civil Procedure. This action was commenced by the filing and service of a Summons and Complaint on January 4, 2013. An Amended Verified Complaint was filed on January 22, 2013 along with a Motion for a Temporary Restraining Order. The hearing on the Motion was held *ex parte* on Tuesday, January 22, 2013 in St. George. The moving Plaintiffs are The Protestant Episcopal Church in the Diocese of South Carolina ("Diocese of South Carolina") and the Trustees of the Protestant Episcopal Church in South Carolina, a South Carolina Corporate Body ("Trustees"). Plaintiffs were represented by C. Alan Runyan, Esq., of Speights & Runyan, Beaufort, South Carolina and Charles H. Williams, Esq., of Williams & Williams, Orangeburg, South Carolina

The Amended Complaint seeks a declaratory judgment, as well as, temporary and permanent injunctive relief. This order deals only with the temporary restraining order.

This court has considered the Amended Complaint in its relevant verified portions; the Affidavits of James B. Lewis, Greg Snyder, Beth Snyder, Nancy J. Armstrong, Andrew S. Platte and Milan R. Shuler; and the memorandum and argument of counsel. The Court finds the following relevant facts are amply supported by the affidavits and the relevant parts of the Verified Complaint.

The Diocese of South Carolina is the owner of three names and one mark registered with the South Carolina Secretary of State. All were registered on November 5, 2010. The registered names are: "The Protestant Episcopal Church in the Diocese of South Carolina"; "The Diocese of South Carolina"; and "The Episcopal Diocese of South Carolina". The mark or seal of the Diocese of South Carolina was also registered with the South Carolina Secretary of State.

The Diocese of South Carolina withdrew its association with the Defendant. After that withdrawal, Plaintiffs through their affidavits allege that the Defendant, through its agents and those under its control or those acting in concert with it, began using these registered names and seal in a variety of ways, which have misled others as to the ownership of these registered names and seal. It is represented to the Court that a meeting is planned for January 26, 2013 in Charleston, South Carolina, and Plaintiffs contend that the intent of this meeting appears to be to make unauthorized corporate changes regarding Plaintiff.

This Court concludes as a matter of law that it has jurisdiction to hear and determine the issues raised by this motion and that this Court has authority under Rule 65(b), SCRCPP, to issue a temporary restraining order. "Injunctive relief is equitable in nature," *Denman v. City of Columbia*, 387 S.C. 131, 140, 691 S.E.2d 465, 470 (2010) issued to prevent irreparable injury upon the showing of a likelihood of success on the merits, and the absence of an adequate remedy at law." *Grosshuesch v. Cramer*, 367 S.C. 1, 4, 623 S.E.2d 833, 834 (2005). See also

*Peek v. Spartanburg Reg'l Healthcare Sys.*, 367 S.C. 450, 454-55, 626 S.E.2d 34, 36 (Ct. App. 2005) holding modified by *Poynter Invs., Inc. v. Century Builders of Piedmont, Inc.*, 387 S.C. 583, 694 S.E.2d 15 (2010). While this is an action between parties whose business happens to be religious, it nevertheless involves civil law issues concerning corporate control and interests in property. The South Carolina Supreme Court has “explicitly reaffirmed that when resolving church dispute cases, South Carolina courts are to apply the neutral principles of law approach,” *All Saints Parish Waccamaw v. Protestant Episcopal Church in Diocese of South Carolina*, 385 S.C. 428, 442, 685 S.E.2d 163, 171 (2009). The wrongful assumption of an existing commercial or charitable corporation’s name by another entity is subject to injunctive relief. *Planters’ Fertilizer & Phosphate Co. v. Planters’ Fertilizer Co.*, 135 S.C. 282, 133 S.E. 706 (1926); *Purcell v. Summers*, 145 F.2d 979 (4th Cir. 1944). The statutes upon which part of this action is based and the cases clearly establish that existing South Carolina corporations are to be protected from those who seek to assume their identities. Injunctive relief is specified in the statutes as a remedy for that conduct. “When seeking a preliminary injunction, the plaintiff need not prove an absolute legal right; the plaintiff need only present ‘a fair question to raise as to the existence of such a right.’” *Peek*, 367 S.C. at 456 (quoting *Williams v. Jones*, 92 S.C. 342, 347, 75 S.E. 705, 710 (1912)). A *prima facie* showing has been made as to the likelihood of success on the merits.

This Court further finds that it “clearly appears from specific facts shown”, which have been submitted under oath that “immediate and irreparable injury, damage or loss” will result to the Diocese of South Carolina without an adequate legal remedy before notice can be served and a hearing had thereon. The reasons for this finding are as follows:

The Diocese of South Carolina has three registered names and one registered mark and, as shown by affidavit, the Defendant, or others appearing to act in its name or under its control,



have allegedly and repeatedly used these names and mark, including those so similar that they are perceived to be the Diocese of South Carolina. This use has the clear ability to cause extraordinary confusion over the identity of the corporate entity of The Diocese of South Carolina. The Diocese of South Carolina has been using these registered names and mark in the ordinary course of its business as the Diocese of South Carolina, both before and after its association with the Defendant. By affidavit Plaintiff states its concern that a meeting scheduled to be held January 26, 2013, by those purporting to be this corporate entity but who in reality are not the corporate entity of the Plaintiff, could intentionally affect the corporate status of those uninformed that the actors are not, in reality, the corporation. In order to avoid any confusion, this Order is issued.

The issue at bar is whether the taking of action by those not authorized with corporate authority will so infringe on the rights of the Diocese of South Carolina, that the Diocese of South Carolina will suffer immediate and irreparable harm for which the law cannot adequately remedy. The Court is convinced this burden has been met. The use of the names and marks of the Diocese of South Carolina can affect its good will, its third party relationships and create confusion among those with whom it deals in the ordinary course of its business. In short, the ongoing business of the Diocese of South Carolina could be irreparably injured if corporate changes occur in its name, implemented by those without actual corporate authority.

The Fourth Circuit Court of Appeals stated, in a case that involved the unlawful use of a church's name by another religious entity in South Carolina, that the "use by one organization of the name of another for the purpose of appropriating the standing and good will which the other has built up is a well recognized form of wrong" and courts "have not hesitated, in any jurisdiction, to use the full power of the injunctive process." *Purcell v. Summers*, 145 F.2d 979,

984 (4th Cir. 1944). “[T]he question is, not whether they have the right to use ... ‘Episcopal’ in a new name so constructed as to avoid confusion, but whether they have the right to use the old name in a way that amounts, as we think it does, to implied misrepresentation to the damage of plaintiffs.” *Id.* at 988.

Based upon the affidavits of Plaintiffs, this Court finds that the *ex parte* nature of this proceeding was necessary and proper.

**IT IS THEREFORE ORDERED,**

No individual, organization, association or entity, whether incorporated or not, may use, assume, or adopt in any way, directly or indirectly, the registered names and the seal or mark of The Protestant Episcopal Church in the Diocese of South Carolina as are set out below or any names or seal that may be perceived to be those names and seal or mark. The registered names and mark that are subject to this order are: the seal of the Diocese of South Carolina as described in its registration with the South Carolina Secretary of State; the name “The Protestant Episcopal Church in the Diocese of South Carolina”, as registered with the South Carolina Secretary of State; the name “The Diocese of South Carolina”, as registered with the South Carolina Secretary of State; and the name “The Episcopal Diocese of South Carolina”, as registered with the South Carolina Secretary of State. Again, this seal and these names are those registered by this Plaintiff corporation with the South Carolina Secretary of State.

The following persons employed by, or serving as the officers or directors of the Diocese of South Carolina or of the Trustees are not subject to this order:

- **Diocese of South Carolina:** Mark J. Lawrence, Chief Operating Officer; James B. Lewis, Registered Agent; John Wallace, Treasurer; Nancy J. Armstrong, Assistant Treasurer; Joy Hunter, Director of Communications; Paul C. Fuener,

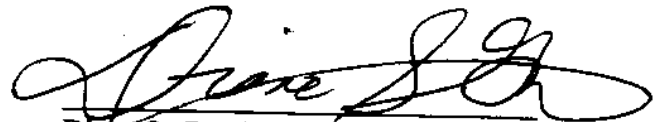
President and Director; John M. Barr, III, Director; J. Reid Boylston, III, Director; Ann Hester Willis, Director and Secretary; Julian Jeffords, III, Director; William G. Lyles, III, Director; Ed Mitman, Director; Andrew O'Dell, Director; Elizabeth Pennewill, Director; Suzanne Schwank, Director; Gregory A. Snyder, Director; A. Kenneth Weldon, Director;

- **Trustees:** Mark J. Lawrence, President; Craige Borrett, Trustee and Secretary; Jeffrey Miller, Trustee; Robert Horn, Trustee; Robert Kilgo, Trustee; Robert Kunes, Trustee; Glynn Watson, Trustee; and Ivan Anderson, Trustee.

This Order is issued this 23rd day of January at 5:11 pm. A hearing to determine whether the present order should be extended or a temporary injunction should issue is set for February 1, 2013, at 9 am, in the Richland County courthouse.

I find that adequate security for the issuance of this Order under Rule 65(c), South Carolina Rules of Civil Procedure to be \$50,000.00 which sum, in cash or its equivalent, shall be deposited with the Dorchester County Clerk's Office prior to the filing of this Order.

AND IT IS SO ORDERED!



Diane S. Goodstein  
Circuit Court Judge  
First Judicial Circuit

January 23, 2013

We consent to the entry of this Order.

The Protestant Episcopal Church In The  
Diocese of South Carolina; and The  
Trustees of the Protestant Episcopal  
Church of South Carolina, a South  
Carolina Corporate Body:

By: C. Alan Runyan

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The Episcopal Church (a/k/a, The  
Protestant Episcopal Church in the  
United States of America)

By: Thomas S. Tisdale, Jr.

Thomas S. Tisdale, Jr. Esquire

NEXSEN/PRUET

205 King Street, Suite 486

P.O. Box 486

Charleston, SC 29402

(843) 720-1749

FORM 4

STATE OF SOUTH CAROLINA  
 COUNTY OF DORCHESTER  
 IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE  
 CASE NUMBER 2013CP1800013

Protestant Episcopal Church In The Diocese Of South Carolina Church Of The Cross, Inc and Church Of The Cross Declaration Church Of The Redeemer St. John's Episcopal Church Of Florence, S. C. Church Of St. Luke and St. Paul, Radcliffeboro	Christ St. Paul's Episcopal Church Church Of The Holy Comforter St. Luke's Church, Hilton Head St. Matthias Episcopal Church, Inc	Episcopal Church	Protestant Episcopal Church in the United States of America 2013 JAN 31 PM 5:29 FILED - RECORDED CHERYL GRANHAM CLERK OF COURT DORCHESTER COUNTY
PLAINTIFF(S)		DEFENDANT(S)	

<b>Submitted by:</b>	<b>Attorney for:</b> <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Self-Represented Litigant
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**DISPOSITION TYPE (CHECK ONE)**

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**
  - Rule 12(b), SCRPC;
  - Rule 41(a), SCRPC (Vol. Nonsuit);
  - Rule 43(k), SCRPC (Settled);
  - Other: \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):**
  - Rule 40(j) SCRPC;
  - Bankruptcy;
  - Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
  - Other: \_\_\_\_\_
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
  - Affirmed;
  - Reversed;
  - Remanded;
  - Other: \_\_\_\_\_

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:**  See attached order; (formal order to follow)  Statement of Judgment by the Court:

**ORDER INFORMATION**

This order  ends  does not end the case.

Additional Information for the Clerk:

**INFORMATION FOR THE JUDGMENT INDEX**

*Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.*

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

Diane S. Goodstein  
Circuit Court Judge

2112  
Judge Code

1/31/2013  
Date

**For Clerk of Court Office Use Only**

This judgment was entered on 1/31/2012, and a copy mailed first class or placed in the appropriate attorney's box on 1/31/2012, to attorneys of record or to parties (when appearing pro se) as follows:

See Attached Mailing List

\_\_\_\_\_  
ATTORNEY(S) FOR THE PLAINTIFF(S)

\_\_\_\_\_  
ATTORNEY(S) FOR THE DEFENDANT(S)

*Cheryl Graham*  
Cheryl Graham - Clerk of Court

Court Reporter

**Protestant Episcopal Church in the Diocese of South Carolina, et al. vs.  
The Episcopal Church (a/k/a Protestant Episcopal Church in the  
United States of America  
2013-CP-18-00013**

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