



Diocese of South Carolina

NEWS RELEASE

PO Box 20127, Charleston, South Carolina 29413-0127
126 Coming Street, Charleston, South Carolina 29403

*****BREAKING NEWS*****

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For more information contact:

Jim Lewis (843) 722-4075
jlewis@dioceseofsc.org

Joy Hunter (843) 696-1757
jhunter@dioceseofsc.org

The Long Road to Freedom: Diocese and Parishes File 38 Motions for Summary Judgement

Charleston, S.C. (December 12, 2018) – The Diocese of South Carolina (Diocese) continues on the long road to freedom from The Episcopal Church (TEC), filing motions for summary judgement in the now nearly six-year-old federal suit brought by its former denomination. Motions by the Diocese and its fifty-four parish defendants ask the Court to acknowledge, as a matter of law, they have neither infringed on TEC trademarks, diminished the value of those marks or harmed the denomination by continued use of names which have been in use before the denomination existed.

The current federal litigation was initiated by TEC in 2013, after the Diocese made the decision to disassociate from the national denomination it helped charter in 1789, five years after its own founding. The decision to leave was made in the fall of 2012 after denominational leadership attempted to wrongly remove its duly elected bishop. Over 80% of the congregations and their members affirmed that decision at a special Diocesan Convention in November 2012. TEC has never accepted that decision by 23,000 parishioners of the Diocese, continuing to litigate all such

efforts by congregations and dioceses across the country wishing to free themselves from its control.

The original federal court complaint was initially against Bishop Lawrence alone, asserting that he continued to hold himself out falsely as a bishop of TEC, thus creating “confusion”. In April of this year the case was expanded to include the Diocese and all its congregations, even those formed after the disassociation who had no prior affiliation with the denomination. All are now charged with being party to the willful creation of confusion for attendees by virtue of using their historic names and continuing to conduct worship as they always have. These actions are alleged to mislead attendees to believe these are still TEC congregations.

The current motions for summary judgement by the Diocese and its parishes focus on several important undisputed facts. The first is that the Diocese and many of its congregations existed before TEC and have their names by legislative or colonial charter. On the simple basis of prior use, the TEC complaints can be ruled invalid.

There is also the significant issue of the generic nature of the words TEC wishes to claim protection for, “episcopal” and “church”. Whether used separately or collectively, these are in common use by countless other churches, whose use has never been challenged. Some, like The Reformed Episcopal Church, have done so since 1784, with no challenge for trademark infringement or dilution, or any evidence of “harm” to the TEC “brand”.

The latter point is also important in the motions for summary judgement. No evidence or testimony has been presented, particularly for the congregations, that the continued use of the names these bodies have always held, in any way has harmed TEC.

And by the standard of the South Carolina statute of limitations for state trademark enforcement, TEC brought its complaint on these issues a good two years too late from the most generous interpretation of when they began.

Finally, and perhaps most telling, no witness has been able to say the actions of any parish have confused anyone about whether they are affiliated with TEC. Common sense supports that as the existence of this dispute and who is on each side have been the subject of many articles in the local press over the last 6 years.

On the basis of all these facts, the Diocese believes the court should enter a summary judgement in favor of the Diocese, setting it free from this long, expensive and needless litigation.

The memos in support of the motions of the Diocese can be found on the [Diocesan website](#), along with further background on [the legal struggle](#). The process for pre-trial motions and replies will conclude on February 1, 2019, with Judge Richard Gergel expected rule soon thereafter on which, if any, issues will then go to trial later in the spring.

About the Diocese of South Carolina

The Diocese was founded in 1785 by the parishes of the former South Carolina colony. Four years later the Diocese became a founding diocese of The Episcopal Church. Based in the Lowcountry of South Carolina, the Diocese is one of the oldest religious districts in the United States and counts among its members several of the oldest, operating churches in the nation.

The Diocese of South Carolina is a member of the Anglican Church in North America (ACNA) and recognized by Anglican Dioceses and Provinces around the world, many of whom have broken fellowship with The Episcopal Church. In 2013 the Diocese joined the global Fellowship of Confessing Anglicans and entered into a formal relationship of Provisional Primatial Oversight with the Global South Primates. It was welcomed as a member diocese of the ACNA in June 2017.