

JUDGE'S SECTION	
<input type="checkbox"/> Motion Fee to be paid upon filing of the attached order.	JUDGE CODE _____
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CLERK'S VERIFICATION	
Collected by: <u>UPA</u> Date Filed: <u>3/15/10</u>	
<input checked="" type="checkbox"/> MOTION FEE COLLECTED: \$ <u>105.00</u>	
<input type="checkbox"/> CONTESTED - AMOUNT DUE: \$ _____	

SCCA 233 (11/2003)

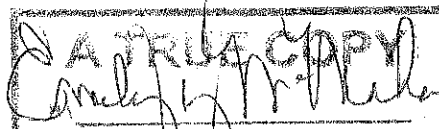
STATE OF SOUTH CAROLINA
COUNTY OF ABBEVILLE
Dr. Richard Taylor, Dr. Parker Young, J. David Chesnut, and the Erskine Alumni Association,
Plaintiffs,
vs.
General Synod of the Associate Reformed Presbyterian Church, Inc.
Defendant.

IN THE COURT OF COMMON PLEAS

EIGHTH JUDICIAL CIRCUIT

C.A. No.: 2010-CP-01-080

**MOTION FOR
TEMPORARY RESTRAINING
ORDER**

A TRUE COPY

 CLERK OF COURT

FILED
 STATE OF SOUTH CAROLINA
 COUNTY OF ABBEVILLE
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 EMILY Y MCMAHAN
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Plaintiffs, who are Trustees of Erskine College and other persons affiliated with Erskine, hereby move pursuant to Rule 65(b) of South Carolina Rules of Civil Procedure for a temporary restraining order to restrain and enjoin Defendant General Synod of the Associate Reformed Presbyterian Church, Inc., (hereinafter “the General Synod”), and its agents, appointees, assigns, and any person or entity acting in concert with or on behalf of Defendant from engaging in any transaction or activity in which the restrained party purports to control or act for or on behalf of Erskine, or involving the property, funds, or other assets which rightfully belong to Erskine; exercising and assuming control of Erskine; assembling the Board of Trustees or its “Interim Board;” and attempting to remove the existing Board of Trustees of Erskine in violation of the Bylaws of Erskine (Exhibit E to Verified Complaint) and the S.C. Non-Profit Corporation Act, §§ 33-31-101, *et seq.*

As alleged in the Complaint, Plaintiffs face irreparable harm if the General Synod is allowed to continue to usurp the power and take action reserved only for the Erskine Board of

Trustees, as established in Erskine's Bylaws. The General Synod has unlawfully attempted to remove fourteen of Erskine's Board of Trustees, without due process and without a hearing as prescribed by Erskine's Bylaws. A meeting of the "Interim Board" of Trustees, appointed without authority by the General Synod and patently invalid, is scheduled for March 17, 2010, and notices of this meeting have already been served. At this meeting, the "Interim Board" plans to amend Erskine's Bylaws to entirely restructure the composition of the Board of Trustees and elect new officers. Erskine will face irreparable harm if the General Synod is allowed to continue to act without regard to the provisions set forth in Erskine's Charter, Bylaws, the South Carolina Code, and the General Synod's own Form of Government.

Therefore, for good cause shown, Plaintiffs respectfully request that this Honorable Court issue a temporary restraining order to enjoin and prohibit the Defendant General Synod or its agents from conducting any activities related to Erskine College, including convening of any purported Board of Trustees of Erskine, for ten days to preserve the status quo until a hearing can be held on the merits.

Plaintiffs will provide Defendant General Synod of this Motion and the date of any subsequent hearing this Court may prescribe.

Respectfully submitted,



J. Theodore Gentry (No. 64038)
Mark W. Bakker (No. 13096)
WYCHE, BURGESS, FREEMAN & PARHAM, P.A.
44 East Camperdown Way (29601)
Post Office Box 728
Greenville, South Carolina 29602
Telephone: 864-242-8200
Telecopier: 864-235-8900
E-Mail: tgentry@wyche.com

John R. Devlin, Jr. (No. 01677)
E. Brown Parkinson, Jr. (No. 04437)
DEVLIN & PARKINSON, P.A.
P.O. Box 10387
Greenville, SC 29603
John.devlin@devlinparkinson.com

**Attorneys for Plaintiffs Dr. Richard Taylor, Dr.
Parker Young, J. David Chesnut, and the Erskine
Alumni Association**

Date: March 15, 2010
Greenville, South Carolina