

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

S.C. Supreme Court

Roger M. Young, Sr., Circuit Court Judge
R. Markley Dennis, Jr., Circuit Court Judge

Case No. 2010-CP-10-2695

Opinion No. 27252

The Town of Hollywood.....Respondent,

vs.

William Floyd a/k/a Jeff Floyd,
Troy Readen, and Edward McCracken
a/k/a Eddie McCrackenPetitioners.

RESPONDENTS/APPELLANTS' PETITION FOR REHEARING

May 28, 2013

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PETITION FOR RHEARING

As authorized by Rule 221, *South Carolina Appellate Court Rules*, petitioners pray for a rehearing on the grounds that Opinion No. 27252 applies an incorrect standard of review, fails to apply controlling statutory precedent, and overlooks material factual issues.

STANDARD OF REVIEW

The Town's appeal is an appeal from a jury verdict. In evaluating any appeal from a jury verdict, the appellate court is required to view the evidence in the light most favorable to the petitioners. The appellate court cannot disregard evidence, make credibility determinations, substitute its view of the evidence for that of the jury or rewrite the complaint to narrow the issues presented at trial. In Opinion No. 27252, this Court disregards statutory and common law imperatives and views the evidence in the light most favorable to the Town, making credibility determinations against the petitioners, which it cannot do. It even narrows the complaint and states the facts incorrectly.

For example, in reversing the jury verdict this Court constricts the petitioners' counterclaims to ground its analysis upon a narrow evaluation of acts of only the Planning Commission: "The pertinent issue before this Court is whether the developers presented evidence that the Planning Commission treated them differently than other similarly situated developers." (Opinion at page 11). The Planning Commission is not

the party; the Town of Hollywood is the party. See petitioner's counterclaim at page 33 of the record on appeal:

19. The Town of Hollywood has misused its municipal powers to single out the defendants for unequal treatment and prevented them from using their property in the same manner as other similarly situated property owners.

20. The Town of Hollywood has singled out the defendants for unequal application of its ordinances because of political opposition to the defendants' project.

This Court reframed the counterclaim to focus all of its attention on the Planning Commission and ignored the evidence of unequal protection through the acts of the Zoning Administrator, Ed Holton; Councilmember, Annette Sausser; and Planning Commission member, Matt Wolfe. While the Planning Commission improperly executed its duty, the actions of the Town's Zoning Administrator, Holton, and Town Council member, Sausser; demonstrate the arbitrary and intentional animus toward the petitioners and the resulting discrimination. "The purpose of the equal protection clause of the Fourteenth Amendment is to secure every person within the State's jurisdiction against intentional and arbitrary discrimination, whether occasioned by express terms of a statute or its improper execution through duly constituted agents. *Sioux City Bridge, supra*, at 445 (quoting *Sunday Lake Iron Co. v. Township of Wakefield*, 247 U.S. 350, 352 (1918))." *Village of Willowbrook v. Olech*, 528 U.S. 562, 120 S.Ct. 1073 (2000) In the Opinion under review, Sausser and Holton are diminished even though

their actions produced the most compelling evidence of the Town's unequal treatment in the denial of the petitioners' application. In setting aside the jury verdict, this Court demotes Councilmember Sausser's expression of contempt for equal protection to a footnote demoting the fact that it happened down to a mere assertion that it happened. The petitioners did not "assert" that it happened; they proved it happened, and it was for a jury to decide what weight to assign to that fact as evidence of unequal application of law. In reviewing the record, this Court does not have the power to substitute its view of the evidence for that of a jury. The record establishes that five witnesses saw and heard Councilwoman Sausser make the statement and make the gesture—and the Town did not contest it—and this Court cannot rewrite the established facts in order to arrive at a different outcome.

Disregarding statutory law requiring ordinances to be available, the Opinion under review gives a pass to the Town's failure to produce its 2007, ordinances. It is undisputed the Town could not or would not produce them as required by law. Despite this uncontested fact, this Court now establishes a precedent for local governments freeing them from a statutory requirement to follow the law. This Court notes that it is "troubled" by the Town's "inability" to produce its ordinances on at least one occasion." (Opinion page 9) Once again, this Court makes credibility determinations and views the evidence in the light most favorable to the Town, which is opposite the required standard. It is exclusively the province of the jury to decide if the Town could not or would not produce its ordinances and whether the refusal to do so was part of a scheme to deprive the petitioners of equal protection of the laws. The Town was not lacking the

ability to produce its ordinances unless, contrary to the Town's assertion, they did not exist. Looking at the evidence in the light most favorable to the petitioners, as required by law, the Town refused to produce its ordinance on at least three occasions according to the testimony of Jeff Floyd and Troy Readon. Even though this Court cites the controlling statute, § 5-7-290, S. C. Code, the Court gives the Town of Hollywood and all local governments from this point forward a pass on its failure to conform:

Each municipal council shall provide by ordinance for the codification and indexing of all ordinances, either typewritten or printed, and the maintenance of ordinances in a current form reflecting all amendments and repeals. All ordinances as codified shall be available for public inspection at reasonable times.

Under the rules of statutory interpretation, use of the words 'shall' or 'must' indicates the legislature's intent to enact a mandatory requirement." *T. W. Morgan Builders, Inc. v. Buedingen*, 316 S.C. 388, 402, 450 S.E.2d 87, 95 (Ct. App. 1994). *Collins v. Doe*, 352 S.C. 462, 470, 574 S.E.2d 739 (2002).

If the Opinion under review remains unmodified, then every municipality and every county in South Carolina now knows that there is no consequence for failing to observe the mandatory requirements of the General Assembly.¹ For a state that has been moving inexorably toward openness in government, this is a step backwards and is repugnant to the concept of transparency and open government. "It is exclusively within the jury's province to decide how much weight the evidence deserves" regarding the Town's refusal to allow the petitioners to inspect its ordinances. *Watson v. Ford*

¹ All one has to do to see the effect of an unmodified Opinion is to do a Google search on § 5-7-290 and "failure to produce ordinances," and this case comes up as authority.

Motor Company, 389 S.C. 434, 699 S.E.2d 169 (2010). “Importantly, the trial court is never permitted to second-guess the jury in their fact finding responsibility unless compelling reasons justify invading the jury’s province.” *Watson, supra*. Thus, this Court is not free to adjust this verdict even if it sees the facts differently. Only the jury has the authority to weigh evidence and decide what is believable and what is not. If the appellate court is free to substitute its view of the evidence for that of the jury, then the right to trial by jury is a myth. The petitioners proved by overwhelming evidence that the Town never produced its ordinances to the petitioners as required by law, and in reviewing the trial record, this Court is not permitted to assign weight or credibility to evidence. The Town’s explanation that the ordinances were unavailable because they were being “recodified” is preposterous, and the jury was within its rights to find that the unavailability of the Town’s putative ordinances was sufficient in and of itself to act as a denial of the petitioner’s equal protection. To find otherwise makes credibility judgments, which are reserved solely for the jury who heard and saw the witnesses.

THE TOWN’S ADMISSION OF DISPARATE TREATMENT

The most salient deviation from the standard of review is in the Court’s finding that the petitioners produced no evidence of disparate treatment from similarly situated landowners. Leaving aside the undisputed principle of law that every parcel of real estate is regarded as unique,² the Town admitted--both in writing and in sworn

² *Hhhunt Corp. v. Town of Lexington*, 389 S.C. 623, 699 S.E.2d 699 (Ct. App. 2010) “Real estate has long been thought unique, and thus, injuries to real estate interests frequently come with the ken of the chancellor.”

testimony in the presence of the jury--that it treated the petitioners differently from all applicants.

At oral argument, there was considerable colloquy about whether the record contained sufficient evidence of unequal protection to allow the trial court to submit the case to the jury. As pointed out at oral argument, on page 833 of the Record on Appeal, Plaintiff's Exhibit 13, is Edward Holton's written directive to the petitioners entitled: "Feb. 21 For March 13 7:00 Plan. Comm." This written list expresses six criteria the Town demanded from the petitioners as a condition for granting a subdivision. The Opinion under review notes that "these requirements included approval of a septic system, alternate access routes, and a tree survey, which are required of all developers." The Opinion under review omits additional arbitrary requirements including "realignment" with Annette Sausser's and Matt Wolf's gated community, and a 50-foot buffer "so people wouldn't see your subdivision." While on the stand in the presence of the jury, Zoning Administrator, Ed Holton, explained that these unusual requirements are not required by Town Ordinances, but were added to appease the "significant persons" who opposed the petitioners' plans to build affordable housing, or as Matt Wolfe characterized it: "plastic, plastic, plastic." See testimony of Anne Boone at R.O.A. page 284-285 [tr. Pages 166-167]). This is how Ed Holton described the Town's written subdivision criteria:

A. This [Plaintiff's Exhibit 13] was just, like I say, a recommendation, not a requirement, and there was previous dialogue between myself and Troy, in fact, Troy

Readen, and not a requirement, just thought because by this time was a lot of uproar with different people—**well, there was significant people around saying they weren't so thrilled with the subdivision.**

Well, maybe you should have some buffering, an avid barrier between them **so people wouldn't see your subdivision**, so that is where that comes from and I'll read it. It says buffer as an excellent show of good faith to the surrounding, close parentheses, leave in place or install a 50 foot wood buffer surrounding the property and that was just a suggestion.

Ten foot would probably have been great, but I just threw that in there for something to have, not just something, but a significant part that would aid their project being successful and the community surrounding it not having such a problem with it. I was trying to help them in that way. That was a suggestion.

Q. So your recommendation was to be considerate of your neighbors, more or less, is that correct?

A. Yes. And for their benefit, **it would have above and beyond what normal people would do.** I didn't make this suggestion too often at all, but in light of this, I felt like this would make the project go smoothly.

Record on appeal pages 234-235 [transcript 116-117])

The jury heard this admission and observed the manner in which the witnesses delivered the above and other testimony, and they saw and heard exactly what the

Town of Hollywood was up to. As Justice Beatty pointed out at oral argument on this case, this is an admission of unequal protection across the board. In opposition to this position, the Chief Justice maintained that equal protection claims can succeed only where the petitioners can show a "comparable comparative." The Chief Justice's narrow construction of "similarly situated" is at variance with the dissenting opinion on the same topic. There the correct definition is a broader concept in keeping with the well-established case law on equal protection. In *Ed Robinson Laundry v. S. C. Dept. of Revenue*, 356 S.C. 120, 588 S.E.2d 97 (2003), the two justice dissent relied upon the universal rule that equal protection claims are determined in accordance with a rational basis standard. The dissent, relying upon established case law, articulated the broader standard traditionally applied to equal protection cases thus:

In my opinion, there is no rational basis for treating dry cleaning services differently from other services. I would also find that when viewed in the light most favorable to Robinson, a genuine issue of material fact exists as to whether the sixty-one exceptions to the sale tax are arbitrary and capricious and thus violate the Equal Protection Clause. *Fleming v. Rose*, 350 S.C. 488, 567 S.E.2d 857 (2002)

In my view, the sales tax violates the rational basis test and thus violates equal protection. *Lewhnhausen v. Lake Shore Auto Parts Co.*, 410 U.S. 356, 93 S.Ct. 1001, 35 L.Ed.2d 351 (1973); *Bibco Corp. v. City of Sumter*, 332 S.C. 45, 504 S.E.2d 112 (1998). **Because I believe that dry cleaning services are part of the same class as other service providers, I would hold that the statute treats "similarly situated" entities differently.** Further, I would hold that there is no rational basis for singling out dry cleaners--to the exclusion of other services--for sales tax purposes.

(emphasis added)

The formulation in *Ed Robinson Laundry* is the correct one. There is no requirement in equal protection case law that the unequal protection be based on proof of a "comparable comparative." Whether other landowners are or are not similarly

situated is a question of fact that is always determined on a case by case basis as an issue of fact. Even if the petitioners had offered no evidence of other real estate parcels treated differently, the Town admitted it was imposing extra requirements on the petitioners that it required of no one else.

Having proved the Town's unequal treatment of the petitioners, the petitioners turn next to evidence of an animus. The Court's Opinion erroneously describes evidence of animus as only supporting only due process claims, stating in its Opinion:

. . . while the developers assert these actions alone demonstrate a denial of equal protection, the alleged misconduct relates only to the developers' due process claim, which the jury rejected and the developers did not appeal.

This is an incorrect statement of law. The Petitioners offered evidence at trial to demonstrate the Town's animus for Petitioners -- evidence that included the actions of Sausser and Wolf, but also included the Zoning Administrator's, Holton's, extraordinary requirements specifically tailored to the petitioners. When Councilwoman Sausser drew her thumb across her neck to simulate a cut throat and told the petitioners their project would "never happen," the jury was entitled to evaluate that act and give it what weight they thought appropriate. The act is evidence of something, and it is improper for this Court to say it is evidence of only a due process violation but not an equal protection violation. These facts combined with the Town's "inability" to produce its ordinances to Petitioners for inspection on multiple occasions are more than sufficient to establish the elements of unequal protection justifying submission of the case to the jury. Contrary

to "only" relating to a due process claim, in fact, this Court **requires** an equal protection claim be established with the very evidence Petitioners presented to the jury at trial. This Court held in the 2013, case of *Dunes West Golf Club v. Mt. Pleasant*, 401 S.C. 280, 737 S.E.2d 601 (2013):

" . . . noting that the distinguishing factor between "run of the mill zoning cases and cases of constitutional right" is the presence of a factor demonstrating "vindictive action, illegitimate animus or ill will." *Whatley*, 337 S.C. at 576, 524 S.E.2d at 408 "To prove that a statute has been administered or enforced discriminatorily, more must be shown than the fact that a benefit was denied to one person while conferred on another. A violation is established only if the plaintiff can prove that the state **intended** to discriminate." (emphasis in original) *Butler v. Town of Edgefield*, 328 S.C. 238, 250-251, 493 S.E.2d 838,845 (1997) Plaintiff did not establish Equal Protection claim where he failed to allege or set forth any facts which could establish purposeful or intentional discrimination." (*Dunes West* at page 295 *supra*)

Proof of animus and intent to discriminate not only "relate" to an equal protection violation, they are the required active ingredients in any successful claim for unequal protection. While the evidence is susceptible of supporting due process and equal protection, there is no case that holds the same evidence cannot support more than one claim. There is abundant evidence for the jury in the trial record to establish the Town's animus and its discriminatory actions.

Contrary to the Court's Opinion, Petitioners meet the holding of the United States Supreme Court in *Village of Willowbrook v. Olech*:

Our cases have recognized successful equal protection claims brought by a "class of one," where the plaintiff alleges that she has been intentionally treated differently from others similar situated and there is no rational basis for the difference in treatment. See *Sioux City Bridge Co. v. Dakota County*, 260 U.S. 441 (1923); *Allegheny*

Pittsburgh Coal Co. v. Commission of Webster Cty., 488 U.S. 336 (1989). In so doing, we have explained that “[t]he purpose of the equal protection clause of the Fourteenth Amendment is to secure every person within the States jurisdiction against intentional and arbitrary discrimination, whether occasioned by express terms of a statute or by its improper execution through duly constituted agents.” *Sioux City Bridge Co., supra*, at 445 (quoting *Sunday Lake Iron Co. v. Township of Wakefield*, 247 U.S. 350, 352 (1918))

That reasoning is applicable to this case. Olech’s complaint can fairly be construed as alleging that the Village intentionally demanded a 33-foot easement as a condition of connecting her property to the municipal water supply where the Village required only a 150-foot easement from other similarly situated property owners. See *Conley v. Gibson*, 355 U.S. 41, 45-46 (1957). The complaint also alleged that the Village’s demand was “irrational and wholly arbitrary” and that the Village ultimately connected her property after receiving a clearly adequate 15-foot easement. These allegations, quite apart from the Village’s subjective motivation, are sufficient to state a claim for relief under traditional equal protection analysis. We therefore affirm the judgment of the Court of Appeals, but do not reach the alternative theory of “subjective ill will” relied on by that Court.

Olech at page 564-565

The Opinion under review deviates from the *Olech* holding because it adds a new requirement for equal protection claims, elevating “similar” to “identical,” which is at variance with the case law. Leaving aside the obvious point that whether two properties are “similar” is a quintessential jury question, South Carolina has always recognized a parcel of real estate is unique by definition. (See *Hhhunt Corp. v. Town of Lexington*, 389 S.C. 623, 623, 699 S.E.2d 699 (Ct. App. 2010)). In a town the size of Hollywood -- in both population and area -- there will never be an exact comparison, and a local government does not get a free pass on discrimination because a property owner cannot identify someone identically situated. Regardless, with the admission by Zoning Administrator, Ed Holton, that the Town required the Petitioners to meet standards “above and beyond what normal people would do,” the Town proves the case for the Petitioner -- no one else was asked to do what the Town required only the

Petitioners to do. With his own words, the Town's zoning official admitted that he required the Petitioners -- and no one else -- to meet a higher standard for the benefit of neighbors who were "significant people" creating "a lot of uproar." Requiring the Petitioners to install a "50 foot wood buffer surrounding the property" "so people wouldn't see your subdivision" is a requirement Holton admits he would not ask "normal people" to do. Tellingly, the Petitioners could not verify any standard for the administrator's requirements, nor even the authority of the zoning administrator to require them, without the opportunity to examine the Town's Code of Ordinances. The Petitioners had every right to inspect the Ordinances, as set forth in the very document they were never allowed to see. The Town's pattern of refusal to produce its Code of Ordinances for Petitioners could not under any circumstance bear a rational relationship to **any** legitimate government purpose. This fact, when combined with the admission of the Zoning Administrator regarding disparate treatment of the Petitioners, meets the rational basis standard of *Olech*, and is more than enough evidence to support a jury's decision on the facts. Secondly, the Town misused its municipal powers through the Zoning Administrator and the Council Member, not just by the Planning Commission as the Opinion mischaracterized the issue for unequal treatment of the petitioners. There is an abundance of evidence in this record to support the jury's finding of equal protection violation and relief in its exclusive province as the finder of facts. As this Court notes on page 10 of the Opinion under review: "Moreover, a JNOV motion may be granted only if no reasonable juror could have reached the challenged verdict." As set forth above, there is an abundance of evidence from which the jury could find a

violation of equal protection.

RELIANCE ON DUE PROCESS CASES

Finally, while not controlling in the Court's Opinion under review, the Court dismisses petitioners' reliance on a line of federal cases, such as *A Helping Hand L.L.C. v. Baltimore*, 515 F.3d 356 (4th Cir. 2009). As discussed above and as supported by hundreds of cases, the same evidence can support recovery on more than one legal theory. In addition, there are two reasons why reliance on this line of cases is important.

First of all, the Fourth Circuit cases adopt and amplify Justice Waller's prescription in *Thomas v. I'On*, S.C. S.E.2d (2000) that decisions regarding the use of private property must be made "free from the influence of undue political influence." The Congress amended the Constitution in 1868, following a civil war that cost approximately 620,000 dead and wounded. As perhaps the most important 80 words ever put to paper, Section 1 says:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

In drafting the Amendment, Congress made no distinction between due process or equal protection, the two clauses be separated only by a conjunction "nor," which is the grammatical equivalent of "equals" in mathematics. In *A Helping Hand, L.L.C. v.*

Baltimore, 515 F.3d 356 (4th Cir. 2008), the Fourth Circuit, follow the same prescription this Court articulated in *I'On v. Mt. Pleasant*, that land decisions must be made "free from undue political influence". In *A Helping Hand*, the Fourth Circuit, like our Court of Appeals in *Wyndham Enterprises v. North Augusta*, 401 S.C. 144, 736 S.E.2d 659 (2012) made clear that land use decisions should not be controlled by irrational public sentiment. The fact pattern in *A Helping Hand* is close to this case:

But the Clinic did not need to rely only on this circumstantial evidence because it also had uncontroverted direct evidence that the Baltimore County Council knew of the community opposition to the Clinic. One of the seven County Council members, Kevin Kamenetz, himself became actively involved in the opposition to the Clinic. Councilman Kamenetz not only met with community groups, he also contacted state officials to enlist their support in their effort. Clearly, Councilman Kamenetz was well aware of the community's views.

Thus, even though *A Helping Hand* involved a substantive due process claim, the Court condemned the participation of the decision maker, a member of Council, in stirring up the opposition to the establishment of a methadone clinic. As Edmund Burke commented in his *Reflections on the French Revolution*, a citizen might be an excellent candle maker or furniture maker but a poor legislator. Shakespeare said the same thing in *Henry II*, when one of his most reprehensible characters, Dick the Butcher, advocated elimination of lawyers as the first order of business because lawyers follow rules. Government officials like Councilman Kamenetz and Councilwoman Sausser are prime examples of government officials with no concept of fairness, and, as observed by Justice Marshall in *Marbury*, it is the "sole function" of the courts to protect citizens from encroachment of their rights by government officials with no fidelity to the rule of law. The Fourth Circuit has been out front on this issue just as this Court has in *I'On v.*

Town of Mt. Pleasant, supra. and our Court of Appeals in *Wyndham*. Thus, cases like *A Helping Hand* are instructive in reinforcing the Court's role in protecting citizens' rights from encroachment by unbridled government action and cannot be ignored because they discuss substantive due process, which is the nothing more than a different facet of the same shining principle of fundamental fairness.

CONCLUSION

In summary, the petitioners concede that the Town offers a plausible explanation for everything it does. Every government from large to small knows it is acting in the best interests of its citizens, and governments have done terrible things in the name of knowing what is best. That is why our system of government has three co-equal branches. That is why the judicial branch functions independently to protect the rights of the individual against encroachment by the government: "The province of the court is, solely, to decide on the rights of individuals, not to enquire how the executive, or executive officers, perform duties in which they have discretion." *Marbury v. Madison*, 1 Cranch 137, 2 L.Ed. 60 (1803) Yet the Opinion under review does exactly what *Marbury* says it should not do.

Here, the jury determined that the Town's explanations were not believable. That is the function and the sole province of the jury. Only a jury can determine if the explanations are plausible or pretext. Even if the Town's admission of unequal protection were not enough, it was for the jury to decide if Wide Awake Plantation and Holly Grove were sufficiently similar to demonstrate an unequal application of law. It

was for the jury to weigh the testimony of Zoning Administrator Holton. Likewise, it was for the jury to weigh the fact that the Town refused to allow the petitioners access to the Town's putative ordinances. The Town's admission alone is sufficient for the case to go to the jury. The testimony quoted above is precisely the criteria identified by the United States Supreme Court in *Village of Willowbrook v. Olech* as a violation of a landowner's equal protection rights, and moreover, it is exactly the criteria identified by the Court of Appeals in *Harbit v. City of Charleston* and *Dunes West v. Mt. Pleasant* as evidence of animus for the landowner. If we are governed by laws, then Justice Beatty's summation at oral argument is accurate, or, as Judge Walter Bristow was fond of saying: "Government must feed all its citizens from the same spoon."

Approximately 2,500 years ago, a great Roman lawyer, who paid the ultimate price for unequal application of the law, observed that, distilled down to its essence, any legal system is premised ultimately on a bedrock principle of faith in fairness.³ When Cicero chose the wrong side in the dispute between whether Rome was governed by the laws of men or the rule of law, he paid the ultimate price for his choice. However, Cicero's observation is as true today as it was then—that a legal system survives only so long as the people governed by it believe it is fair. The jury is a guarantor of fairness. The jury in this case had abundant evidence before them to conclude that the Town of Hollywood applied a punitive standard to the petitioners—a punitive standard applied by the misconduct of Town officials. The Town was not fair, and it is not fair for this

³ Later Bishop Berkeley and Kurt Gödel independently demonstrated that even mathematics (Berkeley) and logic (Gödel) are grounded on faith. Modern physicists announce that at the smallest levels of nature, even causality disappears. It is unreasonable to suppose law can claim a firmer foundation than math, logic, or physics, which is why the touchstone of law will always be fairness.

Court to ignore the evidence of unfairness and narrow the focus only on the acts of the Planning Commission without holding the Town accountable for the acts of its Town Council member and Zoning Administrator. This Court denies the petitioners fundamental fairness, guaranteed to them by the XIVth Amendment, and its reversal of the jury's decision does so by substituting its view of the evidence for that of the jury. The petitioners therefore request that the case be re-set for oral argument and re-argued so that the Court may have an opportunity to evaluate the case under the correct legal standard and uphold the decision of the jury below.

Respectfully submitted,

May 28, 2013

A handwritten signature in black ink, appearing to read 'T.R. Goldstein', written over a horizontal line.

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CERTIFICATE OF SERVICE

I certify that I have served the Petition for Rehearing on the Town of Hollywood by depositing a copy of it in the United States Mail, postage prepaid on May 28, 2013, addressed to its attorney of record, Hugh Buyck and Andrew Lindemann at Buyck and Sanders Law Firm, L.L.C., P.O. Box 2424, Mt. Pleasant, S. C. 29465 and Davidson & Lindemann, P.A., P. O. Box 8568, Columbia, S. C. 29202-8568.



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