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September 16, 2022

**FOR ELECTRONIC FILING**

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

**RECEIVED**

**Sep 16 2022**

**SC Court of Appeals**

Re: Olivia M. Thompson, Ph.D., M.P.H. v College of Charleston, et al.  
Appellate Case No.: 2022-000044

Dear Ms. Kitchings:

I am writing on behalf of Respondents in this matter in response to the letter from Daniel F. Blanchard, III, Esq., counsel for Appellant, dated September 15, 2022. In that letter, Mr. Blanchard draws the Court's attention to the South Carolina Supreme Court's recent decision in *South Carolina Pub. Interest Found'n v. Wilson*, No. 28112, 2022 S.C. LEXIS 108 (Sep. 14, 2022).

In his letter, Mr. Blanchard asserts that Appellant contends that the trial court "erred by holding that a prior order of a different Circuit Judge which denied a prior motion for preliminary injunction made by Appellant was the law of the case and barred the latter Circuit Judge from granting Appellant's subsequent motion for preliminary injunction." Appellant now contends that the Supreme Court's decision in *Wilson* "rejected the position that one Circuit Judge's order denying a motion for preliminary injunction constituted the law of the case, thus it did not operate to preclude another Circuit Judge from rendering a contrary ruling in subsequent proceedings in the same matter."

Respondents respectfully posit that the Supreme Court's decision in *Wilson* is not pertinent to the issues in this appeal. As set forth in pages 18-26 of Respondent's Final Brief, the trial court's denial of Appellant's first request for a preliminary injunction required the denial of Appellant's *second* motion for preliminary injunction:

Much like her First Motion, the Second Motion and Supplement to Second Motion are built upon the premise that Respondents engaged in conduct that violated the terms of her

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MOU with CofC. This is merely a continuation of the contentions that Dr. Thompson previously made — and Judge Hall rejected — in her First Motion.

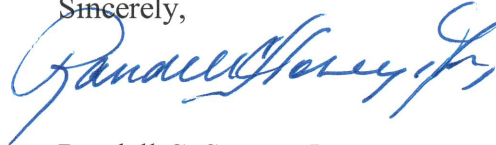
(See Resps.' Final Br., at 19).

However, the issue in *Wilson* was not whether the denial of a preliminary injunction precluded a second effort to obtain an injunction. Instead, the Court considered the impact of an order denying preliminary injunctive relief for lack of standing. The Supreme Court held only that a ruling on standing contained in the denial of a preliminary injunction was not a final determination of the substantive question of standing:

[W]hen a circuit court finds that a party lacks standing and includes that finding in an order, the order determines a substantial right. In this regard, Judge Lee's order does more than "merely decide[] some point or matter essential to the progress of the cause, collateral to the issues in the case[.]" [Citation omitted.] However, because an order denying a motion for preliminary injunction is interlocutory, see S.C. Code Ann. § 14-3-330(4) (2017), Judge Lee's order did not finally determine a substantial right of Appellants. [Citations omitted.] Therefore, we decline to invoke the law of the case doctrine.

See *Wilson*, 2022 S.C. LEXIS 108, at \*6 (emphasis in original). Respondents do not argue in this appeal that the order denying the first request for a preliminary injunction finally determined a substantial right of the parties (such as standing). Rather, that order determined only that Appellant was not entitled to injunctive relief. Therefore, the Supreme Court's opinion in *Wilson* is not applicable to or pertinent in this appeal, which only involves whether Appellant was entitled to interim relief.

Sincerely,

A handwritten signature in blue ink that reads "Randall C. Stoney, Jr." The signature is written in a cursive, flowing style.

Randell C. Stoney, Jr.

RCSjr/kgs