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OCT 11 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Alison Renee Lee, Circuit Court Judge

Appellate Case No. 2021- 000804

Johnnie Cordero ..... Appellant

v.

Matthew Kisner, in his official capacity as  
Chair of The Richland County Democratic  
Party; The Richland County Democratic Party;  
Trav Robertson, Jr., in his official capacity as  
Chair of The South Carolina Democratic  
Party; The South Carolina Democratic Party,

Respondents.

**OMNIBUS MOTION**

**APPELLANT'S MOTION FOR LEAVE TO FILE ADDENDUM  
TO PROPOSED SUPPLEMENTAL MOTION OUT OF TIME  
AND  
MOTION FOR ORDER DIRECTING THE RESPONDENTS  
TO PROVIDE THE REQUESTED INFORMATION TO WHICH  
THE APPELLANT IS LAWFULLY ENTITLED**

Comes Now, Johnnie Cordero Appellant in the above-entitled appeal, acting on his own  
behalf, who moves this Honorable Court for leave to file the within Addendum to Proposed  
Supplemental Motion out of time for the following reason(s):

The Appellant seeks to add an addendum to his pending Motion to Supplement. nt. The  
motion seeks to add the decision of the South Carolina Supreme Court in *South Carolina Public*

*Interest Foundation v. Alan Wilson, et.al., Opinion No. 28221.* The Appellant contends that Opinion 28221 is persuasive if not dispositive of the issue in this appeal and should be reviewed by this court.

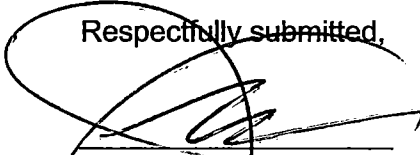
The said decision was handed down on September 14, 2022. The Appellant filed his Proposed Addendum to Pending Motion on September 18, 2022.

The Appellant was notified by letter dated September 28, 2022, that he must submit a motion to allow late filing within ten (10) days of the date of the letter.

The Appellant is at a loss to understand how his Proposed Addendum to a pending motion could be considered a reply to the return to that motion, nevertheless Appellant submits this motion within ten days in compliance with the Order.

The Appellant filed the motion to add the addendum within four (4) days of becoming aware of the Supreme Court's decision.

Dated: October 8, 2022  
Columbia, South Carolina

Respectfully submitted,  
  
Johnnie Cordero  
4204 Mandel Drive  
Columbia, SC 29210  
Appellant

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**MOTION FOR ORDER DIRECTING THE RESPONDENTS  
TO PROVIDE THE REQUESTED INFORMATION TO WHICH  
THE APPELLANT IS LAWFULLY ENTITLED**

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Comes Now, Johnnie Cordero Appellant in the above-entitled appeal, acting on his own behalf, who moves this Honorable Court for an Order directing the Attorneys for the Respondents to provide the following information to which he is legally entitled but which they are unlawfully withholding or directing their clients to unlawfully withhold.

**PROCEDURAL BACKGROUND**

On June 11, 2022, the South Carolina Democratic Party (Respondents herein) held the 2022 State Party Convention.

The Respondents in the normal course of convention business created a master delegate list and a list of delegates who actually attended the convention. In addition, Respondents videotaped the entire convention from gavel to gavel. This information is collected for the use of, and dissemination to all members of the South Carolina Democratic Party as of right.

The Appellant was a duly elected delegate to the 2022 Convention and is President of the Pine Grove Precinct and a member of the South Carolina Democratic Party.

On June 16, 2022, the Appellant emailed Jay Parmley, the Executive Director of Respondent South Carolina Democratic Party with a copy to Party Chair Trav Robertson and requested the official minutes of the convention, delegate lists, and the link to the video recording of the convention.

On June —, 2022, Parmley responded via email stating that:: He would provide the information when it was available. (See Exhibit A).

On September 14, 2022, the Appellant again emailed Executive Director Jay Parnley who responded that “. . . because of the pending litigation . . .” Appellant must seek this information from their counsel. (See Exhibit B).

On September 14, 2022, the Appellant emailed Counsel for Respondents requesting that the requested information be released. The Appellant has not received a response. (See Exhibit C).

On September 14, 2022, the Appellant called Nekki Shutt, counsel for Defendants on her cell phone and reached her voice mail. The Appellant left a detailed message but has not received a response as of the date of this writing.

## **ARGUMENT**

### **1. THE APPELLANT IS ENTITLED TO THE INFORMATION REQUESTED**

1. The Appellant is a member of the South Carolina Democratic Party and a duly elected delegate to the 2022 Convention. The Appellant is also the President of the Pine Grove Precinct of the Democratic Party which represents 1,463 registered voters, and an Executive Committee member.
2. As such Appellant is entitled to the information requested as are all members, delegates, and Executive Committee members of the South Carolina Democratic Party.
3. Because the Appellant is clearly entitled to the requested information as a member of the South Carolina Democratic Party any attempt to prevent his access to these materials is unwarranted and unlawful.
4. The Appellant contends that the Respondents by refusing to turn over the requested information are in fact retaliating against him for having exercised his constitutional right to seek redress in the courts and a clear violation of his right to due process and equal protection.

5. The Appellant further contends that the actions of the Respondents are a direct result of their repeated attempts to silence him because he is a black, outspoken critic of the racist policies of the Respondents and their attempt to retaliate against him for exercising his First Amendment right to Free Speech.
6. The Appellant further contends that the actions of Counsel for the Respondents in withholding or advising Respondents to withhold the requested information makes them complicit in the unwarranted and unlawful actions of the South Carolina Democratic Party and Trav Robertson and Jay Parmley or they are actively aiding and abetting the Respondents by assisting them in withholding information to which Appellant is lawfully entitled.
7. Although this appeal arises as a result of the dismissal of the underlying lawsuit the information and documents requested are unrelated to the lawsuit and are not subject to any discovery restrictions. Moreover, the 2022 convention was held on June 11, 2022, well after the events complained of in the underlying lawsuit.

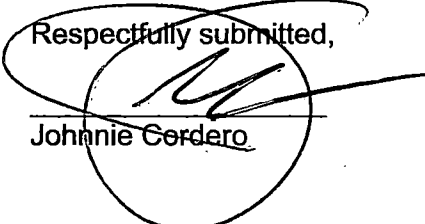
**2, THE APPELLANT HAS NO REMEDY OTHER  
THAN THAT REQUESTED HEREIN**

8. Because this matter is pending in this court and the Circuit Court is divested of jurisdiction thereby, the Appellant's only remedy, short of bringing yet another lawsuit, for retaliation under 42 USC §1963 is to ask this court to direct the Respondents to turn over the requested information forthwith.
9. Alternatively, if this court declines to issue the requested order, the Appellant would urge this court to remand this matter to the circuit court for the express purpose of issuing an appropriate order directing the Respondents to release the requested information and documents; or to certify this matter to the South Carolina Supreme Court for a ruling.

**CONCLUSION**

For the foregoing reasons Appellant respectfully prays that the relief requested herein be granted and for such other and further relief as to this court may seem just equitable and proper.

Dated: October 8, 2022  
Columbia, SC

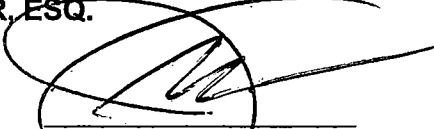
Respectfully submitted,  
  
Johnnie Cordero

**CERTIFICATE OF SERVICE**

I, Johnnie Cordero, hereby certify that I served an exact copy of this **APPELLANT'S MOTION FOR LEAVE TO FILE ADDENDUM TO PROPOSED SUPPLEMENTAL MOTION OUT OF TIME and MOTION FOR ORDER DIRECTING THE RESPONDENTS TO PROVIDE THE REQUESTED INFORMATION TO WHICH THE APPELLANT IS LAWFULLY ENTITLED** on the attorneys for Respondents via USPS first-class mail postage prepaid and addressed as follows:

**BURNETT SHUTT & MCDANIEL, PA  
912 LADY STREET,  
COLUMBIA, SC 29202  
ATTN: NEKKI SHUTT, ESQ.  
GRANT BURNETT LEFEVER, ESQ.**

Dated: October 8, 2022  
Columbia, SC

  
Johnnie Cordero  
4304 Mandel Drive  
Columbia, SC 29210  
(803) 753-8091  
Appellant

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**EXHIBIT A**

Re: Fw: Delegate list, Minutes and video of 2022 Convention

From: Jay Parmley (jay@scdp.org)

To: cordero1018@att.net

Cc: trav@scdp.org

Date: Thursday, June 16, 2022 at 03:25 PM EDT

Hi Johnnie-

Due to the primary, we haven't even started working on the attendance list from the convention. I will follow up with our secretary about the minutes. Our AV contractor hasn't given me the video yet.

As soon as we get all of this together, I'll get it to you. I suspect it will take a couple of weeks.

Jay

Jay Parmley  
Executive Director  
South Carolina Democratic Party  
[scdp.org](http://scdp.org)  
(803) 799-7798 office  
(405) 255-1291 cell  
[@jayparmley](https://twitter.com/jayparmley)  
Pronouns: he/him/his

On Thu, Jun 16, 2022 at 1:43 PM JOHNNIE CORDERO <[cordero1018@att.net](mailto:cordero1018@att.net)> wrote:

Johnnie  
Cordero

----- Forwarded Message -----

**From:** JOHNNIE CORDERO <[cordero1018@att.net](mailto:cordero1018@att.net)>  
**To:** SCDP Executive Director Jay Parmley <[jay@sdcp.org](mailto:jay@sdcp.org)>  
**Cc:** Trav Robertson <[trav@scdp.org](mailto:trav@scdp.org)>  
**Sent:** Thursday, June 16, 2022, 11:53:24 AM EDT  
**Subject:** Delegate list, Minutes and video of 2022 Convention

Good morning Jay,

I left you a voice mail this morning. This is just a follow up email.

(1) I would like a list of the delegates to the 2022 convention including those who actually attended; (2) a copy of the official minutes of the convention when they are available; and (3) a link to the video of the convention.

Hope all is well. Thank you for your prompt attention.

Johnnie  
Cordero

**EXHIBIT B**

Re: SECOND REQUEST.

From: Jay Parmley (jay@scdp.org)

To: .cordero1018@att.net

Date: Wednesday, September 14, 2022 at 03:36 PM EDT

Johnnie -

Since we are involved in ongoing litigation, I have been instructed to ask you to please make all requests for information from us through our attorneys.

Thank you.

Jay

Jay Parmley  
Executive Director  
South Carolina Democratic Party  
[scdp.org](http://scdp.org)  
(803) 799-7798 office  
(405) 255-1291 cell  
@jayparmley  
Pronouns: he/him/his

On Wed, Sep 14, 2022 at 2:26 PM JOHNNIE CORDERO <[cordero1018@att.net](mailto:cordero1018@att.net)> wrote:

Good afternoon Jay,

I have yet to receive the information requested on June 16, 2022. While I am sure that you are busy I request that you give this second request your prompt attention. May I hear from you as soon as possible?

Johnnie  
Cordero

**EXHIBIT C**

## Urgent Request for Release of 2022 Convention minutes and other convention information.

From: JOHNNIE CORDERO (cordero1018@att.net)

To: nshutt@burnetteshutt.law

Cc: jay@scdp.org; trav@scdp.org

Bcc: [REDACTED]

Date: Wednesday, September 14, 2022 at 05:04 PM EDT

Good afternoon Counselor,

I have requested the following information from the South Carolina Democratic Party on June 16, 2022, and again today (1) a list of the delegates to the 2022 convention including those who actually attended; (2) a copy of the official minutes of the convention when they are available; and (3) a link to the video of the convention. I was informed today by Jay Parmley (Executive Director) that because there is "ongoing litigation" that I must make all requests through you. I am a duly elected member of the Richland County Democratic party, a delegate to the 2022 Convention and President of the Pine Grove Precinct and as such I am entitled to all of the information I have requested. I repeat I am entitled to this information and I will expect this information to be released forthwith. In any event may I hear from you no later than close of business Friday, September 16, 2022. Please be advised that I consider your withholding these documents to be retaliatory as they are not subject any discovery shield. May I hear from you as requested?

Johnnie  
Cordero

CORDEIRO  
4204 MANDEL DR  
COLUMBIA, SC 29210

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SOUTH CAROLINA COURT OF APPEALS  
PO BOX 11429  
COLUMBIA, SC 29211

