

**RECEIVED**

**Jan 19 2023**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM GEORGETOWN COUNTY  
Court of Common Pleas  
Paul M. Burch, Circuit Court Judge

---

Appellate Case No. 2020-001166

---

Ex Parte: DeBordieu Colony Community Association, Inc., Appellant

In Re: The Belle W. Baruch Foundation, Plaintiff

v.

The State of South Carolina, Defendant,  
Of which The Belle W. Baruch Foundation is the Respondent.

---

MOTION FOR LEAVE TO PARTICIPATE IN ORAL ARGUMENT

---

The Defendant State of South Carolina moves for leave to participate in the oral argument in this case by sharing in the argument time allotted to the Respondent. Although the State is classified as a Defendant in the caption of the case, the State filed an abbreviated brief as permitted by this Court's Order of February 1, 2021. The State has consented to the intervention of Appellant, but in its brief, the State objected to DeBordieu's characterization of and speculation about the State's position in this case which did not support Appellant's contention that its interests were not adequately represented. DeBordieu filed a Reply to the State's brief which the State would like to address in an oral argument of no more than two minutes.

Respectfully submitted,

/s J. EMORY SMITH, JR.

S.C. Bar No. 5262

Deputy Solicitor General

[Signature block continues next page]

ALAN WILSON  
Attorney General

ROBERT D. COOK  
Solicitor General  
S.C. Bar No. 1373

Office of the Attorney General  
Post Office Box 11549  
Columbia, South Carolina 29211  
(803) 734-3680  
Email: ESmith@scag.gov

January 19, 2023

ATTORNEYS FOR THE STATE

**RECEIVED**

**Jan 19 2023**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM GEORGETOWN COUNTY  
Court of Common Pleas  
Paul M. Burch, Circuit Court Judge

---

Appellate Case No. 2020-001166

---

Ex Parte: DeBordieu Colony Community Association, Inc., Appellant

In Re: The Belle W. Baruch Foundation, Plaintiff

v.

The State of South Carolina, Defendant,

Of which The Belle W. Baruch Foundation is the Respondent.

---

CERTIFICATE OF SERVICE

---

I hereby certify that I have served the State's Motion for Leave to Participate in Oral Argument by emailing it to counsel for the other parties at the email addresses below this January 19, 2023 (Copy of email attached):

Brian C. Duffy, Esquire  
Duffy & Young, LLC  
bduffy@duffyandyoung.com

Robert L. Wehrman, Esquire  
Duffy & Young, LLC  
rwehrman@duffyandyoung.com

Patrick C. Wooten, Esquire  
Duffy & Young, LLC  
pwooten@duffyandyoung.com

CERTIFICATE OF SERVICE

January 19, 2023

Page 2

Trenholm Walker  
WALKER GRESSETTE FREEMAN & LINTON, LLC  
Walker@WGFLAW.com

Thomas P. Gressette, Jr.  
WALKER GRESSETTE FREEMAN & LINTON, LLC  
gressette@wgflaw.com

/s J. EMORY SMITH, JR.  
Deputy Solicitor General  
S.C. Bar No. 5262

Office of the Attorney General  
Post Office Box 11549  
Columbia, SC 29211  
(803) 734-3680

January 19, 2023

ATTORNEY FOR THE STATE

## Emory Smith

---

**From:** Emory Smith  
**Sent:** Thursday, January 19, 2023 4:38 PM  
**To:** 'walker@wgflaw.com'; 'gressette@wgflaw.com'; 'ivey@wgflaw.com';  
'pwooten@duffyandyoung.com'; 'rwehrman@duffyandyoung.com';  
'bduffy@duffyandyoung.com'  
**Subject:** RE: Ex Parte: DeBordieu v. The Belle W. Baruch Foundation (2020-001166)  
**Attachments:** Motion for Leave to Participate in Oral Argument (03198587xD2C78).PDF

Good afternoon, counsel.

Attached is the State's Motion for Leave to Participate in Oral Argument.

Emory

**J. Emory Smith, Jr.** | Deputy Solicitor General  
Office of the South Carolina Attorney General  
Solicitor General Division | Office 803-734-3642  
P.O. Box 11549 | Columbia, SC 29211  
[scag.gov](http://scag.gov)



*This email, along with any attachments, is considered confidential and may be legally privileged. If you have received it in error, please notify the sender immediately by reply email and then delete this message from your system. Please do not copy it, use it for any purposes, or disclose its contents to any other person. This email, and attachments, are subject to FOIA requests.*