



The South Carolina Court of Appeals

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V. CLAIRE ALLEN
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April 05, 2023

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Re: John Pendarvis v. SCLD
Appellate Case No. 2019-002006

Dear Counsel:

Enclosed is the decision of the Court. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

Very truly yours,

A handwritten signature in blue ink, appearing to read "V. Claire Allen".

CLERK

cc: The Honorable William H. Seals, Jr.

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

John Pendarvis and Lawton Drew, Respondents,

v.

South Carolina Law Enforcement Division and South
Carolina Department of Agriculture, Defendants,

Of which South Carolina Law Enforcement Division is
the Appellant.

Appellate Case No. 2019-002006

Appeal From Marion County
William H. Seals, Jr., Circuit Court Judge

Unpublished Opinion No. 2023-UP-143
Heard February 15, 2023 – Filed April 5, 2023

APPEAL DISMISSED

Joel Steve Hughes, of The Law Office of Kenneth E.
Berger, LLC, and Andrew F. Lindemann, of Lindemann
Law Firm, P.A., both of Columbia, for Appellant.

C. Bradley Hutto, of Williams & Williams, of
Orangeburg; and Patrick James McLaughlin, of Wukela
Law Office, of Florence, for Respondents.

PER CURIAM: The South Carolina Law Enforcement Division (SLED) appeals the circuit court's order granting a preliminary injunction that allowed John Pendarvis and Lawton Drew (collectively, Respondents) to harvest and sell a crop of hemp. SLED asserts the circuit court erred because (1) the preliminary injunction failed to maintain the status quo or balance the parties' equities, (2) the crop was contraband per se, (3) the facts as pled did not support granting the preliminary injunction, and (4) the circuit court refused to enforce a portion of the participation agreement between Pendarvis and the South Carolina Department of Agriculture (SCDA) that permitted SLED to destroy noncompliant crops. We dismiss the appeal as moot.

On September 26, 2019, the circuit court issued an Ex Parte Temporary Restraining Order and Preliminary Injunction that "temporarily restrained and preliminarily enjoined" SLED and SCDA from entering onto Drew's property to destroy the contested crop. Following a hearing, the circuit court issued an order on November 8, 2019 that left the temporary restraining order and preliminary injunction in place until the pending litigation was resolved. The circuit court's order also authorized Respondents to "exercise reasonable and necessary farming practices" to harvest and sell the hemp crop, requiring the proceeds to be held in trust until the litigation's resolution.¹

Respondents have harvested and sold the crop, and the sales proceeds have been deposited in trust pending the litigation's resolution. Therefore, a ruling on the issues pending before this court will have no practical effect on the controversy. Accordingly, we dismiss the appeal as moot pursuant to Rule 220(b), SCACR, and the following authorities: *Curtis v. State*, 345 S.C. 557, 567, 549 S.E.2d 591, 596 (2001) ("An appellate court will not pass on moot and academic questions or make an adjudication where there remains no actual controversy."); *Seabrook v. City of Folly Beach*, 337 S.C. 304, 306, 523 S.E.2d 462, 463 (1999) ("A case becomes moot when judgment, if rendered, will have no practical effect upon existing controversy." (quoting *Mathis v. S.C. State Highway Dep't*, 260 S.C. 344, 346, 195 S.E.2d 713, 715 (1973))); *Sloan v. Greenville Cnty.*, 380 S.C. 528, 535, 670 S.E.2d 663, 667 (Ct. App. 2009) ("Mootness also arises when some event occurs making it impossible for the reviewing court to grant effectual relief.").

¹ The underlying litigation revolves around whether Respondents violated the participation agreement. This appeal deals solely with whether the circuit court erred in granting the injunction that held that litigation in abeyance.

APPEAL DISMISSED.

KONDUROS and VINSON, JJ., and LOCKEMY, A.J., concur.