

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

APPEAL FROM FIFTH JUDICIAL CIRCUIT, RICHLAND COUNTY
Court of Common Pleas

Alison Renee Lee, Circuit Court Judge

Case No. 2022-CP-40-02536

JMI Sports and JMIS College, LLC,

Appellants,

vs.

Chief Procurement Officer, South Carolina
State Fiscal Accountability Authority,
Division of Procurement Services, and
Clemson University,

Respondents.

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NOTICE OF APPEAL

Appellants named above appeal from the *Order on All Motions to Dismiss* of the Honorable Alison Renee Lee dated, filed and received on January 31, 2023 and the Order of the Honorable Alison Renee Lee dated, filed and received on April 13, 2023 denying Appellants' timely Motion for Reconsideration of the dismissal order. A copy of these Orders on appeal are attached hereto and incorporated herein. This appeal raises a question under the *South Carolina Constitution*, pursuant to a claim under The Uniform Declaratory Judgment Act, *S.C. Code Ann. § 15-53-10 et seq.* seeking an Order that *S.C. Code Ann. § 11-35-4230* is unconstitutional, in part, under the Separation of Powers Clause, *Article I § 8 of the South Carolina Constitution*, which was not raised

or addressed by the Court in *Unisys Corporation v. Budget & Control Board*, 346 S.C. 158, 551 S.E.2d 263 (2001), as well as under *Carolina Glass Co. v. State*, 87 S.C. 270, 69 S.E. 391 (1910).

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