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S.C. SUPREME COURT

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

Appellate Case No. 2023-000667

Intellectual Capitol, Inc., Barry Newkirk,
And Neil Richards,

Appellants,

vs.

Chief Procurement Officer, South Carolina
State Fiscal Accountability Authority,
Division of Procurement Services, and
South Carolina Workers' Compensation
Commission,

Respondents.

Appellate Case No. 2023-000668

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.

APPELLANTS' MEMORANDUM IN
SUPPORT OF MOTION TO CONSOLIDATE

Appellants have both filed notices of appeal from the *Orders on All Motions to Dismiss* of the Honorable Alison Renee Lee dated, filed and received on January 31, 2023 and the Orders of the Honorable Alison Renee Lee dated, filed and received on April 13, 2023 denying Appellants' timely Motions for Reconsideration of the dismissal orders. These appeals raise 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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