



The Supreme Court of South Carolina

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POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA
29211

1231 GERVAIS STREET
COLUMBIA, SOUTH CAROLINA 29201

TELEPHONE: (803) 734-1080

FAX: (803) 734-1499

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June 28, 2013

The Honorable Jeanette W. McBride
Clerk of Court, Richland County
PO Box 2766
Columbia SC 29202-2766

REMITTITUR

Re: Margaret Stroud v. Kim Murphy
Lower Court Case No. 2011CP4002926
Appellate Case No. 2011-202407

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court is enclosed.

Very truly yours,

CLERK

cc:

Robert Guild, Esquire

Katie Renee Parham, Esquire

Todd Raymond Ellis, Esquire

Jerry Jay Bender, Esquire

Scott Thomas Price, Esquire

Kenneth L. Childs, Esquire

John Marshall Reagle, Esquire

Tyler Ryan Turner, Esquire

**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 Supreme Court**

Margaret Stroud and D5 Citizens Ensuring the
Implementation of the Referendum, Inc., Respondents,

v.

Kim Murphy, Appellant.

Appellate Case No. 2011-202407

Appeal from Richland County
L. Casey Manning, Circuit Court Judge

Memorandum Opinion No. 2013-MO-017
Heard May 14, 2013 – Filed June 12, 2013

REVERSED AND REMANDED

Robert Guild, of Columbia, Katie R. Parham, of The
Parham Law Firm, of Irmo, and Jerry Jay Bender, of
Baker, Ravenel & Bender, LLP, of Columbia, for
Appellant.

Todd R. Ellis, of Law Office of Todd Ellis, P.A., of Irmo,
for Respondents.

Kenneth L. Childs, John Marshall Reagle, and Tyler
Ryan Turner, of Childs and Halligan, P.A., of Columbia,

for Amicus Curiae, School District Five of Lexington and Richland Counties, Scott Thomas Price, of Columbia, for Amicus Curiae, South Carolina School Boards Association.

PER CURIAM: Margaret Stroud, and D5 Citizens Ensuring the Implementation of the Referendum, Inc. filed this action alleging abuse of process by Kim Murphy, a member of the District 5 school board, and requesting an injunction preventing her from challenging or appealing actions related to permits for construction projects authorized by the school district and funded by the 2008 Referendum. Murphy moved to dismiss, and the circuit court denied her motion and issued a temporary restraining order.

We reverse pursuant to Rule 220(b)(1), SCACR, and the following authorities: *ATC S., Inc. v. Charleston Cnty.*, 380 S.C. 191, 198, 669 S.E.2d 337, 341 (2008) (internal citations omitted) ("[A] taxpayer lacks standing when he suffers in some indefinite way in common with people generally.") *Sea Pines Ass'n for the Prot. of Wildlife, Inc. v. S.C. Dep't of Natural Res.*, 345 S.C. 594, 600, 550 S.E.2d 287, 291 (2001) (internal citations omitted) (noting that to have standing a party must have a personal stake in the subject matter of the lawsuit and have a "real, material, or substantial interest in the subject matter of the action, as opposed to one who has only a nominal or technical interest in the action"); *Id.* at 601, 550 S.E.2d at 291 (quoting *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560–61 (1992)) (internal quotations omitted) ("In order to establish standing, a party must satisfy three elements. First, the plaintiff must have suffered an injury in fact—an invasion of a legally protected interest which is (a) concrete and particularized, and (b) actual or imminent, not conjectural or hypothetical.").

Accordingly, we reverse and remand for dismissal by the circuit court.

REVERSED AND REMANDED.

**TOAL, C.J., PLEICONES, BEATTY, KITTREDGE and HEARN, JJ.,
concur.**