

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

IN THE COURT OF COMMON PLEAS
CIVIL ACTION NO. 2022-CP-40-02656

Intellectual Capitol, Inc., Barry Newkirk,)
and Neil Richards,)

Petitioners-Plaintiffs,)

vs.)

Michael B. Spicer, Chief Procurement)
Officer, South Carolina State Fiscal)
Accountability Authority, Division of)
Procurement Services; and South Carolina)
Workers' Compensation Commission,)

Respondents-Defendants.)

ORDER TO SUBSTITUTE
PARTY

RECEIVED

Jun 12 2023

S.C. SUPREME COURT

This matter comes before the Court on the Consent Motion to Substitute Party filed by Petitioners, with the consent of the Respondents named herein, pursuant to S.C.R.Civ.P. 25(d), moving the Court to allow substitution of the party "*Chief Procurement Officer*," in the place of "*Michael B. Spicer, Chief Procurement Officer*" on the grounds that the claims stated in this action are against the state officer and state official serving as Chief Procurement Officer, in his official capacity, rather than against an individual, and further, on the grounds that Michael B. Spicer himself has retired from service as Chief Procurement Officer and has been or will be replaced. This motion was made with consent of all parties to remove a longstanding public office holder's name from the court record to avoid complications to him individually. Under Rule 25(d), the Court may allow the case to proceed in the name of the office – Chief Procurement Officer – rather than in an individual's name.

Therefore, for good cause, the Court orders the following:

1. The words “*Michael B. Spicer, Chief Procurement Officer*” shall be deemed to be replaced in all pleadings to date with the words “*Chief Procurement Officer,*” and the name of the party in the caption and in the pleadings should be adequate to address this change, with all other subsequent allegations to be conformed accordingly.

2. The Answers or Motions already served to-date by the parties may be recognized as being likewise conformed to this change, allowing the parties to avoid needless cost of re-pleading.

3. No other facts or allegations are changed, and this is merely a substitution of the officer due to retirement.

IT IS SO ORDERED:

Judge

Date: _____



Richland Common Pleas

Case Caption: Intellectual Capitol Inc , plaintiff, et al vs Michael B Spicer , defendant,
et al
Case Number: 2022CP4002656
Type: Order/Substitution of Parties

IT IS SO ORDERED.

Jocelyn Newman, Chief Judge for Administrative
Purposes, Court of Common Pleas, 5th Judicial
Circuit