

The Supreme Court of the State of South Carolina

PLANNED PARENTHOOD SOUTH ATLANTIC, ET AL.,
RESPONDENTS,

v.

STATE OF SOUTH CAROLINA, ET AL.,
APPELLANTS.

RECEIVED

Jun 13 2023

S.C. SUPREME COURT

*APPEAL FROM RICHLAND COUNTY
COURT OF COMMON PLEAS
HON. CLIFTON NEWMAN, CIRCUIT COURT JUDGE*

**UNOPPOSED MOTION OF SOUTH CAROLINA ASSOCIATION OF
PREGNANCY CARE CENTERS AND DAYBREAK LIFECARE CENTER
FOR LEAVE TO FILE BRIEF AS *AMICI CURIAE*
IN SUPPORT OF APPELLANTS**

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Under South Carolina Appellate Court Rule 213, the South Carolina Association of Pregnancy Care Centers and Daybreak LifeCare Center seek the Court's leave to file an *amicus* brief in support of the Appellants in this case. A copy of the proposed brief is attached to this motion. The parties do not oppose this motion.

South Carolina Association of Pregnancy Care Centers is a unified association of pregnancy care centers focused on saving lives through clinical services and saving souls through the Gospel of Jesus Christ. The Centers within the association provide compassionate care for women facing unplanned pregnancies, including a variety of free and confidential services.

Daybreak LifeCare Center is a nonprofit organization in Columbia that seeks to show the love of Christ to the surrounding community and offer a helping hand to women facing unplanned pregnancies and those in need of sexual health services. The Center provides free and confidential services to women seeking to empower them to make informed health choices regarding pregnancy.

Because *amici* seek to protect and preserve relationships between mothers and children, they have a significant interest in this case. And because of their long experience supporting mothers, *amici* are particularly equipped to provide relevant arguments about the legal issues before the Court. The proposed brief explains that there is not an identity of interests between the Respondents and pregnant women, which implicates the Respondents' standing to bring derivative claims and to assert

irreparable harm. *Amici* show that the Respondents’ standing failure runs to the heart of their derivative claims. This Court, of course, has an obligation to consider subject-matter jurisdictional issues like standing, especially in this original jurisdiction proceeding. *See State v. Gentry*, 363 S.C. 93, 100, 610 S.E.2d 494, 498 (2005) (“The lack of subject matter jurisdiction may not be waived, even by consent of the parties, and should be taken notice of by this Court.”); *see also S.C. Pub. Int. Found. v. Wilson*, 437 S.C. 334, 340, 878 S.E.2d 891, 894 (2022) (explaining that a “lack of standing” implicates “the court’s subject matter jurisdiction”). And standing—who the proper plaintiffs are to assert a particular claim—“is a matter of significant public interest.” *State v. Langford*, 400 S.C. 421, 433, 735 S.E.2d 471, 477 (2012); *see Ex Parte Brown*, 393 S.C. 214, 216, 711 S.E.2d 899, 900 (2011); *see also Bodman v. State*, 403 S.C. 60, 68, 742 S.E.2d 363, 367 (2013) (“Few exercises of the judicial power are more likely to undermine public confidence in the neutrality and integrity of the Judiciary than one which casts the Court in the role of a Council of Revision, conferring on itself the power to invalidate laws at the behest of anyone who disagrees with them.” (quoting *Ariz. Christian Sch. Tuition Org. v. Winn*, 563 U.S. 125, 145–46 (2011))).

For these reasons, the Court should follow its ordinary practice, grant this motion, and file the attached *amicus* brief. *See Brown*, 393 S.C. at 225–26, 711 S.E.2d at 904–05; *see also Savannah Riverkeeper v. S.C. Dep’t of Health & Env’t*

Control, 400 S.C. 196, 207, 733 S.E.2d 903, 909 (2012) (Kittredge, J., dissenting)
(referring to the Court’s “standard practice of accepting amici briefs”).

Respectfully submitted,

s/ Christopher Mills

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