

**RECEIVED**

**Jul 10 2023**

**SC Court of Appeals**

The State Of South Carolina  
In The Court of Appeals

Appeal from Spartanburg County  
Court of Common Pleas  
Hon. J. Mark Hayes, Circuit Court Judge

Consolidated Civil Action No. 2018-CP-42-04297

Cindy Coxie, as Special Administrator for the Estate of  
Johnny Coxie, .....Respondent,

v.

Academy, Ltd., d/b/a Academy Sports and Outdoors; and  
Dustan Lawson..... Defendants,

and

Academy, Ltd. d/b/a Academy Sports + Outdoors, .....Crossclaimant,

v.

Dustan Lawson and Todd Christopher Kohlhepp, .....Cross-Defendants,

Of which Academy, Ltd. d/b/a Academy Sports +  
Outdoors, is the ..... Appellant/Petitioner.

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**Emergency Verified *Ex Parte* Petition for a Writ of Supersedeas**

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Earlier today, Monday, July 10, 2023, the Circuit Court filed an unprecedented order requiring Defendant-Appellant Academy, Ltd. d/b/a Academy Sports + Outdoors (“Academy”) to begin producing by 1:30 p.m. tomorrow, Tuesday, July 11, 2023, completely irrelevant records protected by (1) absolute immunity from discovery under the Tiahrt Amendment, Pub. Law 112-55, 125 Stat. 552, a federal law specifically enacted to protect highly sensitive information about firearms sales and law enforcement trace requests; and (2) the South Carolina Trade Secrets Act, S.C. Code Ann. §§ 39-8-10 to -130. These records and others ordered by the

Circuit Court to be produced do not relate to this case but instead relate to over 100,000 sales of firearms to other customers who are not parties to this litigation or remotely related to the facts covered by this litigation. The production of the records would also infringe on (a) Academy's right to maintain the confidentiality of its trade secret information as well as other sensitive compliance information, and (b) the reasonable expectation of customers who bought those firearms that their identities, personal information, and the types and number of firearms purchased would remain confidential and immune from discovery.

Academy seeks this writ of supersedeas on an emergency, *ex parte* basis because the exigencies require a stay before further briefing may be entertained or a hearing be held. *See* Rule 241(d)(6), SCACR. The trial court's orders require Academy to begin producing completely irrelevant records protected by federal immunity *beginning at 1:30 p.m. tomorrow*.

Academy has filed its Notice of Appeal with this Petition. It also plans to file a Petition for Writ of Certiorari seeking the immediate appellate review of the Circuit Court's recent discovery orders. A supersedeas is necessary to protect the *status quo* pending the appeal and prevent the disclosure of immune, privileged, irrelevant, and protected information that cannot be undone. The supersedeas is also necessary to avoid mooting critical objections based on federal discovery immunity and qualified privilege under the Trade Secrets Act. Without supersedeas, the Circuit Court's rulings on these objections would evade appellate review.

For these reasons, discussed more fully below, Academy requests the following emergency relief under Rule 241, SCACR:

- a writ of supersedeas confirming that, because of the unique circumstance of this case, the automatic stay applies to the order abrogating the applicable

federal immunity and state privilege, and that any further discovery proceedings are stayed in the Circuit Court; or

- a writ of supersedeas staying the Circuit Court's discovery orders to preserve the *status quo* pending resolution of this appeal and Academy's Petition for Writ of Certiorari filed with the Supreme Court of South Carolina.

As required by Rule 241(c)(3), SCACR, this petition is accompanied by a signed verification, certified copies of the relevant Orders, and a copy of the Notice of Appeal with its proof of service. See **Exhibit A**, Certified Copies of Orders; **Exhibit B**, Notice of Appeal.

### **FACTUAL BACKGROUND**

Cross-Defendant Todd Kohlhepp shot and killed Johnny and Meagan Coxie in December 2015 and shot and killed David Carver in August 2016. Law enforcement found a total of 27 firearms on two different Kohlhepp properties. Plaintiffs allege that the firearm used by Kohlhepp to commit the murders was originally acquired by straw purchase from the Academy store in Greenville. Academy never sold any firearms to Kohlhepp. Instead, Plaintiffs allege a straw purchaser, Dustan Lawson, went into two different Academy stores and secretly bought firearms for Kohlhepp. Lawson bought a total of twelve firearms at Academy over a period of seven years. Lawson completed several ATF Form 4473s required before a firearm purchase in which he attested in writing under penalty of law that he was buying the firearms only for himself, and then passed the FBI national instant background check for every purchase at Academy's stores. He was well prepared to be undetectable as a straw purchaser, well educated about the firearms he was buying, could answer any questions posed to him by Academy employees, and ultimately was undetectable as a straw purchaser. Lawson was not the only source of firearms for Kohlhepp.

## PROCEDURAL HISTORY

Plaintiffs commenced three actions against Academy alleging that it should have known that Lawson was secretly buying firearms for Kohlhepp. Despite the narrow allegations relating to sales only to Lawson, the Circuit Court ordered the production of voluminous, irrelevant records relating to the sale of over 100,000 firearms to customers other than Lawson as well as the production of numerous law enforcement firearm trace requests related to firearms sold at over 260 Academy stores nationwide.

Plaintiffs filed a motion to compel on March 29, 2023. The Court held the first of three hearings on the Motion to Compel on June 26, 2023. During the second hearing two days later, the Circuit Court announced its tentative rulings, though it did not memorialize those rulings in a written order until July 3, 2023 (the “Objections Order”). That order overruled Academy’s objections based on federal immunity under the Tiahrt Amendment as well as relevance. The Circuit Court held another hearing three days later to address the undue burden that the production would impose on Academy. The Court then entered an order earlier today, July 10, 2023 (the “Production Order”), requiring the production of the sales and trace records, beginning with an initial production due on July 11, 2023, at 1:30 p.m.

Academy filed a motion in the Circuit Court requesting a stay of the discovery orders shortly after the Production Order was filed. The Circuit Court has not yet ruled on that motion. Academy filed a notice of appeal of these two orders contemporaneously with this Petition.<sup>1</sup> Academy now seeks a writ of supersedeas on an emergency, *ex parte* basis.

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<sup>1</sup> Academy is also filing a motion with the South Carolina Supreme Court to certify and transfer the appeal under Rule 204, SCACR. Academy will also be filing a Petition for Writ of Certiorari with the South Carolina Supreme Court as an alternative to its appeal.

## ARGUMENT

The discovery orders issued by the Circuit Court require the rolling production, starting at 1:30 p.m. tomorrow, of hundreds of thousands of records of firearms sales and law enforcement trace requests. These records have absolute immunity from discovery under federal law. In particular, the Tiahrt Amendment states that these types of records “shall be immune from legal process [and] shall not be subject to subpoena or other discovery . . . in a civil action in any State.” *See* 2012 Consolidated and Further Continuing Appropriations Act, Pub. L. 112-55, 125 Stat. 552, 609–10.<sup>2</sup> The records are also subject to qualified privilege under the Trade Secrets Act. *See Hartsock v. Goodyear Dunlop Tires N. Am. Ltd.*, 813 S.E.2d 696, 698 (S.C. 2018). Moreover, the records contain sensitive personal information of tens of thousands of nonparty customers who have an expectation that their names, addresses, and personal identifying information as well as the number and types of firearms they purchased would remain confidential, and they also contain highly sensitive trade secrets and compliance operational information that the Brady Center would not otherwise be able to acquire to pursue their separate public policy plan to scrutinize firearms dealers and the ATF’s enforcement of laws.

The orders of the Circuit Court are subject to immediate appellate review either by way of direct appeal or by way of a writ of certiorari issued by the South Carolina Supreme Court. This is because the applicable immunity under federal law and qualified privilege under state law would be lost if the document productions were made. Accordingly, this Court should either enter an order confirming the automatic stay applies or enter an order exercising its discretion to stay the Circuit Court’s orders to preserve the *status quo*. Absent intervention by this Court, the compelled production of these records would moot any later appeal by Academy on the issues

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<sup>2</sup> Excerpts from the different versions of the Tiahrt Amendment since 2003 are reproduced in **Exhibit C**.

based on federal immunity and qualified privilege, release highly confidential law enforcement trace requests, and defy the reasonable privacy expectations of tens of thousands of customers and result in a chilling effect on their Second Amendment rights.

**I. The Court Should Issue a Writ of Supersedeas Confirming that the Automatic Stay Applies to this Matter in its Entirety.**

Rule 205, SCACR, provides that upon service of the notice of appeal, “the appellate court shall have exclusive jurisdiction over the appeal” and all matters “affected by the appeal.” As a general rule, an appeal “acts to automatically stay matters decided in the order, judgment, decree or decision on appeal, and to automatically stay the relief ordered in the appealed order, judgment, or decree or decision.” Rule 241(a), SCACR. This automatic stay continues in effect unless lifted by court order. *Id.* Rule 241(b) lists several exceptions to this general rule—an order granting a motion to compel is not found among those exceptions.

Because the orders would effectively abrogate a federal immunity and state privilege without the ability for Academy to later seek appellate review, Academy requests that the Court issue a writ of supersedeas confirming that the automatic stay is in effect and providing that all further discovery proceedings in the Circuit Court must cease pending the resolution of Academy’s appeal.

**II. In the Alternative, the Court Should Exercise its Discretion and Grant Supersedeas.**

In situations where this Court does not find the automatic stay under Rule 241(a) applies, the Court still has the discretion to issue a supersedeas under Rule 241(c). Any party may move “for an order imposing a supersedeas of matters decided in the order, judgment, decree or decision on appeal after service of the notice of appeal.” Rule 241(c)(1), SCACR. A supersedeas should be used to “stay proceedings in the [circuit] court, to preserve the status quo

pending the determination of the appeal . . . , and to preserve to appellant the fruits of a meritorious appeal where they might otherwise be lost to him.” *Graham v. Graham*, 390 S.E.2d 469, 470 (S.C. 1990) (quoting 4A C.J.S. *Appeal & Error* § 662 at 494–95 (1957)) (alteration in original). In ruling on a motion for supersedeas, the “court should consider whether such an order is necessary to preserve jurisdiction of the appeal or to prevent a contested issue from becoming moot.” Rule 241(c)(2), SCACR.

The issuance of a supersedeas is critical in this matter. If the Court does not issue a stay and Academy is compelled to start producing the irrelevant trace records at 1:30 p.m. tomorrow, Tuesday, July 11, 2023, and thereafter produce the remaining irrelevant sales and trace records on a rolling basis, Academy’s objections based on federal immunity and qualified privilege will be lost and the issues mooted. For this reason, the issues would evade appellate review later in this case. A supersedeas is necessary to “preserve to appellant the fruits of a meritorious appeal where they might otherwise be lost to him.” *Graham*, 390 S.E.2d at 470 (quoting 4A C.J.S. *Appeal & Error* § 662 at 494–95 (1957)).

### **III. The Court Should Issue its Writ of Supersedeas *Ex Parte* Because of the Time-Exigency Created by the Court’s Order that the Initial Production Begin Tomorrow at 1:30 p.m.**

Academy respectfully requests that this Court issue the requested supersedeas *ex parte* because exigent circumstances warrant action be taken before there would be time to allow for a return or to have a hearing. In compliance with Rule 241(d)(6)(A), SCACR, Academy states that “immediate and irreparable injury, loss or damage” will result if Academy is compelled to begin producing the subject records at 1:30 p.m. tomorrow. This is because the records contain private customer information and information subject to federal immunity under the Tiahrt Amendment and state trade secret protection. While the Circuit Court orders allow for redaction, that is on

the condition that unique identifying codes be added for every customer, an impossible task by the short deadline set by the Circuit Court, even for the initial part of the rolling production.

A confidentiality order has been entered in the actions, but the federal immunity and the qualified privilege under state law operate to prevent disclosure even when there is a confidentiality order. Moreover, the thousands of affected customers would likely be confused by the disclosure of their information and not understand protections imposed by the Circuit Court. Lastly, Academy would suffer irreparable injury and loss due to the negative perceptions of its customers of these productions and due to the release of irrelevant private operational information to the Brady Center, as well as the loss of the appellate review of these critical objections. This petition has been verified by Academy in accordance with Rule 241(d)(6)(A).

In compliance with Rule 241(d)(6)(B), SCACR, counsel for Academy hereby certifies, as officers of the Court, that it has given notice of this Petition to Plaintiffs' counsel by email. With the deadline of 1:30 p.m. tomorrow, however, there is insufficient time for further briefing or a hearing on this request for supersedeas. Accordingly, the entry of an immediate, *ex parte* stay to preserve the *status quo* is appropriate and warranted.

### **CONCLUSION**

For the foregoing reasons, Academy respectfully requests that this Court issue a writ of supersedeas providing that the automatic stay is in effect and staying any further discovery proceedings or, in the alternative, granting supersedeas in its discretion.

**[Signature on following page.]**

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: /s/ D. Larry Kristinik

D. Larry Kristinik  
SC Bar No. 064983  
E-Mail: larry.kristinik@nelsonmullins.com

A. Mattison Bogan  
SC Bar No. 72629  
E-Mail: matt.bogan@nelsonmullins.com

Matthew A. Abee  
SC Bar No. 101100  
E-Mail: matt.abee@nelsonmullins.com  
1320 Main Street / 17th Floor  
Post Office Box 11070 (29211-1070)  
Columbia, SC 29201  
(803) 799-2000

Samuel W. Outten  
SC Bar No. 004295  
E-Mail: sam.outten@nelsonmullins.com  
2 West Washington Street, Suite 400  
Greenville, SC 29601  
(864) 250-2300

*Attorneys for Academy, Ltd. d/b/a Academy Sports + Outdoors*

Columbia, South Carolina  
July 10, 2023

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SC Court of Appeals

The State Of South Carolina  
In The Court of Appeals

Appeal from Spartanburg County  
Court of Common Pleas  
Hon. J. Mark Hayes, Circuit Court Judge

Consolidated Civil Action No. 2018-CP-42-04297

Cindy Coxie, as Special Administrator for the Estate of  
Johnny Coxie, .....Respondent,

v.

Academy, Ltd., d/b/a Academy Sports and Outdoors; and  
Dustan Lawson..... Defendants,

and

Academy, Ltd. d/b/a Academy Sports + Outdoors, .....Crossclaimant,

v.

Dustan Lawson and Todd Christopher Kohlhepp, ..... Cross-Defendants,

Of which Academy, Ltd. d/b/a Academy Sports +  
Outdoors, is the ..... Appellant/Petitioner.

**Verification of Emergency *Ex Parte* Petition for a Writ of Supersedeas**

Personally appeared before me Academy, Ltd. d/b/a Academy Sports + Outdoors, who,  
being first duly sworn, deposes and says that it has reviewed the factual assertions set forth in the  
Petition and that such factual assertions are true and accurate to the best of its knowledge.

**Academy, Ltd., d/b/a Academy  
Sports + Outdoors**

By: \_\_\_\_\_

Print: Perry Davis

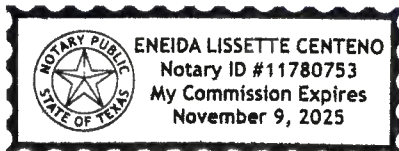
Its: Sr. Director Compliance

Sworn and subscribed to before me  
on July 10th, 2023

Notary Public for Texas

Print: Eneida L. Centeno

My Commission Expires: 11-09-25



# **Exhibit A**

Certified Copies of Orders on Appeal



especially sensitive materials, the parties and the Court may consider additional protective protocols.

4. The Court does not believe that there have been sufficient discussions as to what compromises may be agreeable to alleviate Academy's burden concerns. The parties, pursuant to S.C.R.P. Rule 11, are directed to negotiate on this point outside of the Court's presence, prior to a July 6, 2023 status conference to be held by the Court at 10 A.M.

<b>INFORMATION FOR THE JUDGMENT INDEX</b>		
Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.		
Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
N/A	N/A	N/A
If applicable, describe the property, including tax map information and address, referenced in the order:		

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**  
**E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.**

[Court's electronic signature page to follow.]

**For Clerk of Court Office Use Only**

This judgment was entered on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and a copy mailed first class or placed in the appropriate attorney's box on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ to attorneys of record or to parties (when appearing pro se) as follows:

\_\_\_\_\_  
\_\_\_\_\_

ATTORNEY(S) FOR THE PLAINTIFF(S)

\_\_\_\_\_  
\_\_\_\_\_

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

**Court Reporter:**

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCP.

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**ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.**

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

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Spartanburg Common Pleas

**Case Caption:** Cindy Coxie , plaintiff, et al VS Academy, Ltd. , defendant, et al  
**Case Number:** 2018CP4204297  
**Type:** Order/Form 4

IT IS SO ORDERED

s/ J. Mark Hayes, II #2132

Electronically signed on 2023-07-03 10:31:57 page 4 of 4

A CERTIFIED COPY

Amy W Cox

CLERK OF COURT

SPARTANBURG COUNTY

BY: Shirley M. H. D.C.

DATED 7-10-23

STATE OF SOUTH CAROLINA  
 COUNTY OF SPARTANBURG  
 IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2018-CP-42-04297 (Consolidated)

Cindy Coxie, as Special Administrator for the  
 Estate of Johnny Coxie  
 PLAINTIFF(S)

Academy, Ltd., d/b/a Academy Sports and  
 Outdoors, et al.  
 DEFENDANT(S)

Submitted by: Robert M. Cross	Attorney for : <input checked="" type="checkbox"/> Plaintiff(s) <input type="checkbox"/> Defendant or <input type="checkbox"/> Self-Represented Litigant
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**DISPOSITION TYPE (CHECK ONE)**

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.  See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  Rule 43(k), SCRPC (Settled);  Other
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j), SCRPC;  Bankruptcy;  Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:**  See attached order (formal order to follow)  Statement of Judgment by the Court:

**ORDER INFORMATION**

This order  ends  does not end the case.  
 Additional Information for the Clerk :

The Court, in furtherance of its Monday, July 3, 2023 Order Granting Plaintiffs' Motion to Compel, ORDERS the following:

1. Academy is ordered to produce all Excel spreadsheets relating to trace data currently in its counsel's possession as soon as possible but no later than Tuesday, July 11, 2023 at 1:30 P.M.
2. In an effort to provide further protection of the privacy rights of non-parties beyond the extensive protections already provided for in the Amended Confidentiality Order, the Court offers Academy two options for how to produce the relevant Excel spreadsheets. First, Academy may redact the customer names and addresses and replace them with unique customer identifiers (such as "Customer 1") sufficient to allow Plaintiffs to perform their analysis of the records. Alternatively, Academy may produce these spreadsheets with all customer information unredacted and marked "Attorney's Eyes Only."
3. If Academy chooses to produce documents unredacted and under an "Attorney's Eyes Only" designation, Plaintiffs are entitled to insert their own unique customer identifiers prior to sharing any documents with their expert(s).
4. Academy is ordered to produce all trace-related emails on a rolling basis, with the first batch of emails to be produced on or before Friday, July 21, 2023.

5. Academy is ordered to gather the Acquisition and Disposition books for the Greenville and Spartanburg, South Carolina stores (#219 and #215) for the time period of November 2, 2008 to November 6, 2017 and to make them available to Plaintiffs no later than Monday, August 8, 2023.
6. In an effort to provide further protection of the privacy rights of non-parties beyond the extensive protections already provided for in the Amended Confidentiality Order, Academy may redact the customer names and addresses in the Acquisition and Disposition books and replace them with unique customer identifiers (such as "Customer 1") sufficient to allow Plaintiffs to perform their analysis of the records. If this is done, such unique numeric identifiers need to match the numeric identifiers used by Academy to identify specific customers referenced in the relevant trace-related spreadsheets (or other trace-related documents, including, but not limited to, trace-related emails).
7. If production of the requested Acquisition and Disposition records proves too burdensome, the parties may meet and confer as to the possibility of allowing Plaintiffs a reasonable opportunity to inspect the records so as to alleviate Academy's burden.
8. Plaintiffs are entitled to discovery of the Form 4473s in Academy's possession relating to firearm sales at the Greenville and Spartanburg, South Carolina stores (#219 and #215). The parties are ordered to meet and confer as to the issue of burden specifically as it relates to the production of Form 4473s and will provide further input to the Court at the next conference scheduled for Wednesday, July 12, 2023 at 1:30 PM.
9. In addition to further discussion as to the Form 4473 production, the parties are ordered to meet and confer with respect to Academy's production of sales receipts relating to firearm sales at the Greenville and Spartanburg, South Carolina stores (#219 and #215) and the possibility of limiting the time frame for all documents to be produced to the period of November 2, 2008 to November 6, 2017.

<b>INFORMATION FOR THE JUDGMENT INDEX</b>		
<b>Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.</b>		
Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
N/A	N/A	N/A
If applicable, describe the property, including tax map information and address, referenced in the order:		

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk.  
**Note: Title abstractors and researchers should refer to the official court order for judgment details.**  
**E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.**

[Court's electronic signature page to follow.]

**For Clerk of Court Office Use Only**

This judgment was entered on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and a copy mailed first class or placed in the appropriate attorney's box on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ to attorneys of record or to parties (when appearing pro se) as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
**ATTORNEY(S) FOR THE PLAINTIFF(S)**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
**ATTORNEY(S) FOR THE DEFENDANT(S)**  
\_\_\_\_\_  
**CLERK OF COURT**

**Court Reporter:**

**E-Filing Note:** In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCF.

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This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

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Spartanburg Common Pleas

**Case Caption:** Cindy Coxie , plaintiff, et al VS Academy, Ltd. , defendant, et al

**Case Number:** 2018CP4204297

**Type:** Order/Form 4

IT IS SO ORDERED

s/ J. Mark Hayes, II #2132

Electronically signed on 2023-07-10 11:14:44 page 4 of 4

A CERTIFIED COPY

Amy W Cox  
CLERK OF COURT  
SPARTANBURG COUNTY  
BY: [Signature] D.C.  
DATED 7-10-23

# **Exhibit B**

Notice of Appeal

The State Of South Carolina  
In The Court of Appeals

---

Appeal from Spartanburg County  
Court of Common Pleas  
Hon. J. Mark Hayes, Circuit Court Judge

---

Consolidated Civil Action No. 2018-CP-42-04297

---

Cindy Coxie, as Special Administrator for the Estate of  
Johnny Coxie, .....Respondent,

v.

Academy, Ltd., d/b/a Academy Sports and Outdoors; and  
Dustan Lawson..... Defendants,

and

Academy, Ltd. d/b/a Academy Sports + Outdoors, .....Crossclaimant,

v.

Dustan Lawson and Todd Christopher Kohlhepp,.....Cross-Defendants,

Of which Academy, Ltd. d/b/a Academy Sports +  
Outdoors, is the .....Appellant.

---

**Notice of Appeal**

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Defendant-Appellant Academy, Ltd. d/b/a Academy Sports + Outdoors (“Academy”) timely appeals the lower court’s Form 4 Order filed July 3, 2023 (the “Objections Order”), and its Form 4 Order filed July 10, 2023 (the “Production Order”) granting Plaintiffs’ March 29, 2023 Motion to Compel. Academy received written notice of the entry of the Objections Order on July 3, 2023, and the Production Order on July 10, 2023. Copies of the two orders are attached as **Exhibit A**.

As the South Carolina Supreme Court recently reiterated, whether an order is immediately appealable *must be determined on a case-by-case basis*. *Stone v. Thompson*, 826 S.E.2d 868, 870 (S.C. 2019) (emphasis added). Academy recognizes that ordinary discovery orders are not immediately appealable. *See Oncology & Hematology Assocs. of S.C., LLC v. S.C. Dep't of Health & Env't Control*, 692 S.E.2d 920, 925 (S.C. 2010). But these are no ordinary discovery orders.

The orders issued by the Circuit Court require the rolling production, starting at 1:30 p.m. tomorrow, of hundreds of thousands of records of firearms sales and law enforcement trace requests. These records have absolute immunity from discovery under federal law. In particular, the Tiahrt Amendment states that these types of records “shall be immune from legal process [and] shall not be subject to subpoena or other discovery . . . in a civil action in any State.” *See* 2012 Consolidated and Further Continuing Appropriations Act, Pub. L. 112-55, 125 Stat. 552, 609–10. The records are also subject to qualified privilege under the Trade Secrets Act. *See Hartsock v. Goodyear Dunlop Tires N. Am. Ltd.*, 813 S.E.2d 696, 698 (S.C. 2018). Moreover, the records contain sensitive personal information of tens of thousands of nonparty customers who have an expectation that their names, addresses, and personal identifying information as well as the number and types of firearms they purchased would remain confidential. Notably, these voluminous records documenting thousands of unrelated firearms sales and other Academy customers have no relevance to the twelve firearms purchases to one individual at issue in this matter.

Absent intervention by this Court, the impermissible compelled production of these irrelevant and highly sensitive records would moot any later appeal by Academy based on federal immunity and qualified privilege, release highly confidential law enforcement trace request information, and defy the reasonable privacy expectations of tens of thousands of customers. These circumstances support the immediate appeal of the orders. *Cf. State v. Duncan*, 709 S.E.2d

662, 665 n.2 (S.C. 2011) (finding order refusing to enforce immunity in the nature of an appealable injunction).

The orders also affect the substantial rights of Academy and tens of thousands of nonparty customers. These rights will be lost and cannot be vindicated during a later appeal once the production of records has occurred. Moreover, this matter is of great public significance because the requested records subject to the discovery orders relate to the sales of over 100,000 firearms to nonparty consumers as well as numerous law enforcement trace requests, some of which would likely relate to ongoing criminal investigations. These records would include private and highly sensitive customer information, the disclosure of which would defy the privacy expectations of the customers, regardless of the existence of a confidentiality order or other protective steps.

For all of the above reasons, an immediate appeal is appropriate.<sup>1</sup> To the extent the Court has any doubt or concern regarding appealability, Academy respectfully requests the opportunity to provide more fulsome briefing and analysis regarding the propriety of immediate appeal under these circumstances.<sup>2</sup>

***SIGNATURE PAGE ATTACHED***

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<sup>1</sup> This notice does not provide an exhaustive list of all of the reasons warranting the acceptance of this appeal and the need for appellate intervention at this point in this case. Academy will include all of the reasons in the event the Court requests briefing on the propriety of immediate appeal.

<sup>2</sup> Academy will be filing a Petition for Writ of Certiorari with the South Carolina Supreme Court and filing a motion to certify and transfer the appeal under Rule 204, SCACR. Academy is also seeking in the Circuit Court a stay of the above-referenced orders, and, if unsuccessful, will be filing an emergency writ of supersedeas pending appeal from the Court of Appeals.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: /s/ D. Larry Kristinik

D. Larry Kristinik  
SC Bar No. 064983  
E-Mail: larry.kristinik@nelsonmullins.com

A. Mattison Bogan  
SC Bar No. 72629  
E-Mail: matt.bogan@nelsonmullins.com

Matthew A. Abee  
SC Bar No. 101100  
E-Mail: matt.abee@nelsonmullins.com  
1320 Main Street / 17th Floor  
Post Office Box 11070 (29211-1070)  
Columbia, SC 29201  
(803) 799-2000

Samuel W. Outten  
SC Bar No. 004295  
E-Mail: sam.outten@nelsonmullins.com  
2 West Washington Street, Suite 400  
Greenville, SC 29601  
(864) 250-2300

*Attorneys for Academy, Ltd. d/b/a Academy Sports + Outdoors*

Columbia, South Carolina  
July 10, 2023

The State Of South Carolina  
In The Court of Appeals

---

Appeal from Spartanburg County  
Court of Common Pleas  
Hon. J. Mark Hayes, Circuit Court Judge

---

Consolidated Civil Action No. 2018-CP-42-04297

---

Cindy Coxie, as Special Administrator for the Estate of  
Johnny Coxie, .....Respondent,

v.

Academy, Ltd., d/b/a Academy Sports and Outdoors; and  
Dustan Lawson..... Defendants,

and

Academy, Ltd. d/b/a Academy Sports + Outdoors, .....Crossclaimant,

v.

Dustan Lawson and Todd Christopher Kohlhepp,.....Cross-Defendants,

Of which Academy, Ltd. d/b/a Academy Sports + Outdoors,  
is the .....Appellant

---

**Proof of Service**

---

I, the partner of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Defendant Academy, Ltd. d/b/a Academy Sports + Outdoors, certify that I have served all parties in this action with a copy of the document(s) set forth below by the following methods:

Document(s):                   **Notice of Appeal**

Counsel/Parties Served:

**Via USPS**

Todd Christopher Kohlhepp, 00372454  
Lieber Correctional Institute  
136 Wilborn Avenue  
Ridgeville, SC 29472

**Via USPS**

Dustan Lawson  
PO Box 184  
Pauline, SC 29374

**Via Email Only**

Robert Cross, Esquire  
rcross @bradyunited.org  
Erin Davis, Esquire  
edavis@bradyunited.org  
Jenna Tersteegen, Esquire  
jtersteegen@bradyunited.org

**Via Email Only**

R. Mills Ariail, Jr., Esquire  
Law Office of R. Mills Ariail, Jr.  
11 North Irvine Street, Suite 11  
Greenville, SC 29601  
mills@rmlawoffice.com

**Via Email Only**

J. David Standeffer, Esquire  
Standeffer Law, LLC  
Post Office Box 35  
2124 N Hwy 81, Anderson, SC 29621  
Anderson, SC 29622  
dave@standefferlaw.com

**Via Email Only**

Mary F. Schiavo, Esquire  
Motley Rice, LLC  
28 Bridgeside Blvd.  
Mt. Pleasant, SC 29464  
mschiavo@motleyrice.com

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: /s/ D. Larry Kristinik

D. Larry Kristinik  
SC Bar No. 064983  
E-Mail: larry.kristinik@nelsonmullins.com  
A. Mattison Bogan  
SC Bar No. 72629  
E-Mail: matt.bogan@nelsonmullins.com  
Matthew A. Abee  
SC Bar No. 101100  
E-Mail: matt.abee@nelsonmullins.com  
1320 Main Street / 17th Floor  
Post Office Box 11070 (29211-1070)  
Columbia, SC 29201  
(803) 799-2000

Samuel W. Outten  
SC Bar No. 004295  
E-Mail: sam.outten@nelsonmullins.com  
2 West Washington Street, Suite 400  
Greenville, SC 29601  
(864) 250-2300

*Attorneys for Academy, Ltd. d/b/a Academy Sports + Outdoors*

Columbia, South Carolina  
July 10, 2023

# Exhibit C

Tiaht Amendment

**2003 Consolidated Appropriations Resolution, Pub. L. No. 108–7, § 644, 117 Stat. 11.**

No funds appropriated under this Act or any other Act with respect to any fiscal year shall be available to take any action based upon any provision of 5 U.S.C. 552 with respect to records collected or maintained pursuant to 18 U.S.C. 846(b), 923(g)(3) or 923(g)(7), or provided by Federal, State, local, or foreign law enforcement agencies in connection with arson or explosives incidents or the tracing of a firearm, except that such records may continue to be disclosed to the extent and in the manner that records so collected, maintained, or obtained have been disclosed under 5 U.S.C. 552 prior to the date of the enactment of this Act.

**2004 Consolidated Appropriations Act, Pub. L. No. 108–199, 118 Stat. 3, 52–53.**

no funds appropriated under this or any other Act may be used to disclose to the public the contents or any portion thereof of any information required to be kept by licensees pursuant to section 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of section 923(g) of title 18, United States Code, except that this provision shall apply to any request for information made by any person or entity after January 1, 1998.

**2005 Consolidated Appropriations Act, Pub. L. No. 108–447, 118 Stat. 2809, 2859–60.**

That no funds appropriated under this or any other Act with respect to any fiscal year may be used to disclose part or all of the contents of the Firearms Trace System database maintained by the National Trace Center of the Bureau of Alcohol, Tobacco, Firearms, and Explosives or any information required to be kept by licensees pursuant to section 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of such section 923(g), to anyone other than a Federal, State, or local law

enforcement agency or a prosecutor solely in connection with and for use in a bona fide criminal investigation or prosecution and then only such information as pertains to the geographic jurisdiction of the law enforcement agency requesting the disclosure and not for use in any civil action or proceeding other than an action or proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms, and Explosives, or a review of such an action or proceeding, to enforce the provisions of chapter 44 of such title, and all such data shall be immune from legal process and shall not be subject to subpoena or other discovery in any civil action in a State or Federal court or in any administrative proceeding other than a proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms, and Explosives to enforce the provisions of that chapter, or a review of such an action or proceeding; except that this proviso shall not be construed to prevent the disclosure of statistical information concerning total production, importation, and exportation by each licensed importer (as defined in section 921(a)(9) of such title) and licensed manufacturer (as defined in section 921(a)(10) of such title) . . . .

**2006 Consolidated Appropriations Act, Pub. L. No. 109–108, 119 Stat. 2290, 2295–96.**

That no funds appropriated under this or any other Act with respect to any fiscal year may be used to disclose part or all of the contents of the Firearms Trace System database maintained by the National Trace Center of the Bureau of Alcohol, Tobacco, Firearms and Explosives or any information required to be kept by licensees pursuant to section 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of such section 923(g), to anyone other than a Federal, State, or local law enforcement agency or a prosecutor solely in connection with and for use in a bona fide criminal investigation or prosecution and then

only such information as pertains to the geographic jurisdiction of the law enforcement agency requesting the disclosure and not for use in any civil action or proceeding other than an action or proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms and Explosives, or a review of such an action or proceeding, to enforce the provisions of chapter 44 of such title, and all such data shall be immune from legal process and shall not be subject to subpoena or other discovery, shall be inadmissible in evidence, and shall not be used, relied on, or disclosed in any manner, nor shall testimony or other evidence be permitted based upon such data, in any civil action pending on or filed after the effective date of this Act in any State (including the District of Columbia) or Federal court . . . .

**2012 Consolidated and Further Continuing Appropriations Act, Pub. L. 112-55, 125 Stat. 552, 609–10.**

That, during the current fiscal year and in each fiscal year thereafter, no funds appropriated under this or any other Act may be used to disclose part or all of the contents of the Firearms Trace System database maintained by the National Trace Center of the Bureau of Alcohol, Tobacco, Firearms and Explosives or any information required to be kept by licensees pursuant to section 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of such section, except to: (1) a Federal, State, local, or tribal law enforcement agency, or a Federal, State, or local prosecutor; or (2) a foreign law enforcement agency solely in connection with or for use in a criminal investigation or prosecution; or (3) a Federal agency for a national security or intelligence purpose; unless such disclosure of such data to any of the entities described in (1), (2) or (3) of this proviso would compromise the identity of any undercover law enforcement officer or confidential

informant, or interfere with any case under investigation; and no person or entity described in (1), (2) or (3) shall knowingly and publicly disclose such data; and all such data shall be immune from legal process, shall not be subject to subpoena or other discovery, shall be inadmissible in evidence, and shall not be used, relied on, or disclosed in any manner, nor shall testimony or other evidence be permitted based on the data, in a civil action in any State (including the District of Columbia) or Federal court or in an administrative proceeding other than a proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms and Explosives to enforce the provisions of chapter 44 of such title, or a review of such an action or proceeding; except that this proviso shall not be construed to prevent: (A) the disclosure of statistical information concerning total production, importation, and exportation by each licensed importer (as defined in section 921(a)(9) of such title) and licensed manufacturer (as defined in section 921(a)(10) of such title); (B) the sharing or exchange of such information among and between Federal, State, local, or foreign law enforcement agencies, Federal, State, or local prosecutors, and Federal national security, intelligence, or counterterrorism officials; or (C) the publication of annual statistical reports on products regulated by the Bureau of Alcohol, Tobacco, Firearms and Explosives, including total production, importation, and exportation by each licensed importer (as so defined) and licensed manufacturer (as so defined), or statistical aggregate data regarding firearms traffickers and trafficking channels, or firearms misuse, felons, and trafficking investigations . . . .

Public Law 108-7  
108th Congress

Joint Resolution

Making consolidated appropriations for the fiscal year ending September 30, 2003,  
and for other purposes.

Feb. 20, 2003  
[H.J. Res. 2]

*Resolved by the Senate and House of Representatives of the  
United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This joint resolution may be cited as the “Consolidated Appropriations Resolution, 2003”.

Consolidated  
Appropriations  
Resolution, 2003.

**SEC. 2. TABLE OF CONTENTS.**

The table of contents for this joint resolution is as follows:

Sec. 1. Short title.  
Sec. 2. Table of contents.  
Sec. 3. References.

**DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES PROGRAMS APPROPRIATIONS, 2003**

Title I—Agricultural Programs  
Title II—Conservation Programs  
Title III—Rural Development Programs  
Title IV—Domestic Food Programs  
Title V—Foreign Assistance and Related Programs  
Title VI—Related Agencies and Food and Drug Administration  
Title VII—General Provisions

**DIVISION B—COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 2003**

Title I—Department of Justice  
Title II—Department of Commerce and Related Agencies  
Title III—The Judiciary  
Title IV—Department of State and Related Agency  
Title V—Related Agencies  
Title VI—General Provisions  
Title VII—Rescissions

**DIVISION C—DISTRICT OF COLUMBIA APPROPRIATIONS, 2003**

Title I—Federal Funds  
Title II—District of Columbia Funds  
Title III—General Provisions

**DIVISION D—ENERGY AND WATER DEVELOPMENT APPROPRIATIONS, 2003**

Title I—Department of Defense—Civil: Department of the Army  
Title II—Department of the Interior  
Title III—Department of Energy  
Title IV—Independent Agencies  
Title V—General Provisions

**DIVISION E—FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS, 2003**

Title I—Export and Investment Assistance

Title II—Bilateral Economic Assistance  
 Title III—Military Assistance  
 Title IV—Multilateral Economic Assistance  
 Title V—General Provisions

DIVISION F—INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 2003

Title I—Department of the Interior  
 Title II—Related Agencies  
 Title III—General Provisions  
 Title IV—Tuf Shur Bien Preservation Trust Area  
 Title V—National Forest Organizational Camp Fee Improvement Act of 2003

DIVISION G—LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION,  
 AND RELATED AGENCIES APPROPRIATIONS, 2003

Title I—Department of Labor  
 Title II—Department of Health and Human Services  
 Title III—Department of Education  
 Title IV—Related Agencies  
 Title V—General Provisions

DIVISION H—LEGISLATIVE BRANCH APPROPRIATIONS, 2003

Title I—Legislative Branch Appropriations  
 Title II—General Provisions

DIVISION I—TRANSPORTATION AND RELATED AGENCIES  
 APPROPRIATIONS, 2003

Title I—Department of Transportation  
 Title II—Related Agencies  
 Title III—General Provisions

DIVISION J—TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS,  
 2003

Title I—Department of the Treasury  
 Title II—Postal Service  
 Title III—Executive Office of the President and Funds Appropriated to the President  
 Title IV—Independent Agencies  
 Title V—General Provisions—This Act  
 Title VI—General Provisions—Departments, Agencies, and Corporations

DIVISION K—VETERANS AFFAIRS AND HOUSING AND URBAN  
 DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS, 2003

Title I—Department of Veterans Affairs  
 Title II—Department of Housing and Urban Development  
 Title III—Independent Agencies  
 Title IV—General Provisions

DIVISION L—HOMELAND SECURITY ACT OF 2002 AMENDMENTS

DIVISION M—DEFENSE MATTERS

DIVISION N—EMERGENCY RELIEF AND OFFSETS

Title I—Election Reform  
 Title II—Agricultural Assistance  
 Title III—Wildland Fire Emergency  
 Title IV—TANF and Medicare  
 Title V—Fisheries Disasters  
 Title VI—Offsets  
 Title VII—Bonneville Power Administration Borrowing Authority

DIVISION O—PRICE-ANDERSON ACT AMENDMENTS

DIVISION P—UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW  
 COMMISSION

1 USC 1 note.

**SEC. 3. REFERENCES.**

Except as expressly provided otherwise, any reference to “this Act” contained in any division of this joint resolution shall be treated as referring only to the provisions of that division.

SEC. 641. (a) IN GENERAL.—The Administrator of General Services shall accept all right, title and interest in the property described in subsection (b)—

(1) if written offer therefor (accompanied by such proof of title, property descriptions, and other information as the Administration may require) is received by the Administrator from the owner of such property within 12 months after the date of enactment of this Act; Deadline.

(2) if all liability with respect to such property and the owner of such property will remain with the owner;

(3) if the private sector is unable to dispose of contaminants in the building on such property;

(4) if the Administrator determines that a significant public health risk exists from such property; and

(5) if the Administrator identifies an appropriate Federal agency to accept all right, title, and interest in such property.

(b) PROPERTY LOCATION.—The property described in this subsection is the property located at 5401 NW Broken Sound Boulevard, Boca Raton, Florida, and all improvements thereon.

(c) CONSIDERATION.—The United States shall pay an amount that does not exceed \$1 in consideration of any right, title, or interest received by the United States under this section.

(d) REPORT.—Not later than 270 days after the date of enactment of this Act, the Administrator shall transmit to Congress a comprehensive report describing the efforts made by the Administrator to fulfill the conditions described in subsection (a). Deadline.

SEC. 642. (a) Notwithstanding paragraph (17) of subsection (a) of the Policemen and Firemen's Retirement and Disability Act (sec. 5-701(17), D.C. Official Code) or any other provision of such Act to the contrary, for purposes of determining the amount of an annuity required to be paid under such Act with respect to a United States Secret Service member who retired during the period from November 1, 1994, through October 29, 1995 and who received availability pay under 5 U.S.C. 5545a during that period, the member's average pay shall be computed as if the member received availability pay for the 12 consecutive months during which the highest salary was earned prior to retirement.

(b) Subsection (a) shall apply with respect to an annuity paid— Applicability.

(1) on or after November 1, 1994, in the case of a survivor's annuity paid with respect to a Secret Service member described in subsection (a); or

(2) on or after October 1, 2002, with respect to a Secret Service member described in subsection (a).

SEC. 643. Section 902(b) of the Law Enforcement Pay Equity Act of 2000 (as enacted into law by Public Law 106-554), shall cease to be effective on the first day of the first pay period on or after January 1, 2003. Expiration date.  
5 USC 5304 note.

SEC. 644. No funds appropriated under this Act or any other Act with respect to any fiscal year shall be available to take any action based upon any provision of 5 U.S.C. 552 with respect to records collected or maintained pursuant to 18 U.S.C. 846(b), 923(g)(3) or 923(g)(7), or provided by Federal, State, local, or foreign law enforcement agencies in connection with arson or explosives incidents or the tracing of a firearm, except that such records may continue to be disclosed to the extent and in the manner 5 USC 552 note.

that records so collected, maintained, or obtained have been disclosed under 5 U.S.C. 552 prior to the date of the enactment of this Act.

SEC. 645. (a) Section 9505(d) of title 5, United States Code, is amended by striking the second sentence and inserting the following: “Such amount may not exceed the maximum amount which would be allowable under paragraph (3) of section 5384(b) if such paragraph were applied by substituting ‘the Internal Revenue Service’ for ‘an agency’.”

Applicability.  
5 USC 9505 note.

(b) The amendment made by subsection (a) shall apply with respect to fiscal years beginning after September 30, 2002.

SEC. 646. None of the funds made available in this Act may be used to finalize, implement, administer, or enforce—

(1) the proposed rule relating to the determination that real estate brokerage is an activity that is financial in nature or incidental to a financial activity published in the Federal Register on January 3, 2001 (66 Fed. Reg. 307 et seq.); or

(2) the revision proposed in such rule to section 1501.2 of title 12 of the Code of Federal Regulations.

SEC. 647. While nothing in this section shall prevent any agency of the executive branch from subjecting work performed by Federal Government employees or private contractors to public-private competition or conversions, none of the funds made available in this Act may be used by an agency of the executive branch to establish, apply, or enforce any numerical goal, target, or quota for subjecting the employees of the executive agency to public-private competitions or for converting such employees or the work performed by such employees to private contractor performance under the Office of Management and Budget Circular A-76 or any other administrative regulation, directive, or policy unless the goal, target, or quota is based on considered research and sound analysis of past activities and is consistent with the stated mission of the executive agency. Nothing in this section shall limit the use of such funds for the administration of the Government Performance and Results Act of 1993 or for the administration of any other provision of law.

SEC. 648. (a) Section 8335(a) of title 5, United States Code, is amended by striking “8336” and inserting “8336(e)”.

Effective date.  
5 USC 8335 note.

(b) The amendment made by subsection (a) shall be effective as of January 1, 2003.

This division may be cited as the “Treasury and General Government Appropriations Act, 2003”.

Departments of  
Veterans Affairs  
and Housing and  
Urban  
Development,  
and Independent  
Agencies  
Appropriations  
Act, 2003.

**DIVISION K—VETERANS AFFAIRS AND HOUSING AND  
URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES  
APPROPRIATIONS, 2003**

**JOINT RESOLUTION**

Making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2003, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations,

Public Law 108–199  
108th Congress

An Act

Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes.

Jan. 23, 2003  
[H.R. 2673]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Consolidated Appropriations Act, 2004”.

Consolidated  
Appropriations  
Act, 2004.

**SEC. 2. TABLE OF CONTENTS.**

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.

**DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES PROGRAMS APPROPRIATIONS, 2004**

- Title I—Agricultural Programs
- Title II—Conservation Programs
- Title III—Rural Development Programs
- Title IV—Domestic Food Programs
- Title V—Foreign Assistance and Related Programs
- Title VI—Related Agencies and Food and Drug Administration
- Title VII—General Provisions

**DIVISION B—COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 2004**

- Title I—Department of Justice
- Title II—Department of Commerce and Related Agencies
- Title III—The Judiciary
- Title IV—Department of State and Related Agency
- Title V—Related Agencies
- Title VI—General Provisions
- Title VII—Rescissions
- Title VIII—Alaskan Fisheries

**DIVISION C—DISTRICT OF COLUMBIA APPROPRIATIONS, 2004**

- Title I—Federal Funds
- Title II—District of Columbia Funds
- Title III—DC School Choice Incentive Act of 2003
- Title IV—General Provisions

**DIVISION D—FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS, 2004**

- Title I—Export and Investment Assistance
- Title II—Bilateral Economic Assistance
- Title III—Military Assistance
- Title IV—Multilateral Economic Assistance

Title V—General Provisions  
 Title VI—Millennium Challenge Act of 2003

DIVISION E—LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION,  
 AND RELATED AGENCIES APPROPRIATIONS, 2004

Title I—Department of Labor  
 Title II—Department of Health and Human Services  
 Title III—Department of Education  
 Title IV—Related Agencies  
 Title V—General Provisions

DIVISION F—TRANSPORTATION, TREASURY, AND INDEPENDENT  
 AGENCIES APPROPRIATIONS, 2004

Title I—Department of Transportation  
 Title II—Department of the Treasury  
 Title III—Executive Office of the President and Funds Appropriated to the President  
 Title IV—Independent Agencies  
 Title V—General Provisions  
 Title VI—General Provisions—Departments, Agencies, and Corporations

DIVISION G—VETERANS AFFAIRS AND HOUSING AND URBAN  
 DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS, 2004

Title I—Department of Veterans Affairs  
 Title II—Department of Housing and Urban Development  
 Title III—Independent Agencies  
 Title IV—General Provisions  
 Title V—Pesticide Products and Fees

DIVISION H—MISCELLANEOUS APPROPRIATIONS AND OFFSETS

1 USC 1 note.

**SEC. 3. REFERENCES.**

Except as expressly provided otherwise, any reference to “this Act” contained in any division of this Act shall be treated as referring only to the provisions of that division.

Agriculture,  
 Rural  
 Development,  
 Food and Drug  
 Administration,  
 and Related  
 Agencies  
 Appropriations  
 Act, 2004.

**DIVISION A—AGRICULTURE, RURAL DEVELOPMENT,  
 FOOD AND DRUG ADMINISTRATION, AND RELATED  
 AGENCIES APPROPRIATIONS ACT, 2004**

*An Act*

Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2004, and for other purposes, namely:

## DRUG ENFORCEMENT ADMINISTRATION

## SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed \$70,000 to meet unforeseen emergencies of a confidential character pursuant to 28 U.S.C. 530C; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; and purchase of not to exceed 982 passenger motor vehicles, of which 886 will be for replacement only, for police-type use, \$1,601,327,000; of which not to exceed \$33,000,000 for permanent change of station shall remain available until September 30, 2005; of which not to exceed \$1,800,000 for research shall remain available until expended; of which not to exceed \$4,000,000 for purchase of evidence and payments for information, not to exceed \$10,000,000 for contracting for automated data processing and telecommunications equipment, and not to exceed \$2,000,000 for laboratory equipment, \$4,000,000 for technical equipment, and \$2,000,000 for aircraft replacement retrofit and parts, shall remain available until September 30, 2005; and of which not to exceed \$50,000 shall be available for official reception and representation expenses: *Provided*, That, in addition to reimbursable full-time equivalent workyears available to the Drug Enforcement Administration, not to exceed 8,358 positions and 8,018 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the Drug Enforcement Administration.

## INTERAGENCY DRUG ENFORCEMENT

For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking and affiliated money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, \$556,465,000, of which \$50,000,000 shall remain available until September 30, 2005: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: *Provided further*, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Drug Enforcement Administrator for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures set forth in section 605 of this Act.

## BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

## SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, including the purchase of not to exceed 822 vehicles for police-type use, of which 650 shall be for replacement only; not to exceed \$18,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection

with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, \$836,087,000, of which not to exceed \$1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2): *Provided*, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of Justice, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: *Provided further*, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of "Curios or relics" in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: *Provided further*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further*, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms, and Explosives to other agencies or Departments in fiscal year 2004: *Provided further*, That no funds appropriated under this or any other Act may be used to disclose to the public the contents or any portion thereof of any information required to be kept by licensees pursuant to section 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of section 923(g) of title 18, United States Code, except that this provision shall apply to any request for information made by any person or entity after January 1, 1998: *Provided further*, That no funds made available by this or any other Act shall be expended to promulgate or implement any rule requiring a physical inventory of any business licensed under section 923 of title 18, United States Code: *Provided further*, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code: *Provided further*, That subparagraphs (A) and (B) of 28 U.S.C. 530C(b)(2), are amended by inserting "for the Bureau of Alcohol, Tobacco, Firearms and Explosives," after "Marshals Service," in each subparagraph.

#### FEDERAL PRISON SYSTEM

##### SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 838, of which 535 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, \$4,461,257,000: *Provided*, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions:

42 USC 250a.

Public Law 108–447  
108th Congress

An Act

Making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2005, and for other purposes.

Dec. 8, 2004  
[H.R. 4818]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Consolidated  
Appropriations  
Act, 2005

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Consolidated Appropriations Act, 2005”.

**SEC. 2. TABLE OF CONTENTS.**

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.
- Sec. 4. Statement of appropriations.

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

- Title I—Agricultural Programs
- Title II—Conservation Programs
- Title III—Rural Development Programs
- Title IV—Domestic Food Programs
- Title V—Foreign Assistance and Related Programs
- Title VI—Related Agencies and Food and Drug Administration
- Title VII—General Provisions

DIVISION B—DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

- Title I—Department of Justice
- Title II—Department of Commerce and Related Agencies
- Title III—The Judiciary
- Title IV—Department of State and Related Agency
- Title V—Related Agencies
- Title VI—General Provisions
- Title VII—Rescissions
- Title VIII—Patent and Trademark Fees
- Title IX—Oceans and Human Health Act

DIVISION C—ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2005

- Title I—Department of Defense—Civil
- Title II—Department of the Interior
- Title III—Department of Energy
- Title IV—Independent Agencies
- Title V—General Provisions
- Title VI—Reform of the Board of Directors of the Tennessee Valley Authority

DIVISION D—FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2005

- Title I—Export and Investment Assistance

Title II—Bilateral Economic Assistance  
 Title III—Military Assistance  
 Title IV—Multilateral Economic Assistance  
 Title V—General Provisions

DIVISION E—DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES  
 APPROPRIATIONS ACT, 2005

Title I—Department of the Interior  
 Title II—Related Agencies  
 Title III—General Provisions  
 Title IV—Urgent Wildland Fire Suppression Activities  
 Title V—General Reduction

DIVISION F—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES,  
 AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

Title I—Department of Labor  
 Title II—Department of Health and Human Services  
 Title III—Department of Education  
 Title IV—Related Agencies  
 Title V—General Provisions

DIVISION G—LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2005

Title I—Legislative Branch Appropriations  
 Title II—General Provisions

DIVISION H—TRANSPORTATION, TREASURY, INDEPENDENT AGENCIES,  
 AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2005

Title I—Department of Transportation  
 Title II—Department of the Treasury  
 Title III—Executive Office of the President and Funds Appropriated to the President  
 Title IV—Independent Agencies  
 Title V—General Provisions  
 Title VI—General Provisions

DIVISION I—DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND  
 URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2005

Title I—Department of Veterans Affairs  
 Title II—Department of Housing and Urban Development  
 Title III—Independent Agencies  
 Title IV—General Provisions

DIVISION J—OTHER MATTERS

Title I—Miscellaneous Provisions and Offsets  
 Title II—225th Anniversary of the American Revolution Commemoration Act  
 Title III—Rural Air Service Improvement Act of 2004  
 Title IV—L-1 Visa and H-1B Visa Reform Act  
 Title V—National Aviation Heritage Area Act  
 Title VI—Oil Region National Heritage Area Act  
 Title VII—Mississippi Gulf Coast National Heritage Area Act  
 Title VIII—Federal Lands Recreation Enhancement Act  
 Title IX—Satellite Home Viewer Extension and Reauthorization Act of 2004  
 Title X—Snake River Water Rights Act of 2004

DIVISION K—SMALL BUSINESS

1 USC 1 note.

**SEC. 3. REFERENCES.**

Except as expressly provided otherwise, any reference to “this Act” contained in any division of this Act shall be treated as referring only to the provisions of that division.

**SEC. 4. STATEMENT OF APPROPRIATIONS.**

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2005.

## BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

## SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, including the purchase of not to exceed 822 vehicles for police-type use, of which 650 shall be for replacement only; not to exceed \$25,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, \$890,357,000, of which not to exceed \$1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); and of which \$10,000,000 shall remain available until expended: *Provided*, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of Justice, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: *Provided further*, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of "Curios or relics" in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: *Provided further*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further*, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments in fiscal year 2005: *Provided further*, That no funds appropriated under this or any other Act with respect to any fiscal year may be used to disclose part or all of the contents of the Firearms Trace System database maintained by the National Trace Center of the Bureau of Alcohol, Tobacco, Firearms, and Explosives or any information required to be kept by licensees pursuant to section 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of such section 923(g), to anyone other than a Federal, State, or local law enforcement agency or a prosecutor solely in connection with and for use in a bona fide criminal investigation or prosecution and then only such information as pertains to the geographic jurisdiction of the law enforcement agency requesting the disclosure and not for use in any civil action or proceeding other than an action or proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms, and Explosives, or a review of such an action or proceeding, to enforce the provisions of chapter 44 of such title, and all such data shall be immune from legal process and shall not be subject to subpoena or other discovery in any civil action in a State or Federal court or in any administrative proceeding other than a proceeding commenced by the Bureau

18 USC 923 note.

of Alcohol, Tobacco, Firearms, and Explosives to enforce the provisions of that chapter, or a review of such an action or proceeding; except that this proviso shall not be construed to prevent the disclosure of statistical information concerning total production, importation, and exportation by each licensed importer (as defined in section 921(a)(9) of such title) and licensed manufacturer (as defined in section 921(a)(10) of such title): *Provided further*, That no funds made available by this or any other Act shall be expended to promulgate or implement any rule requiring a physical inventory of any business licensed under section 923 of title 18, United States Code: *Provided further*, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code: *Provided further*, That no funds authorized or made available under this or any other Act may be used to deny any application for a license under section 923 of title 18, United States Code, or renewal of such a license due to a lack of business activity, provided that the applicant is otherwise eligible to receive such a license, and is eligible to report business income or to claim an income tax deduction for business expenses under the Internal Revenue Code of 1986: *Provided further*, That of the total amount provided under this paragraph, \$5,600,000 shall be for the construction and establishment of the Federal Firearms Licensing Center at the Bureau of Alcohol, Tobacco, Firearms and Explosives National Tracing Center Facility and shall remain available until expended.

#### FEDERAL PRISON SYSTEM

##### SALARIES AND EXPENSES

42 USC 250a. For expenses necessary of the Federal Prison System for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 780, of which 649 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, \$4,627,696,000: *Provided*, That the Attorney General may transfer to the Health Resources and Services Administration such amounts as may be necessary for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: *Provided further*, That not to exceed \$6,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed \$365,836,000 shall remain available for prison activations until September 30, 2006: *Provided further*, That, of the amounts provided for Contract Confinement, not to exceed \$20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980, for the care and security in the United States of Cuban and Haitian entrants: *Provided further*, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program

Public Law 109–108  
109th Congress

An Act

Nov. 22, 2005  
[H.R. 2862]

Making appropriations for Science, the Departments of State, Justice, and Commerce, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

Science, State,  
Justice,  
Commerce, and  
Related Agencies  
Appropriations  
Act, 2006.  
Department of  
Justice  
Appropriations  
Act, 2006.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, \$124,456,000, of which not to exceed \$3,317,000 is for the Facilities Program 2000, to remain available until expended: *Provided*, That not to exceed 45 permanent positions and 46 full-time equivalent workyears and \$11,821,000 shall be expended for the Department Leadership Program exclusive of augmentation that occurred in these offices in fiscal year 2005: *Provided further*, That not to exceed 26 permanent positions, 21 full-time equivalent workyears and \$3,480,000 shall be expended for the Office of Legislative Affairs: *Provided further*, That not to exceed 17 permanent positions, 22 full-time equivalent workyears and \$2,764,000 shall be expended for the Office of Public Affairs: *Provided further*, That the Offices of Legislative Affairs and Public Affairs may utilize, on a non-reimbursable basis details of career employees within the ceilings provided for the Office of Legislative Affairs and the Office of Public Affairs: *Provided further*, That not less than \$500,000 shall be used to contract with an independent party to carry out a privacy assessment.

JUSTICE INFORMATION SHARING TECHNOLOGY

For necessary expenses for information sharing technology, including planning, development, deployment and Departmental direction, \$125,000,000, to remain available until expended: *Provided*, That, of the funds available \$10,000,000 is for the unified financial management system to be administered by the Unified Financial Management System Executive Council: *Provided further*, That of the funds provided, \$20,000,000 is unavailable for obligation until the Department Chief Information Officer submits the plan described in section 110 of this title.

and associated costs for a permanent central records complex in Frederick County, Virginia.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed \$70,000 to meet unforeseen emergencies of a confidential character pursuant to 28 U.S.C. 530C; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; and purchase of not to exceed 1,043 passenger motor vehicles, of which 937 will be for replacement only, for police-type use, \$1,686,457,000; of which not to exceed \$75,000,000 shall remain available until expended; and of which not to exceed \$100,000 shall be available for official reception and representation expenses.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, including the purchase of not to exceed 822 vehicles for police-type use, of which 650 shall be for replacement only; not to exceed \$40,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, \$923,613,000, of which not to exceed \$1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); and of which \$10,000,000 shall remain available until expended: *Provided*, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of Justice, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: *Provided further*, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of "Curios or relics" in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: *Provided further*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further*, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments in fiscal year 2006: *Provided further*, That no funds appropriated under this or any other Act

18 USC 923 note.

with respect to any fiscal year may be used to disclose part or all of the contents of the Firearms Trace System database maintained by the National Trace Center of the Bureau of Alcohol, Tobacco, Firearms and Explosives or any information required to be kept by licensees pursuant to section 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of such section 923(g), to anyone other than a Federal, State, or local law enforcement agency or a prosecutor solely in connection with and for use in a bona fide criminal investigation or prosecution and then only such information as pertains to the geographic jurisdiction of the law enforcement agency requesting the disclosure and not for use in any civil action or proceeding other than an action or proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms and Explosives, or a review of such an action or proceeding, to enforce the provisions of chapter 44 of such title, and all such data shall be immune from legal process and shall not be subject to subpoena or other discovery, shall be inadmissible in evidence, and shall not be used, relied on, or disclosed in any manner, nor shall testimony or other evidence be permitted based upon such data, in any civil action pending on or filed after the effective date of this Act in any State (including the District of Columbia) or Federal court or in any administrative proceeding other than a proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms and Explosives to enforce the provisions of that chapter, or a review of such an action or proceeding; except that this proviso shall not be construed to prevent the disclosure of statistical information concerning total production, importation, and exportation by each licensed importer (as defined in section 921(a)(9) of such title) and licensed manufacturer (as defined in section 921(a)(10) of such title): *Provided further*, That no funds made available by this or any other Act shall be expended to promulgate or implement any rule requiring a physical inventory of any business licensed under section 923 of title 18, United States Code: *Provided further*, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code: *Provided further*, That no funds authorized or made available under this or any other Act may be used to deny any application for a license under section 923 of title 18, United States Code, or renewal of such a license due to a lack of business activity, provided that the applicant is otherwise eligible to receive such a license, and is eligible to report business income or to claim an income tax deduction for business expenses under the Internal Revenue Code of 1986: *Provided further*, That of the amount provided under this heading, \$5,000,000, to remain available until expended, shall be for the expenses necessary for site selection, architectural design, site preparation and the development of a total cost estimate for the construction of a permanent site for the National Center for Explosives Training and Research: *Provided further*, That any funds remaining shall be applied to the construction of the Center: *Provided further*, That the Director of the ATF, when considering site selection shall consider a site collocated with other law enforcement and Federal Government entities that provide similar training and research.

Applicability.

PUBLIC LAW 112-55—NOV. 18, 2011

CONSOLIDATED AND FURTHER CONTINUING  
APPROPRIATIONS ACT, 2012

Public Law 112–55  
112th Congress

An Act

Nov. 18, 2011  
[H.R. 2112]

Making consolidated appropriations for the Departments of Agriculture, Commerce, Justice, Transportation, and Housing and Urban Development, and related programs for the fiscal year ending September 30, 2012, and for other purposes.

Consolidated and  
Further  
Continuing  
Appropriations  
Act, 2012.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Consolidated and Further Continuing Appropriations Act, 2012”.

**SEC. 2. TABLE OF CONTENTS.**

The table of contents of this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. References.
- Sec. 4. Statement of appropriations.

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

DIVISION B—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

DIVISION C—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2012

DIVISION D—FURTHER CONTINUING APPROPRIATIONS, 2012

1 USC 1 note.

**SEC. 3. REFERENCES.**

Except as expressly provided otherwise, any reference to “this Act” contained in any division of this Act shall be treated as referring only to the provisions of that division.

**SEC. 4. STATEMENT OF APPROPRIATIONS.**

The following sums in this Act are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2012.

## CONSTRUCTION

For necessary expenses, to include the cost of equipment, furniture, and information technology requirements, related to construction or acquisition of buildings and of the operation and maintenance of secure work environment facilities and secure networking capabilities, \$10,000,000, to remain available until expended.

## BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

## SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, \$1,152,000,000, of which not to exceed \$36,000 shall be for official reception and representation expenses, not to exceed \$1,000,000 shall be available for the payment of attorneys' fees as provided by section 924(d)(2) of title 18, United States Code, and not to exceed \$15,000,000 shall remain available until expended: *Provided*, That no funds appropriated herein or hereafter shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of Justice, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: *Provided further*, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 478.118 or to change the definition of "Curios or relics" in 27 CFR 478.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: *Provided further*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: *Provided further*, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments: *Provided further*, That, during the current fiscal year and in each fiscal year thereafter, no funds appropriated under this or any other Act may be used to disclose part or all of the contents of the Firearms Trace System database maintained by the National Trace Center of the Bureau of Alcohol, Tobacco, Firearms and Explosives or any information required to be kept by licensees pursuant to section 923(g) of title 18, United States Code, or required to be reported pursuant to paragraphs (3) and (7) of such section, except to: (1) a Federal, State, local, or tribal law enforcement agency, or a Federal, State, or local prosecutor; or (2) a foreign law enforcement agency solely in connection with or for use in a criminal investigation or prosecution; or (3) a Federal agency for a national security or intelligence purpose; unless such disclosure of such data to any of the entities

18 USC 923 note.

18 USC 923 note.

described in (1), (2) or (3) of this proviso would compromise the identity of any undercover law enforcement officer or confidential informant, or interfere with any case under investigation; and no person or entity described in (1), (2) or (3) shall knowingly and publicly disclose such data; and all such data shall be immune from legal process, shall not be subject to subpoena or other discovery, shall be inadmissible in evidence, and shall not be used, relied on, or disclosed in any manner, nor shall testimony or other evidence be permitted based on the data, in a civil action in any State (including the District of Columbia) or Federal court or in an administrative proceeding other than a proceeding commenced by the Bureau of Alcohol, Tobacco, Firearms and Explosives to enforce the provisions of chapter 44 of such title, or a review of such an action or proceeding; except that this proviso shall not be construed to prevent: (A) the disclosure of statistical information concerning total production, importation, and exportation by each licensed importer (as defined in section 921(a)(9) of such title) and licensed manufacturer (as defined in section 921(a)(10) of such title); (B) the sharing or exchange of such information among and between Federal, State, local, or foreign law enforcement agencies, Federal, State, or local prosecutors, and Federal national security, intelligence, or counterterrorism officials; or (C) the publication of annual statistical reports on products regulated by the Bureau of Alcohol, Tobacco, Firearms and Explosives, including total production, importation, and exportation by each licensed importer (as so defined) and licensed manufacturer (as so defined), or statistical aggregate data regarding firearms traffickers and trafficking channels, or firearms misuse, felons, and trafficking investigations: *Provided further*, That no funds made available by this or any other Act shall be expended to promulgate or implement any rule requiring a physical inventory of any business licensed under section 923 of title 18, United States Code: *Provided further*, That, hereafter, no funds made available by this or any other Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code: *Provided further*, That no funds authorized or made available under this or any other Act may be used to deny any application for a license under section 923 of title 18, United States Code, or renewal of such a license due to a lack of business activity, provided that the applicant is otherwise eligible to receive such a license, and is eligible to report business income or to claim an income tax deduction for business expenses under the Internal Revenue Code of 1986.

18 USC 923 note.

## FEDERAL PRISON SYSTEM

## SALARIES AND EXPENSES

## (INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Federal Prison System for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 835, of which 808 are for replacement only) and hire of law enforcement and passenger motor vehicles, and for the provision of technical assistance and advice on corrections related issues to foreign governments, \$6,551,281,000: *Provided*, That the Attorney General may

42 USC 250a.

**RECEIVED**

**Jul 10 2023**

**SC Court of Appeals**

The State Of South Carolina  
In The Court of Appeals

Appeal from Spartanburg County  
Court of Common Pleas  
Hon. J. Mark Hayes, Circuit Court Judge

Consolidated Civil Action No. 2018-CP-42-04297

Cindy Coxie, as Special Administrator for the Estate of  
Johnny Coxie, .....Respondent,

v.

Academy, Ltd., d/b/a Academy Sports and Outdoors; and  
Dustan Lawson..... Defendants,

and

Academy, Ltd. d/b/a Academy Sports + Outdoors, .....Crossclaimant,

v.

Dustan Lawson and Todd Christopher Kohlhepp,..... Cross-Defendants,

Of which Academy, Ltd. d/b/a Academy Sports + Outdoors,  
is the .....Appellant

**Proof of Service**

I, the partner of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Defendant Academy, Ltd. d/b/a Academy Sports + Outdoors, certify that I have served all parties in this action with a copy of the document(s) set forth below by the following methods:

Document(s):                   **Emergency Verified *Ex Parte* Petition for a Writ of Supersedeas  
Verification  
Exhibits A–C**

Counsel/Parties Served:

**Via USPS**

Todd Christopher Kohlhepp, 00372454  
Lieber Correctional Institute  
136 Wilborn Avenue  
Ridgeville, SC 29472

**Via USPS**

Dustan Lawson  
PO Box 184  
Pauline, SC 29374

**Via Email Only**

Robert Cross, Esquire  
rcross @bradyunited.org  
Erin Davis, Esquire  
edavis@bradyunited.org  
Jenna Tersteegen, Esquire  
jtersteegen@bradyunited.org

**Via Email Only**

R. Mills Ariail, Jr., Esquire  
Law Office of R. Mills Ariail, Jr.  
11 North Irvine Street, Suite 11  
Greenville, SC 29601  
mills@rmlawoffice.com

**Via Email Only**

J. David Standeffer, Esquire  
Standeffer Law, LLC  
Post Office Box 35  
2124 N Hwy 81, Anderson, SC 29621  
Anderson, SC 29622  
dave@standefferlaw.com

**Via Email Only**

Mary F. Schiavo, Esquire  
Motley Rice, LLC  
28 Bridgeside Blvd.  
Mt. Pleasant, SC 29464  
mschiavo@motleyrice.com

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: /s/ D. Larry Kristinik

D. Larry Kristinik  
SC Bar No. 064983  
E-Mail: larry.kristinik@nelsonmullins.com  
A. Mattison Bogan  
SC Bar No. 72629  
E-Mail: matt.bogan@nelsonmullins.com  
Matthew A. Abee  
SC Bar No. 101100  
E-Mail: matt.abee@nelsonmullins.com  
1320 Main Street / 17th Floor  
Post Office Box 11070 (29211-1070)  
Columbia, SC 29201  
(803) 799-2000

Samuel W. Outten  
SC Bar No. 004295  
E-Mail: sam.outten@nelsonmullins.com  
2 West Washington Street, Suite 400  
Greenville, SC 29601  
(864) 250-2300

*Attorneys for Academy, Ltd. d/b/a Academy Sports + Outdoors*

Columbia, South Carolina  
July 10, 2023

## Matt Abee

---

**From:** Matt Abee  
**Sent:** Monday, July 10, 2023 4:53 PM  
**To:** mschiavo@motleyrice.com; Mills Ariail; dave@standefferlaw.com  
**Cc:** Robert Cross; Erin Davis; Jenna Klein; jtersteegen@bradyunited.org; crenzulli@renzullilaw.com; Scott Allan; Larry Kristinik; Sam Outten; Matt Bogan; Kelly Taylor; Kevin Werner  
**Subject:** Service Copy: Notice of Appeal and Supersedeas - Coxie (No. 2018-CP-42-04297)  
**Attachments:** 2023.07.10 - Filing Letter - Notice of Appeal and Supersedeas [As Served].pdf  
**Importance:** High

Counsel:

For service on you by email under Supreme Court Order No. 2022-05-06-03, please find:

- Academy's Notice of Appeal
- Academy's Emergency Verified *Ex Parte* Petition for a Writ of Supersedeas

Please feel free to contact me should you have any questions. Thanks.

-Matt

Please note that I will be out of the office August 3–4, 2023.



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MATT ABEE **PARTNER**  
[matt.abee@nelsonmullins.com](mailto:matt.abee@nelsonmullins.com)

MERIDIAN | 17TH FLOOR  
1320 MAIN STREET | COLUMBIA, SC 29201  
T 803.255.9335 F 803.256.7500

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