



BUTLER LAW FIRM



Your Journey to Justice

Via email only: ctappfilings@sccourts.org

October 6, 2023

South Carolina Court of Appeals
Catherine S. Harrison
Post Office Box 11629
Columbia, South Carolina 29211

Re: Jane and John Smith v SCDSS: 2023-001049

Dear Ms. Harrison

I am in receipt of your letter dated October 4, 2023 requesting a reply to the Motion to Dismiss filed by the Attorneys for the Foster-parents, and respond as follows:

- 1) The Motion to Dismiss should be denied summarily;
- 2) The Motion to Dismiss is premature;
- 3) We do not even have the transcript from the hearing on which this appeal was filed to be able to review the arguments of Counsel or the reasoning of the court;
- 4) This appeal is from an entry of Summary Judgment;
- 5) The Court does not have sufficient information on which to base an outright dismissal without the transcript and briefs supporting the positions of law;
- 6) The law as Respondent Foster Parents would have you believe is not as simple as “file bankruptcy, become immune from suit”, there are other extenuating circumstances in this long procedural history of a case which initially began in 2013 and has already been to the South Carolina Supreme Court once¹ wherein the Appellants received favorable results when the case came back to the trial court and the Appellants were allowed to adopt the minor child whom the foster parents had abused for 4.5 years. There are significant factual issues, hundreds of documents, dozens of pictures and DSS dictation notes spawning several caseworkers.

¹ Boulware case, 2016-001625, January 3, 2018.

Union Location
211 E. Main Street
Union, SC 29379
(864) 427-8805

Laurens Location
328 Hillcrest Dr, Ste. 2
Laurens, SC 29360
(864) 715-2652

RECEIVED
Oct 06 2023
SC Court of Appeals



BUTLER LAW FIRM



Your Journey to Justice

- 7) **The foster parent lawyers have even gone so far as to file a retaliatory suit against me, the lawyer for the relatives---individually--- alleging that I concluded together with the Court-appointed Cass Elias Guardian ad litem² to, *inter alia*, intentionally inflict emotional distress upon them –the foster parents—by having the child removed from their home and placed with her relatives. This is after the child underwent forensic interviews at both the Child Advocacy Center in Spartanburg and Dickerson Advocacy Center in Columbia and both agencies confirmed abuse by the foster parents.**
- 8) It would be a complete injustice and miscarriage of law to summarily dismiss this matter upon a motion to dismiss without hearing from the trial court judge -through the transcript—and the briefing of the matters.

I respectfully request you deny the same.

Sincerely yours,

s/*Melinda Butler*
Melinda Butler

cc: Client
P. Christopher Smith, Esquire
Larry Dale Dove, Esquire
James P. Walsh, Esquire
Stephanie Holmes Burton, Esquire

² Stephanie Kitchens, the Director of the Program for Union County

Union Location
211 E. Main Street
Union, SC 29379
(864) 427-8805

Laurens Location
328 Hillcrest Dr, Ste. 2
Laurens, SC 29360
(864) 715-2652