THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM MARION COUNTY
Court of Common Pleas

William H. Seals, Jr., Circuit Court Judge

Civil Action Case No. 2019-CP-33-0675

John Pendarvis and Lawton Drew ..... Respondents,

v.

South Carolina Law Enforcement Division and
South Carolina Department of Agriculture..... Defendants,

Of which, South Carolina Law Enforcement Division is .....Appellant.

RETURN TO PETITION FOR CERTIORARI

Patrick J. McLaughlin
Wukela Law Firm
PO Box 13057
Florence SC 29504-3057
T: 843-669-5634
Attorney for Respondents

C. Bradley Hutto
Williams & Williams
1201 Main Street, Suite 910
Columbia SC 29201
T: 803-937-1171
Attorney for Respondents

INDEX

TABLE OF AUTHORITIES

CASES

STATUTES

OTHER AUTHORITIES

QUESTIONS PRESENTED

I. **DID THE TRIAL COURT, AS AFFIRMED BY THE COURT OF APPEALS, PROPERLY GRANT A PRELIMINARY INJUNCTION TO PROTECT THE RESPONDENTS' DUE PROCESS RIGHTS?**

A. Is the standard of review correction of an abuse of discretion?

B. Did the evidence presented to the trial court establish by a preponderance of the evidence that the Respondents' hemp crop was a Schedule I controlled substance; and therefore, was the granting of the TRO reasonable and necessary to maintain the status quo given the facts and circumstances presented to the trial court?

C. Did the trial court, as affirmed by the Court of Appeals, properly find that the Respondents had a property right that would suffer irreparable injury if the TRO and preliminary injunction were not granted?

D. Was the preliminary injunction supported by the facts as pled in the Complaint?

STATEMENT OF THE CASE

On September 26, 2019, the Respondents John Pendarvis ("Pendarvis") and Lawton Drew ("Drew") filed a Petition for ex parte Temporary Restraining Order, Motion for Preliminary Injunction and Complaint for Declaratory and Injunctive Relief against the Petitioner South Carolina Law Enforcement Division ("SLED") and the South Carolina Department of Agriculture ("SCDA").

In those filings, the Respondents alleged that Pendarvis was issued a Hemp Grower License by SCDA on May 1, 2019; that he filed a Hemp Farming Program Acreage Amendment Application with SCDA to add two acres of crop in Marion County on August 10, 2019; and that he planted two (2) acres of hemp crop in Marion County on property owned by Drew. (R. p. 18).

On September 25, 2019, the Respondents were informed by SLED that the two (2) acres of crop located in Marion County would be destroyed in the next few days. The crop had great value and a loss of the crop would cause enormous financial loss to the Respondents. (R. p. 18). The Respondents alleged that the destruction of the crop through official action taken by SLED in contravention of state law and due process would cause irreparable harm and prejudice for which there was no adequate remedy at law. Accordingly, the petition sought a temporary restraining order prohibiting SLED and SCDA from destroying the Marion County crop. (R. p. 19).

Via order dated September 26, 2019, the Marion County Court of Common Pleas issued an ex parte Temporary Restraining Order and Preliminary Injunction finding that the Respondents "are likely to suffer immediate and irreparable loss or damage if [Defendants] proceed with destruction of Plaintiff's hemp crop located in Marion County without the benefit of due process and judicial review guaranteed to Plaintiffs by the South Carolina Constitution." That order went on to find "that the [Defendants] will not be harmed by the granting of this TRO and Preliminary Injunction pending a hearing on the merits," and that "[Defendants] are hereby temporarily restrained and preliminarily enjoined from entering onto property under cultivation by [Plaintiffs] for the purpose of destroying the hemp crop planted thereon." (R. p. 15).

A hearing on the matter was scheduled for October 8, 2019. SLED appeared via counsel on October 4, 2019 and subsequently filed a memorandum of law on October 7, 2019.

Respondents filed a Supplemental Memorandum in Support on October 8, 2019. The hearing was held with the trial court considering the filings by the parties and argument by counsel before taking the matter under advisement for further consideration.

On November 8, 2019, the trial court issued an Order leaving the temporary restraining order (TRO) and preliminary injunction issued via the September 26, 2019 order in place pending resolution of the pending litigation; and finding that the Respondents may continue to "exercise reasonable and necessary farming practices to harvest the hemp crop", and ordering that any sale proceeds of the harvest of the hemp crop be deposited in trust and held until such time as the litigation was resolved. (R. pp. 12-13).

In making these rulings, trial court specifically noted that the "dispute at the heart of this issue is one of due process", (R. p.3), and that "an injunction is the only way to protect the [Plaintiffs'] rights at this stage, while they exercise their due process rights." (R. p.12).

Appellant SLED filed an appeal to the Court of Appeals.

By Order of April 5, 2023, the Court of Appeals dismissed the appeal as moot. On that same date, the Respondent wrote the Court of Appeals and copied the Petitioner advising the Court:

> Thank you for forwarding the unpublished opinion dated April 5, 2023, in the above-referenced matter. After reviewing that decision, I am concerned the Court is under a misapprehension of fact. Specifically, the first sentence of the third paragraph of the opinion reads:
>
> > Respondents have harvested and sold the crop, and the sales proceeds have been deposited in trust pending the litigation's resolution.
>
> The appealed Circuit Court order allowed the Respondents to harvest the crop, however, it has not yet been sold.

> In fact, given the Appellant's continued arguments concerning the legality of the crop, the Respondents have, out of an abundance of caution, stored the harvested crop only.
>
> Please advise if the Court requires anything further from the Respondents in this regard.
> (04/05/2023 ltr. from Resp's. Counsel to S.C. Ct. of App.).

By letter of April 7, 2023, the Clerk of the Court of Appeals advised counsel, "the Court received your letter dated April 5, 2023. If you wish for the Court to take some action, you must file a Motion pursuant to Rule 240."

On April 20, 2023, SLED petitioned the Court of Appeals for rehearing; making the same arguments as to the merits of the Temporary Restraining Order and Preliminary Injunction as they had in previous briefing.

On April 25, 2023, the Court of Appeals requested that the Respondent file a Return to Petitioner's request for rehearing.

On May 2, 2023, the Respondents filed their return; arguing, inter alia, that the preliminary injunction prevented the destruction of Respondents' hemp crop by Petitioner and allowed for the harvesting of the hemp crop, in order to protect the Respondents' right to due process and to maintain the status quo. Further, Respondents argued that, once the crop was harvested, the Court of Appeals properly found that the Appeal of the preliminary injunction became moot.

The fact that the harvested hemp is in storage, rather than having been sold and converted to money held in a trust account, should have no effect on the Court's analysis and decision.

Even if the injunction were removed, the parties must still argue the merits of the case below to resolve the matter. Whether the hemp crop had been sold, or sits in storage, does not change that reality.

Moreover, Petitioner's argument to the trial court, its argument on appeal, and its continued argument in its petition here, is that the hemp crop is contraband per se and that its mere possession by the Respondent, let alone any attempt by Respondent to sell that crop, is a criminal act.

The fact that the Petitioner, the State of South Carolina's statewide law enforcement agency, had taken such a position had a chilling effect on the Respondents' willingness, and ability, to sell the hemp crop to a prospective buyer, irrespective of the trial court's injunctive order.

In any event, the Respondents argued to the Court of appeals that its ruling was correct: the purpose of the injunction was to preserve the status quo, a goal the injunction successfully achieved. The necessity that the trial court hear and resolve the underlying issues on their merits, was not altered by the fact that the hemp crop remains in storage. As such, the Respondent argued that the Appellant's petition for rehearing before the Court of Appeals should be denied.

By Order of May 24, 2023, the Court of Appeals, on rehearing, again affirmed the trial court's decision; granting a temporary restraining Order and Preliminary Injunction.

After the Court of Appeals denied a subsequent Petition for Rehearing by SLED to the Court of Appeals, SLED's instant Petition for Certiorari followed.

ARGUMENTS

I. THE TRIAL COURT, AS AFFIRMED BY THE COURT OF APPEALS, PROPERLY GRANTED A PRELIMINARY INJUNCTION TO PROTECT THE RESPONDENTS' DUE PROCESS RIGHTS.

A. The standard of review is correction of an abuse of discretion.

B. The evidence presented to the trial court did not establish by a preponderance of the evidence that the Respondents' hemp crop was a Schedule I controlled substance; and therefore, the granting of the TRO was reasonable and necessary to maintain the status quo given the facts and circumstances presented to the trial court.

C. The trial court, as affirmed by the Court of Appeals, properly found that the Respondents had a property right that would suffer irreparable injury if the TRO and preliminary injunction were not granted.

D. The preliminary injunction was supported by the facts as pled in the Complaint.

ARGUMENT

I. THE TRIAL COURT, AS AFFIRMED BY THE COURT OF APPEALS, PROPERLY GRANTED A PRELIMINARY INJUNCTION TO PROTECT THE RESPONDENTS' DUE PROCESS RIGHTS.

A. The standard of review is correction of an abuse of discretion.

"The grant or denial of an injunction by the trial court will not be reversed absent and abuse of discretion." Levine v. Spartanburg Regional Services District, Inc. 367 S.C. 458 (Ct. App. 2005). "An abuse of discretion occurs when the decision of the trial court is unsupported by the evidence or controlled by an error of law." County of Richland v. Simpkins, 348 S.C. 664 (Ct. App. 2002).

"Actions for injunctive relief are equitable in nature. In equitable actions, the appellate court may review the record and make findings of fact in accordance with its own view of a preponderance of the evidence." Doe v. South Carolina Medical Malpractice Liability Joint Underwriting Assn., 347 S.C. 642 (2001).

To obtain an injunction, a party must demonstrate irreparable harm, a likelihood of success on the merits, and the absence of an adequate remedy at law. County of Richland v. Simpkins, 348 S.C. 664, 669 (Ct. App. 2002).

B. The evidence presented to the trial court did not establish by a preponderance of the evidence that the Respondents' hemp crop was a Schedule I controlled substance; and, therefore, the TRO was reasonable and necessary to maintain the status quo given the facts and circumstances presented to the trial court.

SLED argues that trial court's order failed to fulfill the basic purpose of a preliminary injunction. "By no fair reading of this record did the preliminary injunction preserve the status quo ..." (Cert. Pet. pp. 13-14).

There are **two** basic purposes of a preliminary injunction. "The purpose of a preliminary injunction is to preserve the status quo **and prevent irreparable harm to the party requesting it**." Compton v. South Carolina Dept. of Corrections, 392 S.C. 361(2011).

Taking that second purpose first, the trial court specifically found that the preliminary injunction was necessary to prevent irreparable harm to the Respondents.

> The court is aware that [Defendant] SLED has already confiscated and destroyed some of [Plaintiff] Pendarvis' crop located in another county. Certainly, both [Defendants] will take the position that the participation agreement prohibits the [Plaintiffs] from being entitled to compensation for crops lawfully confiscated and destroyed. See Section VIII(a) of the agreement. Thus, if the crop is confiscated and destroyed, the Plaintiffs will face significant legal hurdles in seeking remedy.
>
> (11/8/2019 R., pp.7-8).

SLED argues that the trial court was required to, and failed to, balance the equities between the parties in determining what, if any, relief to order:

> The Court did not consider the equities for SLED and the clear public interest to be served by SLED's actions. The Court ultimately allowed for a controlled substance to be cultivated, harvested and distributed. Thus, with its preliminary injunction, the Circuit Court failed to prohibit

> and, in fact, specifically allowed for, the sale of the marijuana.
>
> (App. Final Brf., pp. 12-13).

SLED's argument relies on the false premise that the hemp crop in question was, in fact, a controlled substance to begin with.

SLED argued:

> SLED presented evidence that the hemp crop at issue exceeded the "federally defined THC level for hemp" which thereby qualified the hemp crop as marijuana, a Schedule I controlled substance that is illegal to sell and purchase under South Carolina law. See, S.C. Code Ann. §§46-55-10(7), 44-53-190. In effect, the Circuit Court authorized and allowed for the Respondents to cultivate, harvest and sell marijuana – all of which is illegal under South Carolina law. The Circuit Court only required the sales proceeds of the marijuana to be placed in trust, but that does not serve the State's interests in enforcing the criminal laws that prohibit the cultivation and sale of marijuana. That did not protect the interests of the State and its citizens.
>
> (App. Final Brf., p.12).

The burden upon a party seeking an injunction is a preponderance of the evidence. Wellborn v. Page, 247 S.C. 554, 563(1966).

The evidence presented to the trial court did **not** conclusively establish that the hemp crop was a Schedule I controlled substance. To the contrary, the trial court was presented with conflicting evidence about whether the hemp crop at issue exceeded the "federally defined THC level for hemp."

SLED did produce a SLED Drug Analysis report, claiming in their written response that it "specifically and unequivocally indicates that the plant material on this field contained Total Delta-9-Tetrahydrocannabinol (THC) percent dry weight of .48 with a +/- of .07% as of September 16, 2019." (R., p. 33). However, the Respondents challenged the Petitioner's test,

producing their own analysis showing the hemp testing below the federal legal limit of 0.3%, but also well within the statutorily-allowed limit of 1.0%, which would qualify for a corrected action plan pursuant to S.C. Code 46-55-40. Respondents argued to the trial court:

> Well, here's the problem with that finding, (a) we've got a test that we included as Exhibit C to our Reply that was filed today which shows the analysis date was September 27, 2019 **and it shows a total THC which would read higher. That ain't just the delta-9, it's got total THC of 0.26 which is well below the legal limit of 0.3**. Now, at a minimum what we're presented her with now – and by the way, the Department of Agriculture recognizes the fact that these hemp growers can test the material themselves, it's laid out in the agreement, and it lays out for them what they're supposed to do. They're supposed to take four plants and send to an independent lab.[1] The lab's got to be ISO certified. Interestingly enough, it appears from the lab report that SLED's given us that they took two plants and submitted it. So, SLED's note [sic] even following the – and here's where a big problem is, Judge, there is no regulations. The Department of Agriculture is supposed to regulate this. We looked, the only – we found one example within all of the Department of Ag's regulations and I mean I guess it's possible we missed it but we could only find one example of them even referencing hemp in their regulations and it was like talking about how to do weights and measurements. It had nothing to do with this hemp program. So they're really kind of making it up as they go along. **But, we've got two tests now that show different readings.**
>
> (R., p. 81, line 25 - p. 82, line 24, emphasis added).

The Petitioner acknowledges that the fluctuating nature of testing for delta-9 in industrial hemp does not necessarily mean the plants are "illegal" and barred from being processed as hemp.

---

[1] The participation agreement actually requires the sampling of four (4) plants per grow to be tested by "an independent testing laboratory" for delta-9 concentration "not more than thirty (30) days prior to harvest." (R., p. 56).

SLED's counsel conceded at the hearing that the crop's THC level, or "weight", was subject of legitimate dispute:

> **I'm not going to get into the weight issue because [Respondents' counsel is] right**. I learned yesterday via talking to the investigator that yeah, I might test these four plants and they may be out of compliance bit [sic] these two plants might be in compliance. Our readings do show that the samples that were tested were too hot. They had too much THC in it to be legal. [Respondents' counsel] had another one tested and it came in within the bound and I understand all that. **That's one of the ways they could probably challenge all of this is on the samples and whether the THC is too high or too low.**
>
> (R., p. 20, lines 8–17, emphasis added)

Given the legitimate factual dispute as to the crop's THC level, the trial court balanced the equities by requiring the proceeds of any sale of the hemp crop be deposited into trust and held pending resolution of the litigation.

As the Respondents argued at the hearing:

> ... the only thing going to happen to them is they might make money out of this because if we harvest it we agree any money from the proceeds from the harvest would have to be kept in trust and not disbursed to anyone pending adjudication of this issue on the merits. If the plaintiffs wind up being unsuccessful the State's going to get that money. They're going to come out ahead. As they stand now, they're going to have to pay somebody to go out there. They're going to have to pay for the fuel to take a tractor out there and bush hog these crops.
>
> (R., p. 84, line 23 – R., p.85, line 7).

As to the other basic purpose of a preliminary injunction, the trial court's order was the sole means available of preserving the status quo.

The trial court noted in its order that "the hemp crop has almost reached maturation and will imminently be ready for harvest." By directing that the Respondents "continue to exercise reasonable and necessary farming practices to harvest the hemp crop," the trial court took

judicial notice of the fact that a matured crop left in the field will surely rot. (R., p.12). To prohibit the crop's harvest would have amounted to destruction by other means; and would have imposed upon the Respondents the same irreparable harm from which they sought relief.

The trial court's order was the fairest and most appropriate way to maintain the status quo while balancing the equities amongst the parties. The Court of Appeals properly affirmed.

C. The trial court, as affirmed by the Court of Appeals, properly found that the Respondents had a property right that would suffer irreparable injury if the TRO and preliminary injunction were not granted.

SLED argues that the Respondents have not shown an irreparable injury to property rights because South Carolina law provides that marijuana and other controlled substances are contraband per se. (Petition for Cert., p.18).

As noted above, Petitioner's argument that the hemp crop was conclusively established to exceed the federally defined THC level for hemp, was conceded by the Petitioner at the hearing before the trial court. (R., p. 91, lines 8-17).

Despite the waiver of that argument having been raised during the Court of Appeals appellate process, SLED continues to make this argument to this Court *See* Section I, Pet. for Cert. pp. 11-14), never attempting to explain how that argument was not waived below despite the trial court having specifically asked and having been answered by SLED the following:

THE COURT: So, the whole key is the location?

MR. BARTH: The location.
(R. p. 99, l.16-17).

> However, even if the hemp crop did not exceed that THC threshold, the evidence is undisputed that the Respondents had not been issued a license for cultivation of hemp at the site in Marion County. Thus, as the Attorney General

> has opined, the hemp crop qualifies as contraband per se under that reasoning as well. See, S.C. Atty Gen. Op., 2019 WL 3855186 (August 8, 2019) ("possession of unprocessed or raw hemp material without a license is contraband per se and subject to seizure").
>
> (App. Final Brf., p.14; See also Pet. for Cert. pp. 12-13).

As with the THC level argument, SLED's position again ignores the fact that there is a legitimate factual dispute as to whether or not the Respondents crop was "contraband per se" due to its location. In particular, it is undisputed that Respondent Pendarvis sought to amend the location, listed on his license, and that SCAG specifically allows for such amendments to take place.

As to the due process rights of hemp farmers, the Attorney General has opined:

> Of course, due process would still require an "opportunity for an innocent owner to come forward and show, if he can, why the res should not be forfeited and disposed of as provided by law." State v. 192 Coin-Operated Video Game Machines, 338 S.C. 176, 197, 525 S.E.2d 872, 883 (2000)(citing Moore v. Timmerman, 276 S.C. 104, 109, 276 S.E.2d 290, 293 (1981). Given the absence of any legislative direction in the Hemp Farming Act, **we advise that the prudent course of action would be to provide that opportunity in a hearing.** We hope that this also will lead to judicial clarification of some of the many questions created as a result of the Hemp Farming Act.
>
> (R., p. 70, emphasis added).

The trial court specifically cited those same due process concerns expressed by the Attorney General; in discussing the specific due process requirements set by the South Carolina Constitution when the State seeks to confiscate property:

> In conclusion, it is the opinion of this Office that in the absence of legislative direction, SLED should seek judicial authorization for the seizure of illegally-grown hemp in order to ensure that the grower receives due process consistent with the Constitutions of the United States and the State of South Carolina. See, e.g., State v. 192 Coin-Operated Video Game Machines, 338 S.C. 176,

> 525 S.E.2d 872 (2000). We advise that this authorization be sought with notice to the grower and an opportunity for them to be heard in a hearing in an abundance of caution. See id.
>
> (R., p. 11).

In short, the Attorney General's opinion supports the conclusion that the action taken by the trial court in this matter was proper, given that it was the only avenue by which to afford the Respondents an opportunity for a hearing on the matter and protect their Constitutional due process rights.

D. The preliminary injunction was supported by the facts as pled in the Complaint.

SLED argues the Complaint provides no factual support for the preliminary injunction. (Cert. Pet. p. 20). SLED's argument in this regard is that: a) the Complaint "does not allege that the hemp crop was less than the "federally defined THC level for hemp," and b) that it does not allege "that the Respondents received authorization from the SCDA to grow hemp at the Marion County site..."

It is well-established that South Carolina is a notice pleading state; wherein, allegations in a complaint are to be stated simply and directly, and are liberally construed as to do substantial justice to all the parties. Unisun Ins. v. Hawkins, 342 S.C. 537, 541-542, (Ct. App. 2000).

Petitioner admits that Respondents' complaint did allege that Pendarvis "filed an application to grow hemp at the Marion County site with the SCDA." (Final Brief, p.17). Such allegation provides sufficient notice to satisfy South Carolina's notice pleading requirement.

Petitioner further argues that the Respondents' failure to specifically allege that the plants were not over the federally defined THC level for hemp renders the complaint insufficient.

First, the Respondents pled that they planted a "hemp" crop; whereas, as the Petitioners acknowledge, the term "marijuana" denotes plants whose THC level exceed the federally defined THC level for "hemp". Put differently, the term "hemp" denotes plants whose THC level does not exceed the federally defined THC level. The Respondents pled that their crop was "hemp".

Second, Respondents had no notice of the Petitioner's THC level allegations until the Petitioner filed their Response in Opposition to the trial court. (See R., p. 81, lines 11-19, and R., p. 55).

That is, the Respondents were unaware when they filed their Complaint that SLED contended that their hemp crop exceeded the federally defined THC level for hemp; and was, therefore, marijuana. Thus, Respondents had no notice of the need to additionally allege in their Complaint that, to the contrary, their hemp crop was not marijuana.

Finally, Respondents' initial pleadings specifically pled that they had "attempted to follow rules for hemp production in South Carolina." (R. p. 20, ¶24).

The Respondents' complaint sufficiently met the notice pleading requirement under South Carolina law and supported the preliminary injunction granted by the trial court, and affirmed by the Court of Appeals.

CONCLUSION

In conclusion, the trial court properly found:

> Whether the [Respondents] provided Defendant SCDA with enough information to satisfy S.C. Code §46-55-20(B)(1) is a question for which the [Respondents] have a right to due process. Whether the [Respondents] plants are "too hot" is a question for which the [Respondents] have a right to due process. Whether the [Respondents'] acted willfully or negligently is a question for which the [Respondents] have a right to due process.

> Accordingly, the Court finds that an injunction is the only way to protect the [Respondents'] rights at this stage, while they exercise their due process rights.

(R., p. 12).

For the reasons stated above, this Court should deny the Petition for Writ of Certiorari and allow the Respondents to continue to pursue their due process rights in this matter before the trial court below.

Respectfully submitted,

WUKELA LAW FIRM

October 12, 2023

BY: _____

Patrick J. McLaughlin
Attorney for Respondents
Wukela Law Firm
PO Box 13057
Florence SC 29504-3057
T: 843-669-5150

RECEIVED
Oct 17 2023
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM MARION COUNTY
Court of Common Pleas

William H. Seals, Jr., Circuit Court Judge

Civil Action Case No. 2019-CP-33-0675

John Pendarvis and Lawton Drew . . . . . Respondents,

v.

South Carolina Law Enforcement Division and
South Carolina Department of Agriculture . . . . . Defendants,

Of which, South Carolina Law Enforcement Division is . . . . . Appellant.

PROOF OF SERVICE

I certify that I have served the Return to Petition for Writ of Certiorari on the attorneys for Defendants/Appellant by email to Daniel C. Plyer, Esquire, daniel.plyler@smithrobinsonlaw.com on October 17, 2023; Austin T. Reed, Esquire, austin.reed@smithrobinsonlaw.com; Fred N. Hanna, Jr. their attorneys of record fred.hanna@smithrobinsonlaw.com ; and on the attorney for the Appellant by email to C. Bradley Hutto, Esquire, cbhutto@williamsattys.com .

Patrick J. McLaughlin
Wukela Law Firm
PO Box 13057
Florence SC 29504-3057
T: 843-669-5634
Attorney for Respondents

WUKELA LAW FIRM

Steve Wukela, Jr.
Benjamin D. Moore
Christi B. McDaniel
Stephen J. Wukela
Patrick J. McLaughlin
Pheobe A. Clark
Frank C. Swaggard

403 Second Loop Road
P.O. Box 13057
Florence, SC 29504-3057

(843) 669-5634
FAX (843) 669-5150

October 17, 2023

Honorable Jenny Abbott Kitchings - **via email only - ctappfilings@sccourts.org**
Clerk, South Carolina Court of Appeals
PO Box 11629
Columbia SC 29211

Re: John Pendarvis and Lawton Drew v. South Carolina Law Enforcement Division and South Carolina Department of Agriculture; Of which, South Carolina Law Enforcement Division is, Appellant
SC Appellate Case No.: 2019-002006

Dear Ms. Kitchings:

With regard to the above matter, please find enclosed for filing Respondents' Return to Petition for Writ of Certiorari, along with Proof of Service.

By copy of this letter, I am providing counsel for Defendants/Appellant, as indicated below, with a copy of the same.

With kind regards, I am

Yours truly,

WUKELA LAW FIRM

PATRICK J. McLAUGHLIN

SJW:jpb
Enclosures

cc: Daniel C. Plyler, Esquire - daniel.plyler@smithrobinsonlaw.com
Austin T. Reed, Esquire - austin.reed@smithrobinsonlaw.com
Fred N. Hanna, Jr., Esquire - fred.hanna@smithrobinsonlaw.com
C. Bradley Hutto, Esquire - cbhutto@williamsattys.com