



BURNETTE SHUTT MCDANIEL

Moving law forward.

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June 9, 2023

VIA HAND-DELIVERY

The Honorable Patricia A. Howard
Clerk of Court
SUPREME COURT OF SOUTH CAROLINA
1231 Gervais Street
Columbia, SC 29201

RECEIVED
JUN 09 2023
S.C. SUPREME COURT

RE: Planned Parenthood of South Atlantic, et al. v. State of South Carolina, et al.
Appellate Case No. 2023-000856
BSM File No. 14726.009

Dear Ms. Howard:

I have enclosed herewith for filing in the above-referenced case, Respondents' Motion in Support of *Pro Hac Vice* Admission of Catherine Peyton Humphreville and Kyla Eastling together with a check for the \$50.00 filing fee.

Sincerely,

BURNETTE SHUTT & McDANIEL, PA


Amy L. Abercrombie
Litigation Paralegal

ALA/

Enclosures

cc: Kyla Eastling, Esq. (w/enclosures – via email)
Catherine Peyton Humphreville, Esq. (w/enclosures – via email)
Caroline Sacerdote, Esq. (w/enclosures – via email)
M. Malissa Burnette, Esq. (w/enclosures – via email)
Kathleen McDaniel, Esq. (w/enclosures – via email)
Grant Burnette LeFever, Esq. (w/enclosures – via email)

**IN THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT**

**APPEAL FROM RICHLAND COUNTY
Court of Common Pleas**

**Clifton Newman, Circuit Court Judge
Case No. 2023-CP-40-02745**

APPELLATE CASE NO. 2023-000856

PLANNED PARENTHOOD SOUTH ATLANTIC, on behalf of itself, its patients, and its physicians and staff; KATHERINE FARRIS, M.D., on behalf of herself and her patients; GREENVILLE WOMEN'S CLINIC, on behalf of itself, its patients, and its physicians and staff; and TERRY L. BUFFKIN, M.D., on behalf of himself and his patients, Respondents,

v.

STATE OF SOUTH CAROLINA; ALAN WILSON, in his official capacity as Attorney General of South Carolina; EDWARD SIMMER, in his official capacity as Director of the South Carolina Department of Health and Environmental Control; ANNE G. COOK, in her official capacity as President of the South Carolina Board of Medical Examiners; STEPHEN I. SCHABEL, in his official capacity as Vice President of the South Carolina Board of Medical Examiners; RONALD JANUCHOWSKI, in his official capacity as Secretary of the South Carolina Board of Medical Examiners; GEORGE S. DILTS, in his official capacity as a Member of the South Carolina Board of Medical Examiners; DION FRANGA, in his official capacity as a Member of the South Carolina Board of Medical Examiners; RICHARD HOWELL, in his official capacity as a Member of the South Carolina Board of Medical Examiners; ROBERT KOSCIUSKO, in his official capacity as a Member of the South Carolina Board of Medical Examiners; THERESA MILLS-FLOYD, in her official capacity as a Member of the South Carolina Board of Medical Examiners; JENNIFER R. ROOT, in her official capacity as a Member of the South Carolina Board of Medical Examiners; CHRISTOPHER C. WRIGHT, in his official capacity as a Member of the South Carolina Board of Medical Examiners; SAMUEL H. McNUTT, in his official capacity as Chairperson of the South Carolina Board of Nursing; SALLIE BETH TODD, in her official capacity as Vice Chairperson of the South Carolina Board of Nursing; TAMARA DAY, in her official capacity as Secretary of the South Carolina Board of Nursing; JONELLA DAVIS, in her official capacity as a Member of the South Carolina Board of Nursing; KELLI GARBER, in her official capacity as a Member

of the South Carolina Board of Nursing; LINDSEY K. MITCHAM, in her official capacity as a Member of the South Carolina Board of Nursing; REBECCA MORRISON, in her official capacity as a Member of the South Carolina Board of Nursing; KAY SWISHER, in her official capacity as a Member of the South Carolina Board of Nursing; ROBERT J. WOLFF, in his official capacity as a Member of the South Carolina Board of Nursing; SCARLETT A. WILSON, in her official capacity as Solicitor for South Carolina's 9th Judicial Circuit; BYRON E. GIPSON, in his official capacity as Solicitor for South Carolina's 5th Judicial Circuit; and WILLIAM WALTER WILKINS III, in his official capacity as Solicitor for South Carolina's 13th Judicial Circuit, Defendants,

and

THOMAS C. ALEXANDER, in his official capacity as President of the South Carolina Senate; G. MURRELL SMITH, JR., in his official capacity as Speaker of the South Carolina House of Representatives; and HENRY MCMASTER, in his official capacity as Governor of the State of South Carolina, Intervenor-Defendants,

Of whom HENRY MCMASTER, in his official capacity as Governor of the State of South Carolina; G. MURRELL SMITH, JR., in his official capacity as Speaker of the South Carolina House of Representatives; THOMAS C. ALEXANDER, in his official capacity as President of the South Carolina Senate; STATE OF SOUTH CAROLINA; and ALAN WILSON, in his official capacity as Attorney General of South Carolina, are Appellants.

**RESPONDENTS' MOTION IN SUPPORT OF
PRO HAC VICE ADMISSION OF
CATHERINE PEYTON HUMPHREVILLE AND KYLA EASTLING**

M. Malissa Burnette, counsel for Respondents, and a member in good standing of the bar of the State of South Carolina admitted to practice before this Court hereby moves for the admission and appearance in the above-captioned case of Catherine Peyton Humphreville and Kyla Easting, attorneys admitted and authorized to practice law in the highest court of the State of New York, as verified in the applications, which are incorporated herein by reference. This motion is made upon and is supported by the Verified Applications for Admission *Pro Hac Vice* of Catherine Peyton Humphreville and Kyla Eastling which have been filed with the South Carolina Supreme Court Office of Bar Admissions along with the \$250.00 filing fees pursuant to Rule 404, SCACR.

The undersigned local counsel hereby moves, together with the attached Application, that Catherine Peyton Humphreville and Kyla Eastling be admitted *pro hac vice* in the above-captioned case as associate counsel. As local counsel, I understand that:

1. I will personally sign each pleading, motion, discovery procedure, or other document that I serve or file in this Court;

2. All pleadings and other documents that I file in this case will contain my name, firm name, address, and phone number and those of my associate counsel admitted *pro hac vice*;

3. Service of all pleadings and notices as required shall be sufficient if served upon me, and it is my responsibility to serve my associate counsel admitted *pro hac vice*; and

4. Unless excused by the Court, I will be present at all pretrial conferences, hearings, and trials and may attend discovery proceedings. I will be prepared to actively participate if necessary.

s/M. Malissa Burnette

M. Malissa Burnette (SC Bar No. 1038)
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June 9, 2023
Columbia, South Carolina

**IN THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT**

**APPEAL FROM RICHLAND COUNTY
Court of Common Pleas**

**Clifton Newman, Circuit Court Judge
Case No. 2023-CP-40-02745**

APPELLATE CASE NO. 2023-000856

PLANNED PARENTHOOD SOUTH ATLANTIC, on behalf of itself, its patients, and its physicians and staff; KATHERINE FARRIS, M.D., on behalf of herself and her patients; GREENVILLE WOMEN'S CLINIC, on behalf of itself, its patients, and its physicians and staff; and TERRY L. BUFFKIN, M.D., on behalf of himself and his patients, Respondents,

v.

STATE OF SOUTH CAROLINA; ALAN WILSON, in his official capacity as Attorney General of South Carolina; EDWARD SIMMER, in his official capacity as Director of the South Carolina Department of Health and Environmental Control; ANNE G. COOK, in her official capacity as President of the South Carolina Board of Medical Examiners; STEPHEN I. SCHABEL, in his official capacity as Vice President of the South Carolina Board of Medical Examiners; RONALD JANUCHOWSKI, in his official capacity as Secretary of the South Carolina Board of Medical Examiners; GEORGE S. DILTS, in his official capacity as a Member of the South Carolina Board of Medical Examiners; DION FRANGA, in his official capacity as a Member of the South Carolina Board of Medical Examiners; RICHARD HOWELL, in his official capacity as a Member of the South Carolina Board of Medical Examiners; ROBERT KOSCIUSKO, in his official capacity as a Member of the South Carolina Board of Medical Examiners; THERESA MILLS-FLOYD, in her official capacity as a Member of the South Carolina Board of Medical Examiners; JENNIFER R. ROOT, in her official capacity as a Member of the South Carolina Board of Medical Examiners; CHRISTOPHER C. WRIGHT, in his official capacity as a Member of the South Carolina Board of Medical Examiners; SAMUEL H. McNUTT, in his official capacity as Chairperson of the South Carolina Board of Nursing; SALLIE BETH TODD, in her official capacity as Vice Chairperson of the South Carolina Board of Nursing; TAMARA DAY, in her official capacity as Secretary of the South Carolina Board of Nursing; JONELLA DAVIS, in her official capacity as a Member of the South Carolina Board of Nursing; KELLI GARBER, in her official capacity as a Member

of the South Carolina Board of Nursing; LINDSEY K. MITCHAM, in her official capacity as a Member of the South Carolina Board of Nursing; REBECCA MORRISON, in her official capacity as a Member of the South Carolina Board of Nursing; KAY SWISHER, in her official capacity as a Member of the South Carolina Board of Nursing; ROBERT J. WOLFF, in his official capacity as a Member of the South Carolina Board of Nursing; SCARLETT A. WILSON, in her official capacity as Solicitor for South Carolina's 9th Judicial Circuit; BYRON E. GIPSON, in his official capacity as Solicitor for South Carolina's 5th Judicial Circuit; and WILLIAM WALTER WILKINS III, in his official capacity as Solicitor for South Carolina's 13th Judicial Circuit, Defendants,

and

THOMAS C. ALEXANDER, in his official capacity as President of the South Carolina Senate; G. MURRELL SMITH, JR., in his official capacity as Speaker of the South Carolina House of Representatives; and HENRY MCMASTER, in his official capacity as Governor of the State of South Carolina, Intervenor-Defendants,

Of whom HENRY MCMASTER, in his official capacity as Governor of the State of South Carolina; G. MURRELL SMITH, JR., in his official capacity as Speaker of the South Carolina House of Representatives; THOMAS C. ALEXANDER, in his official capacity as President of the South Carolina Senate; STATE OF SOUTH CAROLINA; and ALAN WILSON, in his official capacity as Attorney General of South Carolina, are Appellants.

CERTIFICATE OF SERVICE

I certify that **RESPONDENTS' MOTION IN SUPPORT OF *PRO HAC VICE* ADMISSION OF CATHERINE PEYTON HUMPHREVILLE AND KYLA EASTLING** was served on all counsel of record on June 9, 2023, via electronic mail pursuant to Paragraph (d)(1) of Order Re: Methods of Electronic Filing and service Under Rule 262 of the South Carolina Appellate Court Rules (As Amended May 6, 2022), Appellate Case No. 2020-000447.

s/M. Malissa Burnette

M. Malissa Burnette (SC Bar No. 1038)
Counsel for Respondents

Amy L. Abercrombie

From: Amy L. Abercrombie
Sent: Friday, June 9, 2023 1:13 PM
To: Lambert, Grayson; ttimehouse@governor.sc.gov; Shedd, Erica; Bob Cook; bob.horner@llr.sc.gov; esmith@scag.gov; Thomas Hydrick; josephspate@scag.gov; kenmoffitt@scsenate.gov; johnhazzard@scsenate.gov; jessicagodwin@scsenate.gov; patrickdennis@schoose.gov
Cc: Humphreville, Catherine; kyla.eastling@ppfa.org; Caroline Sacerdote; Helene Krasnoff; Jared Lindo; Jasmine Yunus; M. Malissa Burnette; Kathleen M. McDaniel (she/her); Grant Burnette LeFever
Subject: PPSA, et al. v. State of South Carolina, et al. -- Appellate Case No. 2023-000856
Attachments: 2023-06-09 Motion for PHV Admission (Humphreville-Eastling).pdf; 2023-06-09 Motion for PHV Admission (Sacerdote).pdf

Dear Counsel:

I have attached the following motions which are being filed with the SC Supreme Court today.

- Respondents' Motion in Support of *Pro Hac Vice* Admission of Catherine Peyton Humphreville and Kyla Eastling
- Respondents' Motion in Support of *Pro Hac Vice* Admission of Caroline Sacerdote

Kind regards,
Amy