RECEIVED
Jun 03 2024
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BARNWELL COUNTY
In the Court of Common Pleas

Doyet A. Early, III, Circuit Court Judge
Clifton B. Newman, Circuit Court Judge

Lower Court Case No. 2013-CP-06-00059
Appellate Case No. 2019-000599

Lorena Robinson, Elaine Nix, Archie Patterson,
and Tami Bollerman, ...Plaintiffs,

Of Whom Archie Patterson and Tami Bollerman are the Respondents,

v.

South Carolina Department of Employment and
Workforce .....Appellant.

APPELLANT'S RETURN IN OPPOSITION TO RESPONDENTS' PETITION FOR REHEARING

Appellant South Carolina Department of Employment and Workforce (DEW) submits this return in opposition to Respondents Archie Patterson and Tami Bollerman's petition for rehearing. Respondents contest the Court's finding that they were required to exhaust statutorily prescribed administrative remedies, arguing (1) "DEW's administrative process was not designed to redress th[e] issue involving DEW's authority" to implement a budget proviso, and (2) "[s]ubmitting to the administrative process would be futile." Resp. Pet. for Reh'g at 2. The Court already rejected these arguments. And it did not overlook or misapprehend any point of law or fact in doing so. For these reasons, as well as those that follow, the Court should deny the petition.

INTRODUCTION

This appeal arises out of Respondents' challenge to the online work search requirement that the General Assembly directed DEW to implement under a self-executing budget proviso from 2012 to 2016. *See* Act No. 288, 2012 S.C. Acts 448, § 67.7; Act No. 101, 2013 S.C. Acts 475–76, § 83.6; Act No. 286, 2014 S.C. Acts 503, § 83.6; Act No. 91, 2015 S.C. Acts 484–85, § 83.5.[1]

Under state law, a claimant bears the burden of proving—each week benefits are sought—that he or she is available for work, able to work, and actively seeking work. *See* S.C. Code Ann. § 41-35-110(3); *Hyman v. S.C. Emp't Sec. Comm'n*, 234 S.C. 369, 373, 108 S.E.2d 554, 556 (1959). The proviso expressly incorporated those existing requirements along with the good-cause exception. *See, e.g.*, Act No. 288, 2012 S.C. Acts 448, § 67.7 (citing S.C. Code Ann. §§ 41-35-110(3) & -120(5)). So "[w]hen a claimant fail[ed] to perform at least one online job search in a given week, the claimant [was] denied benefits using the same procedures that apply whenever a claimant fails to show that he or she is able to work and available for work. No new procedures were necessary . . . to enforce the online job search requirement." (R. p. 521).

As relevant here, Respondents obtained initial determinations from DEW that they failed to comply with the online work search requirement. But Respondents failed to appeal those decisions to DEW's appeals tribunal, its appellate panel, or the administrative law court (ALC). *But see* S.C. Code Ann. §§ 41-35-660, -680, -690 & -740; S.C. Code Ann. § 1-23-380(5).[2] Instead, they filed this lawsuit in circuit court several months later, seeking the unemployment benefits

[1] Respondents do not mention the proviso in their petition for rehearing. Yet "agencies are required to comply with the General Assembly's enactment of a law until it has been otherwise declared invalid." *Edwards v. State*, 383 S.C. 82, 91, 678 S.E.2d 412, 417 (2009).

[2] DEW provides every claimant detailed instruction on how to navigate the appeals process, which is not complicated and routinely used by laypersons. (R. p. 482). Respondents do not acknowledge or wrestle with these statutes in their petition for rehearing.

they were denied under a different theory. What ensued was nearly a decade of litigation in Barnwell County, a series of misguided rulings, and improper certification of a class.

On April 3, 2024, after carefully considering the briefs filed by the parties and even amicus curiae—as well as an oral argument—the Court reversed the circuit court's decision. *Patterson v. S.C. Dep't of Emp't & Workforce*, Op. No. 6055 (S.C. Ct. App. filed Apr. 3, 2024) (Howard Adv. Sh. No. 13 at 27–40). The Court held "the record does not support the circuit court's ruling that [Respondents'] pursuit of administrative remedies would have been futile." *Id.* at 37. It also held "the circuit court erred by concluding [Respondents] were excused from pursuing administrative remedies based on their claim that DEW lacked authority to implement the online work search requirement." *Id.* at 40.

In their petition for rehearing, Respondents couch their arguments under three headings. *First*, they argue the Court "failed to consider" that "this declaratory judgment action was not an appeal from a" decision on "benefits and therefore was not subject to DEW's administrative procedures." Resp. Pet. for Reh'g, at 2. *Second*, they contend "[t]he Court failed to consider the effect of DEW acting out [sic] of its authority, which nullifies the online work search policy." *Id.* at 4. *Third*, they accuse the Court of not giving "proper weight to the [c]ircuit [c]ourt's factual conclusions and misapprehend[ing] the futility exception to exhaustion of remedies." *Id.* at 9.

Because the Court did not overlook or misapprehend any of these points, the Court should deny the petition for rehearing.

STANDARD

Under Rule 221(a), SCACR, "[a] petition for rehearing . . . shall state with particularity the points supposed to have been overlooked or misapprehended by the court." "The purpose of a petition for rehearing is not to have presented points which lawyers for the losing parties have

overlooked or misapprehended," nor is it "just to have the case tried in this Court a second time." *Arnold v. Carolina Power & Light Co.*, 168 S.C. 163, 173, 167 S.E. 234, 238 (1933).

ARGUMENT

Although Respondents seek to muddy the waters by interlacing the merits question with exhaustion, the bottom line is they admittedly failed to exhaust administrative remedies before running to the courts to address an issue they never raised—but could have—in the exclusive statutorily prescribed procedure for deciding unemployment benefit claims. Because that scuttles their case, the Court correctly reversed the circuit court's erroneous ruling to the contrary.

"[I]t is well settled a court ordinarily will refuse to grant a declaratory judgment where a special statutory remedy has been provided." *Smith v. S.C. Ret. Sys.*, 336 S.C. 505, 527, 520 S.E.2d 339, 351 (Ct. App. 1999). Declaratory "[r]elief is not generally available to one who has not exhausted administrative remedies." *Garris v. Governing Bd. of S.C. Reins. Facility*, 319 S.C. 388, 390, 461 S.E.2d 819, 821 (1995). After all, the Uniform Declaratory Judgments Act "does not create substantive rights," *Felts v. Richland Cnty.*, 299 S.C. 214, 216, 383 S.E.2d 261, 262–63 (Ct. App. 1989), "has its limits," *Sunset Cay, LLC v. City of Folly Beach*, 357 S.C. 414, 423, 593 S.E.2d 462, 466 (2004), and "may not be invoked to avoid or circumvent the [General Assembly]'s exclusive method for challenging" certain matters, *Tourism Expenditure Rev. Comm. v. City of Myrtle Beach*, 403 S.C. 76, 82, 742 S.E.2d 371, 374 (2013).

"In determining whether the [General Assembly] has given another entity exclusive jurisdiction over a case, a court must look to the relevant statute." *Dema v. Tenet Physician Servs.-Hilton Head, Inc.*, 383 S.C. 115, 121, 678 S.E.2d 430, 433 (2009). Interpreting "a statute is a question of law," *Catawba Indian Tribe of S.C. v. State*, 372 S.C. 519, 524, 642 S.E.2d 751, 753 (2007), this Court "reviews . . . de novo," *Town of Summerville v. City of N. Charleston*, 378 S.C.

107, 110, 662 S.E.2d 40, 41 (2008), "with no particular deference to the lower court," *N.Y. Times Co. v. Spartanburg Cnty. Sch. Dist. No. 7*, 374 S.C. 307, 310, 649 S.E.2d 28, 29 (2007).

For over a century, our supreme court has recognized "[t]he general rule is that, where a new right is created by a statute, which also prescribes the remedy or method of enforcing the right, the method prescribed by the statute is exclusive." *Bethea v. Allen*, 101 S.C. 350, 357, 85 S.E. 903, 905 (1915); *see also Daniel v. Conestee Mills*, 183 S.C. 337, 344, 191 S.E. 76, 79 (1937) ("Where a statute creates a new right and prescribes the remedy of enforcing it, the statutory remedy is exclusive."); *State ex rel. Hutchinson*, 182 S.C. 369, 374, 189 S.E. 475, 477 (1937) (stating the court has "held that a statutory remedy to enforce a new right or liability created by the same statute is exclusive unless the statute clearly shows a contrary intention").

Unemployment benefits did not exist at all until they were statutorily created in the wake of the Great Depression. *See Faile v. S.C. Emp. Sec. Comm'n*, 267 S.C. 536, 542, 230 S.E.2d 219, 222 (1976). Because unemployment benefits are a creature of statute, a claimant can obtain those benefits only by applying for them with DEW under the statutory scheme. *See* S.C. Code Ann. § 41-35-10 ("All benefits shall be paid through employment offices, in accordance with such regulations as the department may prescribe."); S.C. Code Ann. Regs. 47-21 (explaining a "request" for insured worker status "shall be filed at the Department office").

And the exclusive method for challenging DEW unemployment benefit determinations is set forth in a statute aptly titled "[e]xclusive procedure for appeals":

> The procedure provided in this chapter for appeals from a determination or redetermination to the appeal tribunal and for appeals from the tribunal, first to the Department of Employment and Workforce Appellate Panel, as established by Section 41-29-300, and afterward to the administrative law court, pursuant to Section 41-29-300(C)(1), is the sole and exclusive appeal procedure.

S.C. Code Ann. § 41-35-690.[3] The General Assembly drove this exclusivity point home by clarifying "judicial review is permitted *only after* a party claiming to be aggrieved by [DEW's decision] has exhausted his administrative remedies as provided by Chapters 27 through 41 of this Title." S.C. Code Ann. § 41-35-740 (emphasis added); *see also Smith*, 336 S.C. at 528, 520 S.E.2d at 351 ("In general, judicial review is appropriate only when appeal is from a final agency order."); *Bennett v. S.C. Dep't of Corr.*, 305 S.C. 310, 313, 408 S.E.2d 230, 232 (1991) (finding statutes creating and requiring exhaustion of an administrative remedy gave an agency "the exclusive right to decide those issues subject only to an appeal for judicial review of [its] decisions").

"Logic, therefore, dictates the statutory scheme must be followed." *Smith*, 336 S.C. at 524, 520 S.E.2d at 349. And "while there are several exceptions that may be applied to the *judicially-imposed* exhaustion requirement, those that apply to a *statutory* requirement are few." *Patterson*, Op. No. 6055, at 36 (emphasis added) (quoting *Ward v. State*, 343 S.C. 14, 18, 538 S.E.2d 245, 247 (2000)).[4] "When the exhaustion of remedies is statutorily mandated, as it is here, legislative intent prevails." *Ward*, 343 S.C. at 18–19, 538 S.E.2d at 247.

Against this backdrop, the Court held "the circuit court erred by finding [Respondents] were excused from their failure to exhaust administrative relief" because "the record does not support a finding that DEW took a hard and fast position that made an adverse ruling a certainty."

---

[3] Under this sole and exclusive remedy, a "claimant or any other interested party" has "ten days after the determination" to "file an appeal from an initial determination, redetermination, or subsequent determination." S.C. Code Ann. § 41-35-660. Because Respondents failed to appeal or otherwise seek review within the statute of limitations, their claims are also time-barred.

[4] For instance, "if the sole issue posed in a particular case is the constitutionality of a statute, a court may decide the case without waiting on an administrative ruling." *Id.* at 19, 538 S.E.2d at 247. After all, "[r]equiring a party to go before an agency or ALJ who cannot rule on the constitutionality of a statute would be a futile act." *Id.* Respondents have not presented any facial constitutional challenges here. *See Patterson*, Op. No. 6055, at 39.

Patterson, Op. No. 6055, at 37. It also held "the circuit court erred in concluding exhaustion was not required because DEW acted outside its authority." *Id.* Both holdings are correct.

On rehearing, instead of wrestling with any of the above authorities, Respondents maintain exhaustion would have been futile because they are challenging DEW's authority. Respondents claim that "to resolve the exhaustion issue it is necessary for this court to rule on the [sic] whether DEW was without authority to implement its online work search [r]equirement without first promulgating regulations, since much of respondent's [sic] argument hinges on whether DEW acted outside its authority." Pet. for Reh'g, at 11–12. In other words, Respondents argue exhaustion was not required because the online work search requirement, in their view, is null and void. But that only begs the question. The Court found, and Respondents admit, they "have not challenged the constitutionality of a statute or regulation." Pet. for Reh'g at 8; *see also Patterson*, Op. No. 6055, at 39.[5] And that's the only conceivable ground on which DEW and the ALC could not rule in the administrative appeals process. *See Ward*, 343 S.C. at 19, 538 S.E.2d at 247.

Nevertheless, as putative support for their novel exhaustion theory, Respondents cite a laundry list of inapposite cases. *See* Pet. for Reh'g at 4–9 (citing *Responsible Econ. Dev. v. S.C. Dep't of Health & Env't Control*, 371 S.C. 547, 641 S.E.2d 425 (2007); *Brown v. James*, 389 S.C. 41, 697 S.E.2d 604 (Ct. App. 2010); *Ex parte Allstate Ins. Co.*, 248 S.C. 550, 151 S.E.2d 849 (1966); *Charleston Television, Inc. v. S.C. Budget & Control Bd.*, 301 S.C. 468, 392 S.E.2d 671 (1990); *Captain's Quarters Motor Inn, Inc. v. S.C. Coastal Council*, 306 S.C. 488, 413 S.E.2d 12 (1991); *Joseph v. S.C. Dep't of Lab., Licensing & Regul.*, 417 S.C. 436, 790 S.E.2d 763 (2016); *Vulcan Materials Co. v. Greenville Cnty. Bd. of Zoning Appeals*, 342 S.C. 480, 536 S.E.2d 892

[5] Our supreme court has long recognized no constitutional right has been denied until a plaintiff exhausts administrative remedies. *See Moore v. Sumter Cnty. Council*, 300 S.C. 270, 272–73, 387 S.E.2d 455, 457 (1990).

(2000); *Hardy v. Francis*, 273 S.C. 677, 259 S.E.2d 115 (1979); *Murphee v. Mottel*, 267 S.C. 80, 226 S.E.2d 36 (1986); *Bazzle v. Huff*, 319 S.C. 443, 462 S.E.2d 273 (1995)).

According to Respondents, "[i]n all these cases the court treated the unauthorized administrative acts as if they did not happen." *Id.* at 8. Notwithstanding Respondents' peculiar reading of these cases, none connects the dots on the separate questions of exhaustion and the merits. And loose dicta in *Brown* about a previously unrecognized exception to exhaustion that this Court did not even apply in that case, of course, cannot overcome the General Assembly's express grant of authority in the Administrative Procedures Act. *Compare Brown*, 389 S.C. at 55, 697 S.E.2d at 611–12, *with* S.C. Code Ann. § 1-23-380(5)(b); *see also Dennis v. S.C. Nat'l Bank*, 299 S.C. 34, 40, 382 S.E.2d 237, 240 (Ct. App. 1988) (stating dicta is "an expression or statement by the court on a matter not necessarily involved in the case nor necessary to a decision," and the "general rule as to dicta . . . is particularly applicable where there is a contrary statute").

In any event, the Court thoroughly analyzed and distinguished *Responsible Economic Development*, *Ex parte Allstate*, and *Brown* in its opinion. *See Patterson*, Op. No. 6055, at 38–39. Respondents do not contend otherwise. Nor do Respondents explain how or what the Court overlooked in their conclusory descriptions of *Charleston Television, Inc.*, *Captain's Quarters Motor Inn*, or *Joseph*. As for the remaining cases, the Court cannot overlook or misapprehend what was never presented to it. Respondents did not cite *Vulcan Materials*, *Hardy*, *Murphee*, or *Bazzle* in their brief on exhaustion. *See* Resp. Br. at 16–20. Neither did the circuit court in its order. *See* (R. pp. 40–43). At any rate, these context-specific cases are beside the point and do not affect the Court's decision because they did not involve a specific statutory scheme granting a state agency exclusive authority to decide cases within its domain. Again, the Court decided this case on exhaustion grounds, not the merits.

To the extent Respondents use these cases to try to shoehorn the merits issue, they fare no better. As DEW already explained in detail in its opening brief, on reply, and at oral argument, the proviso was self-executing, and no throat-clearing regulations were required or needed to implement it. Nor would that make any sense given how long it takes to promulgate a regulation, which would thwart implementation until well into a budget year. That is not what the General Assembly intended. If it did, it would not have continued to implement the budget proviso for another three budget cycles. Rather than rehash those arguments and supporting authorities, DEW respectfully incorporates them by reference here. *See* App. Br. 2–6 & 9–18; Reply Br. at 1–9.

Respondents also claim "[t]he Court failed to consider . . . that this declaratory judgment action was not an appeal from a determination or redetermination of [a] claimant's benefits." Pet. for Reh'g, at 2. But that is a strawman, and it misses that the General Assembly unequivocally gave DEW "the exclusive right to decide those issues subject only to an appeal for judicial review of [its] decisions," *Bennett*, 305 S.C. at 313, 408 S.E.2d at 232. *See* S.C. Code Ann. § 41-35-740 (mandating "judicial review is permitted *only after* a party claiming to be aggrieved by [DEW's decision] has exhausted his administrative remedies" (emphasis added)).

What is more, a case challenging a town ordinance has no bearing on the General Assembly's intent to create an exclusive right and remedy for unemployment benefits. *See* Pet. for Reh'g, at 3 (citing *Charleston Trident Homebuilders v. Town Council of Summerville*, 369 S.C. 498, 632 S.E.2d 864 (2006)). Indeed, the statutes Respondents tiptoe past expressly give each rung on the appellate ladder the ability to rule on whether DEW exceeded its authority by following the General Assembly's unambiguous directive to implement the online work search requirement. They just want to skip three rungs and go straight to circuit court. Yet aside from offering conclusory statements that "[n]othing in DEW's administrative process is designed to address this

wrong," Pet. for Reh'g, at 3, Respondents do not and cannot contest the Court's reading of those unambiguous statutes that plainly show Respondents are incorrect as a matter of law. *See Patterson*, Op. No. 6055, at 39–40.

Returning to the grounds on which the Court correctly decided this appeal, Respondents again respond with smoke and mirrors. Recall they appeared at the unemployment office and failed to meet their burden of showing either that they made an online work search or good cause excused their failure to complete an online work search. Nor did they appeal. Instead, they claimed an appeal would be futile.

The problem for Respondents is that DEW had not taken a hard-and-fast position on the issue raised here, and losing on appeal based on factual issues—like the ones they raised at the DEW office—was not guaranteed. Notably, Respondents do not challenge the accuracy of the statistics showing claimants' success rate on appeal. They just want the Court to ignore those figures. But Respondents put at issue whether the agency had a hard-and-fast rule that would prevent a claimant from receiving benefits for failure to comply with the online work search requirement. And as the Court noted, "had they appealed the denial of benefits, DEW might have excused their failures to comply with the requirement and issued their benefits for the applicable week, which would have dispensed with their claims and would not have required a resolution of the question of DEW's authority." *Patterson*, Op. No. 6055, at 39. So the appellate winning percentages *were relevant* to show the circuit court's and Respondents' argument that DEW was blindly enforcing the online work search requirement was without any evidentiary support.

Further, as noted above, Respondents' authority argument was squarely within the purview of DEW and the ALC. The Court cogently held nothing in the statute prevented DEW's "Appeal Tribunal or Appellate Panel from deciding the issue of whether DEW was required to promulgate

regulations to implement the online work search requirement." *Patterson*, Op. No. 6055, at 39 (citing S.C. Code Ann. Regs. 47-51(C)(1) & (E)(1)(a)); *see also* S.C. Code Ann. § 41-35-680 (providing that "an appeal tribunal, after affording the parties reasonable opportunity for a fair hearing, after notice of not less than seven days, must make findings and conclusions"). "Moreover, if the Appeal Tribunal and Appellate Panel ruled against [Respondents], the ALC could have ruled on the issue upon review of such determinations." *Patterson*, Op. No. 6055, at 39 (citing S.C. Code Ann. § 1-23-380(5)(a)–(c)). Respondents' futility argument thus fails as a matter of law, which they concede by not even addressing the Court's holding on these statutes.[6]

Even so, Romi Robinson's testimony simply cannot bear the weight Respondents place upon it. For one, it cannot contravene DEW's authority under state law. *See Spectre, LLC v. S.C. Dep't of Health & Evntl. Control*, 386 S.C. 357, 368, 688 S.E.2d 844, 850 (2010) (asserting "statements by agency employees alone may not abrogate the authority granted by statute").

For another, a closer look reveals Respondents are trying to gild the lily. Upon questioning by counsel for Respondents, Robinson said claimants "would certainly be able to preserve that on the record for appeal, but we would only rule on the facts of what happened." (R. p. 896). On redirect, however, she confirmed the "regulation issues and so forth being within the purview of the hearing officers and the administrative appeal process" had "never been raised to [her] knowledge." (*Id.*). So she really did not "know what would happen if it were to be raised." (*Id.*). As for the Appellate Panel's authority, moreover, Robinson said she did not "know the answer to

[6] On that note, to manufacture error, Respondents want to have it both ways on DEW's authority. Although they maintain DEW's authority to enforce the online work search requirement is "a question of law," Pet. for Reh'g, at 4, they argue whether DEW had authority to hear challenges to its authority is a "factual conclusion," *id.* at 10. That much does not follow. Both inquiries require simply looking at the statutes. And it is hornbook law that "[t]he issue of interpretation of a statute is a question of law." *Catawba Indian Tribe of S.C.*, 372 S.C. at 524, 642 S.E.2d at 753.

that," which Respondents' counsel acknowledged he understood. (R. p. 894); *cf.* S.C. Code Ann. § 41-29-300(A) (creating the DEW Appellate Panel, "which is *separate and distinct* from the department's divisions," with the "sole purpose" being "to hear and decide appeals from decisions of the department's divisions" (emphasis added)).

Put it all together, and this is a far cry from a hard-and-fast position that made losing a certainty at each level of review. To the contrary, DEW could not have taken a hard-and-fast position on this picayune issue regarding agency authority because no claimant ever raised it until Respondents filed a lawsuit. (R. p. 896). Still, this is not a factual question. And because the "statute's language is plain and unambiguous and conveys a clear and definite meaning, there is no occasion for employing rules of statutory interpretation and the court has no right to look for or impose another meaning." *Miller v. Doe*, 312 S.C. 444, 447, 441 S.E.2d 319, 321 (1994).

Last, Respondents' doomsday rhetoric on having "no path to challenge unlawful agency authority," Pet. for Reh'g, at 11, is unfounded. The General Assembly directed DEW to implement the online work search requirement under the existing unemployment benefit framework, the General Assembly created the exclusive remedy for obtaining unemployment benefits, and the General Assembly made those decisions subject to appeal and judicial review under the very statutes Respondents seek to duck.

CONCLUSION

In sum, "[t]he Court must presume the [General Assembly] did not intend a futile act, but rather intended its statutes to accomplish something." *Denene, Inc. v. City of Charleston*, 352 S.C. 208, 212, 574 S.E.2d 196, 198 (2002). Because Respondents admittedly failed to exhaust the exclusive administrative remedy prescribed by the General Assembly before raising their post-hoc challenge to a turnkey proviso mandating implementation of the online work search requirement,

the Court correctly reversed the circuit court. And the Court did not overlook or misunderstand anything in reaching its well-reasoned decision.[7] The Court should deny rehearing.

Respectfully submitted,

/s/Vordman Carlisle Traywick, III
Vordman Carlisle Traywick, III (102123)
Robert E. Stepp (5335)
Robert E. Tyson, Jr. (10820)
ROBINSON GRAY STEPP & LAFFITTE, LLC
Post Office Box 11449
Columbia, South Carolina 29211
(803) 929-1400
ltraywick@robinsongray.com
rstepp@robinsongray.com
rtyson@robinsongray.com

William H. Davidson, II (1558)
Kenneth P. Woodington (6213)
DAVIDSON WREN & DEMASTERS, P.A.
1611 Devonshire Drive
Post Office Box 8568
Columbia, South Carolina 29202
(803) 806-8222
wdavidson@dml-law.com
kwoodington@dml-law.com

Counsel for Appellant South Carolina Department of Employment and Workforce

Columbia, South Carolina
June 3, 2024

[7] Respondents' drive-by sentence on class certification in their conclusion, Pet. for Reh'g, at 12, is likewise insufficient. *See Glasscock, Inc. v. United States Fid. & Guar. Co.*, 348 S.C. 76, 81, 557 S.E.2d 689, 691–92 (Ct. App. 2001) (holding a "conclusory" assertion that "cite[s] no supporting authority" "is insufficient to preserve the argument for review").

RECEIVED
Jun 03 2024
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BARNWELL COUNTY
In the Court of Common Pleas

Doyet A. Early, III, Circuit Court Judge
Clifton B. Newman, Circuit Court Judge

Lower Court Case No. 2013-CP-06-0059
Appellate Case No. 2019-000599

Lorena Robinson, Elaine Nix, Archie Patterson,
and Tami Bollerman, ...Plaintiffs,

Of Whom Archie Patterson and Tami Bollerman are the Respondents,

v.

South Carolina Department of Employment and
Workforce .....Appellant.

PROOF OF SERVICE

Pursuant to Rule 262(c)(3), SCACR, as well as *In re Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules*, App. No. 2020-000447, at ¶ (d) (S.C. Sup. Ct. filed May 6, 2022), I certify that I have served Appellant South Carolina Department of Employment and Workforce's Return in Opposition to Respondents' Petition for Rehearing on the following counsel of record by email on June 3, 2024.

Daniel W. Williams
BEDINGFIELD & WILLIAMS
Post Office Box 616
Barnwell, South Carolina 29812
dan@danwilliamslaw.com

C. Bradley Hutto
WILLIAMS & WILLIAMS
Post Office Box 1084
Orangeburg, South Carolina 29116
cbhutto@williamsattys.com

Alexander D. Paterra
THE PATERRA LAW FIRM, LLC
104 S. Calhoun Street
Greenville, South Carolina 29601
alex.paterra@paterralaw.com

Adam Protheroe
Susan B. Berkowitz
S.C. APPLESEED LEGAL JUSTICE CENTER
Post Office Box 7187
Columbia, South Carolina 29202
adam@scjustice.org
sberk@scjustice.org

Counsel for Respondents Archie Patterson and Tami Bollerman

Kenneth M. Moffitt
Jessica J. Godwin
John Potter Hazzard, V
SOUTH CAROLINA SENATE
Post Office Box 142
Columbia, South Carolina 29201
kenmoffitt@scsenate.gov
jessicagodwin@scsenate.gov
johnhazzard@scsenate.gov

Counsel for Thomas C. Alexander, President of the South Carolina Senate

Patrick Dennis
Haley Symmes
Steve Davidson
SOUTH CAROLINA HOUSE OF REPRESENTATIVES
Post Office Box 11867
Columbia, South Carolina 29211
patrickdennis@schouse.gov
haleymottel@schouse.gov
stevedavidson@schouse.gov

Counsel for G. Murrell Smith, Jr., Speaker of the South Carolina House of Representatives

/s/Vordman Carlisle Traywick, III
Vordman Carlisle Traywick, III
ROBINSON GRAY STEPP & LAFFITTE, LLC
2151 Pickens Street, Suite 500
Columbia, South Carolina 29201
(803) 231-7810
ltraywick@robinsongray.com

Counsel for Appellant South Carolina Department of Employment and Workforce

Columbia, South Carolina
June 3, 2024

From:	Lisle Traywick
To:	dan@danwilliamslaw.com; cbhutto@williamsattys.com; alex.paterra@paterralaw.com; adam@scjustice.org; sberk@scjustice.org; kenmoffitt@scsenate.gov; jessicagodwin@scsenate.gov; johnhazzard@scsenate.gov; patrickdennis@schouse.gov; mottelh@gmail.com; stevedavidson@schouse.gov
Cc:	wdavidson@dml-law.com; kwoodington@dml-law.com; Bobby Stepp; Rob Tyson; Sarah Frierson; Toni Hawkins
Bcc:	{F327398}.Clients@f8eed.imanage.work
Subject:	Patterson v. SCDEW (App. No. 2019-000599) - Return to Petition for Rehearing
Date:	Monday, June 3, 2024 2:59:24 PM
Attachments:	image001.png Patterson v. SCDEW (App. No. 2019-000599) - Return to Petition for Rehearing.pdf Patterson v. SCDEW (App. No. 2019-000599) - Proof of Service for Return to Petition for Rehearing.pdf

---

Dear Counsel:

Pursuant to Rule 262(c)(3), SCACR, and *In re Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules*, App. No. 2020-000447, at ¶ (d)(1) (S.C. Sup. Ct. filed May 6, 2022), attached for service upon you is Appellant South Carolina Department of Employment and Workforce's Return to Respondents' Petition for Rehearing, as well as a Proof of Service, in this matter. Thanks and have great afternoon.

Best,

Lisle

ROBINSON GRAY
Litigation + Business

VORDMAN CARLISLE TRAYWICK, III **MEMBER**

DIRECT 803.231.7810
VCARD **VIEW BIO**
ROBINSONGRAY.COM

2151 Pickens Street
Suite 500
PO Box 11449 (29211)
Columbia, SC 29201

MERITAS LAW FIRMS WORLDWIDE