

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Daniel McLeod Coble, Circuit Court Judge

Appellate Case No. 2024-001003

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Jul 19 2024

S.C. SUPREME COURT

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; TAYLOR SHELTON,

Appellants,

vs.

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; 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; 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; 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 Ninth Judicial Circuit; and BYRON E. GIPSON, in his official capacity as Solicitor for South Carolina's Fifth Judicial Circuit,

Respondents.

Henry McMaster, in his official capacity as Governor of the State
of South Carolina,

Intervenor-Defendant.

**APPELLANTS' MOTION IN SUPPORT OF *PRO HAC VICE* ADMISSION
OF CATHERINE PEYTON HUMPHREVILLE**

Malissa Burnette, counsel for Appellants, 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, an attorney admitted and authorized to practice law in the highest court of the State of New York, as verified in the application, which is incorporated herein by reference. This motion is made upon and is supported by the Verified Application for Admission *Pro Hac Vice* of Catherine Peyton Humphreville which has 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 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)
BURNETTE SHUTT & McDANIEL, P.A.
Post Office Box 1929
Columbia, SC 29202
Tel: (803) 904-7911
Fax: (803) 904-7910
Email: mburnette@burnetteshutt.law

ATTORNEYS FOR APPELLANTS

July 19, 2024
Columbia, South Carolina

**VERIFIED APPLICATION FOR ADMISSION *PRO HAC VICE*
IN THE STATE OF SOUTH CAROLINA**

Please type your answers in the space provided. Provide an answer for every question asked. In your own handwriting, sign in all spaces where a signature is required (no e-signatures). The accompanying certificate of good standing should not be older than 90 days at the time of the filing of this application.

| | | |
|-----------------------------------|------------------------------|------------------------------|
| Planned Parenthood South Atlantic | 2024-0010003 | South Carolina Supreme Court |
| Plaintiff | Case No. | Tribunal |
| vs. | | |
| State of South Carolina | Mailing Address of Tribunal: | 1231 Gervais St. |
| Defendant | | Columbia, SC 29201 |

Comes now Catherine Peyton Humphreville, applicant herein, and respectfully represents the following:

1. Applicant resides at:

[REDACTED]

| | | | |
|----------------|--------|-------|----------|
| Street Address | Kings | NY | 11205 |
| City | County | State | Zip Code |
| Telephone | | | |

2. Applicant is an attorney and a member of the law firm of (or practices law under the name of)

Planned Parenthood Federation of America, with offices at

123 William Street

| | | | |
|-------------------|--------------|------------|---------------------------------|
| Street Address | New York | NY | 10038 |
| City | County | State | Zip Code |
| 212-965-7000 | 929-561-9668 | | catherine.humphreville@ppfa.org |
| Primary Telephone | Cell Phone | Fax Number | Email Address |

3. Applicant has been retained personally or as a member of the above-named law firm by

Planned Parenthood South Atlantic, Taylor Shelton to provide legal representation in connection with the above case now pending before the above-named tribunal of the State of South Carolina.

4. Since April of 2017, Applicant has been, and presently is, a

member in good standing of the bar of the highest court of the District of Columbia or the State of New York where Applicant regularly practices law. Attached is a certificate of good standing dated within the last 90 days from the bar of the highest court of the District of Columbia or the State where applicant regularly practices law. It is not necessary to provide a certificate of good standing from all courts before which you are admitted.

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5. List all courts before which Applicant has been admitted to practice law, including United States District Courts; United States Circuit Courts of Appeals; the Supreme Court of the United States; and state courts or the District of Columbia.

| Court: | Date Admitted: |
|---|--------------------|
| New York | April 5, 2017 |
| U.S. District Court for the Southern District of New York | November 24, 2020 |
| U.S. District Court for the Eastern District of New York | December 21, 2020 |
| U.S. Court of Appeals for the Ninth Circuit | September 18, 2023 |
| | |
| | |
| | |

Is Applicant presently a member in good standing of the bars of those courts listed above? List any court named in the preceding paragraph that applicant is no longer admitted to practice before.

Yes

6. Is Applicant presently subject to any suspension or disbarment proceedings, or has Applicant been formally notified of any complaints pending before a disciplinary agency? If yes, give particulars, e.g., jurisdiction, court date.

No

7. Has Applicant had any application for admission *pro hac vice* in this or any other jurisdiction denied or any *pro hac vice* admission revoked? If yes give particulars, e.g., date, court, docket number, judge, circumstances; attach a copy of any order of denial or revocation.

No

8. Has Applicant had any certificate or privilege to appear and practice before any court or administrative body suspended or revoked? If yes, give particulars, e.g., date, court, administrative body, date of suspension and reinstatement.

No

9. Please be aware that local counsel must be Rule 403 certified. Local counsel of record associated with Applicant in this case is M. Malissa Burnette of the Burnette Shutt & McDaniel, PA

law firm, which has offices at:

P.O. Box 1929, 912 Lady Street

| | | | |
|-------------------|------------|--------------|-----------------------------|
| Street Address | Richland | SC | 29202 |
| Columbia | County | State | Zip Code |
| City | | 803-904-7910 | mburnette@burnetteshutt.law |
| 803-904-7911 | | Fax Number | Email Address |
| Primary Telephone | Cell Phone | | |

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South Carolina Bar Number
(You must provide Bar Number)

10. Has Applicant previously filed an application to appear *pro hac vice* in South Carolina cases? If yes, give case name and status of litigation, date of application, local counsel of record in each case, and state whether application is pending or was granted.


Yes. Planned Parenthood South Atlantic v. State; Closed; May 24, 2023; Burnette Shutt & McDaniel; Granted. Planned Parenthood South Atlantic v. State; Open; February 6, 2024; Burnette Shutt & McDaniel; Granted.

11. Does Applicant agree to comply with the applicable statutes, laws and rules of the State of South Carolina and familiarize him/herself with and comply with the South Carolina Rules of Professional Conduct? Does Applicant consent to the jurisdiction of the South Carolina courts and Commission on Lawyer Conduct.

Yes

12. Applicant respectfully requests to be admitted to practice in the above-named tribunal for this case only.

DATED this 2 nd day of July, 20 24



APPLICANT

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VERIFICATION

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S.C. SUPREME COURT

STATE OF New York

COUNTY OF New York

I, Catherine Peyton Humphreville, do hereby swear or affirm under penalty of perjury that I am the applicant in the above-styled matter; that I have read the foregoing application and know the contents thereof; and that the contents are true of my own knowledge, except as to those matters stated on information and belief, and that as to those matters I believe them to be true. I understand that I am under a continuing duty to promptly update the information provided in the application until the tribunal has ruled on the motion for admission pro hac vice. Further, if the motion is granted, I understand that I am under a continuing duty to promptly update the information provided in the application as long as I continue to appear pro hac vice in the action or proceeding. Any updated information shall be provided to both the tribunal that granted the motion and to the tribunal in which the action or proceeding may then be pending.

[Signature]
APPLICANT/AFFIANT

Subscribed and sworn to before me this 2nd day of July, 20 24

[Signature]
(Notary Signature)

Notary Public for the State of New York

My Commission Expires: 10-10-2026

DIANA M. KIRIGIN
Notary Public, State of New York
No. 02K16049306
Qualified in Queens County
Commission Expires 10-10-2026

LOCAL COUNSEL CONSENT

I hereby consent, as local counsel of record, to the association of applicant in this cause pursuant to Rules Governing Admission *Pro Hac Vice* to the South Carolina Bar.

DATED this 16th day of July, 20 24

[Signature]
LOCAL COUNSEL OF RECORD

CERTIFICATE OF SERVICE

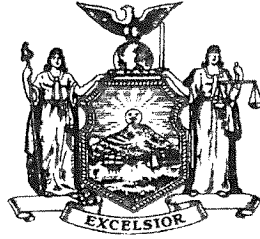
via hand-delivery

I hereby certify that I have served a copy of this application upon the South Carolina Supreme Court by ~~mail~~ addressed to: South Carolina Supreme Court Office of Bar Admissions, ~~PO Box 11330~~, Columbia, SC 29211, accompanied by payment of the \$250 filing fee payable to the South Carolina Supreme Court on this

17th day of July, 20 24

[Signature]
Amy L. Abercrombie, Paralegal
Burnette Shutt & McDaniel, PA

1231 E. Main St.
Columbia, SC 29201



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*Appellate Division of the Supreme Court
of the State of New York
Second Judicial Department*

I, Darrell M. Joseph, Clerk of the Appellate Division of the Supreme Court of the State of New York, Second Judicial Department, do hereby certify that

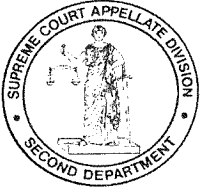
Catherine Peyton Humphreville

*was duly licensed and admitted to practice as an Attorney and Counselor at Law in all the courts of this State on **April 5, 2017**, has duly taken and subscribed the oath of office prescribed by law, has been enrolled in the Roll of Attorneys and Counselors at Law on file in this office, is duly registered with the Office of Court Administration, and according to the records of this Court is currently in good standing as an Attorney and Counselor-at-Law.*

In Witness Whereof, I have hereunto set my hand in the City of Brooklyn on July 2, 2024.



Clerk of the Court



HECTOR D. LASALLE
PRESIDING JUSTICE

DARRELL M. JOSEPH
CLERK OF THE COURT

Appellate Division
Supreme Court of the State of New York
Second Judicial Department
45 Monroe Place
Brooklyn, N.Y. 11201
(718) 875-1300

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KENNETH BAND
DEPUTY CLERKS

MELISSA KRAKOWSKI
WENDY STYNES
LAUREN G. DOME
BRIAN E. KENNEDY
ASSOCIATE DEPUTY CLERKS

To Whom It May Concern

An attorney admitted to practice by this Court may request a certificate of good standing, which is the only official document this Court issues certifying to an attorney's admission and good standing.

An attorney's registration status, date of admission and disciplinary history may be viewed through the attorney search feature on the website of the Unified Court System.

New York State does not register attorneys as active or inactive.

An attorney may request a disciplinary history letter from the Attorney Grievance Committee of the Second Judicial Department.

Bar examination history is available from the New York State Board of Law Examiners.

Instructions, forms and links are available on this Court's website.

Darrell M. Joseph
Clerk of the Court