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SC Court of Appeals



SOUTH CAROLINA
STATE BOARD OF FINANCIAL INSTITUTIONS

July 28, 2024

Hon. Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

Re: South Carolina Board of Financial Institutions v. CDM Corporation, et al
Appellate Case No. 2023-000017
Response to Supplemental Authority Provided by Respondents

Dear Ms. Kitchings,

Pursuant to Rule 208(b)(7), SCACR, this letter responds to the Appellant's July 8, 2024, letter advising you of supplemental authority from the United States Supreme Court, Loper Bright Enterprises v. Raimondo, 603 U.S. ___ (2024), which interprets the federal Administrative Procedures Act, 5 U.S.C. §§ 551–559, regarding the deference to which a Federal Court must give a federal agency's interpretation of the law.

Respecting, as did Respondents, the limitation of Rule 208(b)(7), SCACR, that any response must be "without argument," Appellant notes only that the South Carolina cases cited in support of agency deference remain in full force and effect. Appellant is prepared to offer further discussion of the effect of Loper Bright Enterprises to the Court at oral argument, or in a supplemental brief, if the Court so desires.

If you have any questions, please feel free to contact me at (803) 734–2623.

Sincerely,

A handwritten signature in blue ink, appearing to read "Shawn D. Eubanks".

Shawn D. Eubanks

cc: All Counsel of Record