

Jan 14 2025

S.C. SUPREME COURT

The Supreme Court of South Carolina

Intellectual Capital, Inc., Berry Newkirk and Neil Richards, Appellants,

v.

Michael B. Spicer, Chief Procurement Officer, South Carolina State Fiscal Accountability Authority, Division of Procurement Services, and South Carolina Worker's Compensation Commission, Respondents.

AND

JMI Sports and JMIS College, LLC, Appellants,

v.

Michael B. Spicer, Chief Procurement Officer, South Carolina State Fiscal Accountability Authority, Division of Procurement Services, and Clemson University, Respondents.

Appellate Case Nos. 2023-000667 and 2023-000668

**CONSOLIDATED APPEAL FROM THE COURT OF COMMON PLEAS**

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Appeal From Richland County  
Alison Renee Lee, Circuit Court Judge  
Trial Court Case Nos. 2022-CP-40-2656 and  
2022-CP-40-2536

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ORDER

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The Court has received a motion to withdrawal and dismiss Appellants Intellectual Capital, Inc. and Barry Newkirk from Appellate Case No. 2023-000667 due to settlement, pursuant to Rule 260, SCACR. The dismissal is granted. Because Neil Richards remains a party to Appellate Case No. 2023-000667, the South Carolina Workers' Compensation Commission and Michael B. Spicer, Chief Procurement Officer are also still parties. The dismissal of Appellants Intellectual Capital, Inc. and Barry Newkirk does not affect Appellate Case No. 2023-000668. However, in light of this settlement, we request the remaining parties to Appellate Cases No. 2023-000668 and No. 2023-000667 advise us in writing by January 14, 2025 if they wish us to withhold issuing our opinion for a period of 30 days so they can also explore settlement.

FOR THE COURT  
BY Patricia A. Howard  
CLERK

Columbia, South Carolina  
January 6, 2025

cc: John E. Schmidt, III  
Melissa Javon Copeland  
Boyd Benjamin Nicholson, Jr.  
Manton M. Grier, Jr.  
James G. Carpenter  
Michael H. Montgomery