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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM AIKEN COUNTY
Court of Common Pleas
William P. Keesley, Circuit Court Judge

Appellate Case No. 2024-001554
Case No. 2021-CP-02-02323

Mark Gregory Thompson and Jane Page Thompson, individually and on behalf
of all those similarly situatedRespondent,

v.

Clay Killian, in his official capacity as Aiken County Administrator, Jason Goings,
in his official capacity as Treasurer of Aiken County, Aiken County Council, Aiken
County, City of Aiken, Aiken Council, and Stuart Bedenbaugh, in his official
capacity as City Manager of Aiken, Petitioners.

**MOTION OF GREENVILLE COUNTY AND SPARTANBURG COUNTY FOR LEAVE
TO FILE BRIEF OF *AMICI CURIAE***

Greenville County and Spartanburg County respectfully move this Court for leave to submit the attached Brief of *Amici Curiae* to present additional context as to this Court’s previous jurisprudence relating to road maintenance fees. Rule 213, SCACR, provides that an applicant may move for leave to file a brief as amicus curiae before this court. In making this motion, the applicant “shall identify the interest of the applicant and shall state the reasons why brief as amicus curiae is desirable.” *See also* Jean Hoefer Toal *et al.*, *Appellate Practice in South Carolina* 218 (2d ed. 2002).

Greenville and Spartanburg Counties are each defendants in cases that raise some of the same legal issues as this one. In the respective cases, plaintiffs seek the recovery of hundreds of

millions of dollars on behalf of a purported class as a refund of road maintenance fees collected from residents over a period of many years. Numerous other counties across the state have also been sued—each complaint resting on a premise that this Court’s ruling in *Burns v. Greenville Cnty. Council*, 433 S.C. 583, 861 S.E.2d 31 (2021) means that all road maintenance fees were improperly imposed and collected and that they may be refunded through a class-action mechanism.

Greenville and Spartanburg Counties generally agree with the arguments submitted by Aiken County and the City of Aiken here as well as those presented in the amicus brief filed by Beaufort County. They do not undertake to repeat those arguments, but instead seek leave to file a brief illustrating why Appellants’ underlying contention that *Burns* invalidated all road maintenance fees is incorrect. A copy of the proposed brief is attached and is being conditionally filed with this Motion pursuant to Rule 213, SCACR.

Respectfully submitted,

s/ Sarah P. Spruill

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