



STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
 COUNTY OF CHARLESTON) NINTH JUDICIAL CIRCUIT

South Carolina Public Interest) Civil Action No. 2012-CP-10-04969
 Foundation and Waring S. Howe, Jr.,)
 individually, and on behalf of all others)
 similarly situated,)
)
 Plaintiffs,)

vs.) Amended Motion for Judgment on the
) Pleadings

Robert W. Harrell, Jr., in his official)
 capacity as Speaker of the South)
 Carolina House of Representatives, Ken)
 Ard, in his official capacity as President)
 of the South Carolina Senate,)
 Representative Harry B. "Chip")
 Limehouse III, Senator Glenn)
 McConnell, and the State of South)
 Carolina,)
)
 Defendants.)

FILED
 2012 OCT 19 AM 11:09
 JULIE J. ARMSTRONG
 CLERK OF COURT
 BY _____

Pursuant to Rule 12(c) of the South Carolina Rules of Civil Procedure Defendant Robert W. Harrell, Jr., in his official capacity as Speaker of the South Carolina House of Representatives, by and through the undersigned counsel, files this motion for judgment on the pleadings¹ and requests this Court issue an order dismissing this action with prejudice on the following grounds:

1. Res judicata and/or collateral estoppel bar Plaintiffs' claims against Defendants;

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¹ The initial motion was captioned as a motion to dismiss. The substance of the motion was made pursuant to Rule 12(c), SCRCP, and stated it was a "motion for judgment on the pleadings." Thus, this is the amended motion.

2. Plaintiffs lack the standing necessary to maintain this action;
and/or

3. Plaintiffs' claims are barred by the applicable statute of limitations, laches, and/or waiver.

The arguments and authorities in support of this Motion to Dismiss shall be set forth in a memorandum timely submitted before the hearing on this Motion.

WHEREFORE Defendant Robert W. Harrell, Jr., in his official capacity as Speaker of the South Carolina House of Representatives, prays that the Court dismiss this action with prejudice, that the costs of this action be taxed against the Plaintiffs, and for such other and further relief as the Court may deem just and proper.

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Attorneys for Robert W. Harrell, in his official capacity as Speaker of the South Carolina House of Representatives

Columbia, South Carolina

October 19, 2012

CERTIFICATE OF SERVICE

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Robert W. Harrell, in his official capacity as Speaker of the South Carolina House of Representatives, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings: Amended Motion for Judgment on the Pleadings

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Jennifer Lee
Administrative Assistant

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