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**Jan 17 2025**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY  
DeAndrea Gist Benjamin, Circuit Court Judge

Appellate Case No. 2020-001135  
Case No. 2015-CP-40-1805

Wendy Brawley, ..... Respondent-Appellant,

v.

Richland County, South Carolina ..... Appellant-Respondent.

**PETITION FOR REHEARING  
DIRECTED AT OPINION RE-FILED JANUARY 2, 2025**

The Appellant-Respondent Richland County petitions the South Carolina Court of Appeals for a rehearing of the Court’s recently re-filed decision in *Brawley v. Richland County*, Op. No. 6090 (S.C. Ct. App. re-filed January 2, 2025).

**Special Note**

The Court of Appeals issued its original opinion on September 25, 2024. On October 10, 2024, the Appellant-Respondent filed a timely Petition for Rehearing. Thereafter, by order filed January 2, 2025, the Court of Appeals granted the Appellant-Respondent’s Petition for Rehearing although the ultimate decision was not changed, meaning that the Court of Appeals still affirmed the trial court’s finding that Richland County violated the Freedom of Information

Act (“FOIA”). The Court of Appeals withdrew the opinion filed September 25, 2024, and after granting the Petition for Rehearing, the Court issued a new opinion on January 2, 2025. The new opinion does not address each of the grounds raised by the Appellant-Respondent in its Petition for Rehearing filed October 10, 2024. Instead, the new opinion added the second footnote to the original opinion. Therefore, in order to ensure that it has complied with Rule 221(b) and Rule 242(d)(1), SCACR, the Appellant-Respondent is filing an additional Petition for Rehearing directed at the new opinion issued on January 2, 2025. The Appellant-Respondent is doing so because the initial Petition for Rehearing was granted; yet, the ultimate resolution did not change and each of the Appellant-Respondent’s grounds for rehearing have not been addressed. Additionally, there are additional reasons for a rehearing directed at the new footnote number two and the Court’s reliance on the rule from *Futch v. McAlister Towing of Georgetown, Inc.*, 335 S.C. 598, 518 S.E.2d 591, 598 (1999), which was added to the original opinion.

In the undersigned counsel’s experience, when the Court of Appeals withdraws an opinion and issues a new opinion without changing the result, the Court typically denies rather than grants the petition for rehearing. That has not occurred in the case at bar. Rather, this case is more akin to what occurred in the *Shirley’s Iron Works, Inc. v. City of Union* litigation,<sup>1</sup> where the Court of Appeals issued three different opinions after the filing of two petitions for rehearing. In that example, because the Court granted a petition for rehearing and issued a new opinion, it was deemed necessary to file a successive petition for rehearing directed at each new opinion, and the Court acted on each such petition. As a result, the Appellant-Respondent feels constrained to file this Petition for Rehearing in order to ensure compliance with Rule 221(b) and

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<sup>1</sup> See, *Shirley’s Iron Works, Inc. v. City of Union*, 2009 WL 4796073 (Ct. App. 2009); *Shirley’s Iron Works, Inc. v. City of Union*, 387 S.C. 389, 693 S.E.2d 1 (Ct. App. 2010); and *Shirley’s Iron Works, Inc. v. City of Union*, 397 S.C. 584, 726 S.E.2d 208 (Ct. App. 2010).

Rule 242(d)(1), SCACR, thereby making certain that issues raised but not addressed are deemed preserved for further appellate review.

The grounds for the Appellant-Respondent's petition for rehearing are addressed in detail in the supporting memorandum filed herewith and incorporated herein.

The Appellant-Respondent's petition for rehearing is based on the Court's decision in *Brawley v. Richland County*, Op. No. 6090 (S.C. Ct. App. re-filed September 25, 2024); the supporting memorandum filed herewith; the previous Petition for Rehearing and supporting memorandum filed October 10, 2025, the briefs and Record on Appeal; Rule 221(a), SCACR; Rule 224, SCACR; and other rules of court.

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**MEMORANDUM IN SUPPORT OF  
PETITION FOR REHEARING  
DIRECTED AT OPINION RE-FILED JANUARY 2, 2025**

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<sup>1</sup> See, *Shirley’s Iron Works, Inc. v. City of Union*, 2009 WL 4796073 (Ct. App. 2009); *Shirley’s Iron Works, Inc. v. City of Union*, 387 S.C. 389, 693 S.E.2d 1 (Ct. App. 2010); and *Shirley’s Iron Works, Inc. v. City of Union*, 397 S.C. 584, 726 S.E.2d 208 (Ct. App. 2010).

## Grounds for Rehearing

In its Statement of Issues on Appeal, the Appellant-Respondent Richland County raised four specific issues, all of which presented legal questions and not factual questions. Of those four legal issues, the Court, however, overlooked or did not address three of those in its original opinion, and on the fourth, the Court ruled in the County's favor although the ultimate ruling of a FOIA violation was nonetheless affirmed. With the new opinion re-filed on January 2, 2025, the Court has addressed an additional ground but limited that discussion to footnote number two.

To recap, the Appellant-Respondent Richland County raised the following issues on appeal: (1) Did the trial court err in its application of the burden of proof in a FOIA case? (2) Did the trial court err in refusing to consider and evaluate the scope of the FOIA request itself and whether the request was reasonably described such that the responding public body could understand what was requested? (3) Did the trial court err in adjudicating a "failure to conduct a reasonable investigation" claim that was never pled? (4) Did the trial court err in failing to recognize that a public body has no duty under FOIA to retain documents, re-create documents that were not retained, produce documents not in its possession, or obtain documents from a third-party source? The first two of those issues are still not addressed in any respect – not even tangentially -- in the Court's decision. As to the third issue, which is addressed in footnote number two of the re-filed opinion, the Court now rules against the County and concludes that the "failure to conduct a reasonable investigation" claim was actually pled but the Court is still silent on whether the claim was even tried. (Slip Op. at 7). As to the fourth issue, the Court "agree[d] with the County that FOIA does not require public bodies to seek documents from third parties or recreate documents in order to respond to FOIA requests." (Slip Op. at 6). Thus, the Court actually reversed the trial court and ruled in the County's favor on that fourth issue of law.

In the re-filed opinion, the Court acknowledges that there are other issues that have not been addressed. Citing *Futch v. McAlister Towing of Georgetown, Inc.*, 335 S.C. 598, 518 S.E.2d 591, 598 (1999), the Court states: “As to the other issues we do not address, we believe the analysis in this opinion renders it unnecessary to address them.” (Slip Op. at 7). On rehearing, the Court is respectfully requested to reconsider the Court’s decision not to address all four of the grounds asserted. As our appellate jurisprudence provides, when raised as a ground for appeal, an issue must be addressed unless the appellate court finds the issue to be “manifestly without merit,” Rule 220(b)(2), SCACR, or the appellate court determines the it does not need to reach remaining issues on appeal when disposition of prior issues is dispositive. *See, Futch v. McAlister Towing of Georgetown, Inc.*, 335 S.C. 598, 518 S.E.2d 591, 598 (1999). In this case, the Court did not find any of the County’s issues on appeal to be “manifestly without merit” pursuant to Rule 220(b)(2), SCACR. Instead, in the re-filed opinion, the Court now relies on *Futch*, but respectfully, that reliance on *Futch* is misplaced. The County’s first two issues on appeal have not been resolved by the Court’s disposition of the other issues. The rule announced in *Futch* simply does not apply in this instance. *Futch* and some predecessor cases were intended to allow the appellate courts to avoid deciding multiple issues where one issue results in a reversal. *Futch* presents the perfect example of that scenario. In that case, the Supreme Court had before its multiple grounds for reversal of this Court’s decision. The Supreme Court reversed on one of those grounds, which made it unnecessary to adjudicate all of the remaining grounds seeking reversal, which presents a proper use of the *Futch* rule. The *Futch* rule may also be used where there are multiple bases supporting the judgment in the trial court, and once the appellate court determines that one basis supports that judgment, the appellate court can

affirm and it is unnecessary to adjudicate the other bases. It works similar to the “two-issue” rule.<sup>2</sup>

However, none of those situations are present in the case at bar. Here, there was one singular decision rendered by the trial court as to liability – that the County violated FOIA. The County argues on appeal that the trial court committed four separate errors in reaching that decision and entering a declaratory judgment against the County on the FOIA claim. In this instance, *Futch* does not allow the Court to decline to answer two critical issues on appeal, which were not found manifestly in error, but did result in the trial court making an erroneous decision.

With respect to the first issue, the burden of proof is still not addressed by this Court. The words “burden of proof” still do not appear in the re-filed opinion. The County respectfully disputes the Court’s conclusion using the *Futch* rule that the proper application of the burden of proof is an “unnecessary ruling.” As the County continues to argue, the trial court failed to recognize that the burden of proof rests with a plaintiff to prove a FOIA violation. In this case, the burden of proof lay with Wendy Brawley, as the requester, to prove the reasonable scope of the request and that any reasonably responsive documents were actually in the County's possession at the time the FOIA request was made but were not then disclosed in response. In response to a Rule 52(b) motion, the trial court ultimately shifted the burden of proof to the County to prove that a document need not be produced. In fact, the trial court confused a prima facie claim under FOIA on which a plaintiff has the burden of proof on the elements of the claim with an exemption on which

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<sup>2</sup> In applying the "two-issue" rule, the Supreme Court has explained that "where a decision is based on more than one ground, the appellate court will affirm unless the appellant appeals all grounds because the unappealed ground will become the law of the case." *Jones v. Lott*, 387 S.C. 339, 692 S.E.2d 900, 903 (2010). Similarly, in *Folkens v. Hunt*, 290 S.C. 194, 348 S.E.2d 839 (Ct. App. 1986), this Court held that "[a]n alternative ruling of a lower court that is not excepted to constitutes a basis for affirming the lower court and is not reviewable on appeal." 348 S.E.2d at 845.

the governmental entity has the burden of proof. FOIA requires disclosure of records held by a public body unless the documents fall within enumerated exemptions set forth in S.C. Code Ann. § 30-4-40(a). *See, Burton v. York County Sheriff's Department*, 358 S.C. 339, 594 S.E.2d 888, 892 (Ct. App. 2004). The exemptions from disclosure under FOIA “simply allow public agencies the discretion to withhold exempted materials from public disclosure,” and the justification for the exemption lies with the entity withholding the document. 594 S.E.2d at 893. This case, however, does not involve the assertion by the County of any exemptions from disclosure. The County did not plead that it withheld disclosure of any public records based upon a statutory exemption, nor did the County argue any exemption at trial. Thus, the trial court shifted the burden of proof to the County to prove that a document need not be produced, which is an error of law. The Court is respectfully requested to address this issue on rehearing.

As to the second issue, this Court, like the trial court, never addresses whether the FOIA request was ambiguous or how it could be reasonably interpreted by the County in responding to it. As the County argued, Brawley had the burden of showing that a reasonable governmental agency would understand that the contested documents were within the scope of the search. As before, the County respectfully disputes the Court’s conclusion using the *Futch* rule that this issue presents an “unnecessary ruling.” In fact, just the opposite is true. This issue is a critical consideration of any FOIA analysis. In fact, the County presented supporting authority for its position, none of which this Court acknowledged or addressed in its original opinion or once again in its re-filed opinion. Importantly, the Court did not reject or distinguish such authority; the entire issue has been disregarded -- except for now being deemed “unnecessary” in the re-filed opinion -- despite being a legal argument that should have been a threshold determination.

To recap, the federal courts, using the mandatory language “must,” states that “[b]efore addressing the adequacy of the search under FOIA, a court must first ascertain the scope of the

request itself.” *Judicial Watch v. United States Department of State*, 681 Fed. Appx. 2, 3-4 (D.C. Cir, 2017). “A requester bears the burden of reasonably describing the records its seeks such that the agency is able to determine precisely what records are being requested.” 681 Fed. Appx. at 4. “A FOIA request must reasonably describe the records requested.” *Landmark Legal Foundation v. Environmental Protection Agency*, 272 F.Supp.2d 59, 64 (D.D.C. 2003). “The agency’s obligation to search is limited to the four corners of the request.” *Id.* “Where a FOIA request is unclear, an agency processing a FOIA request is not required to divine a requester’s intent.” *Id.* That should be the law in South Carolina as well.

As the County argued, the trial court was required *as a threshold issue* to assess the reasonable meaning and scope of the FOIA request for "a copy of the application and supporting documentation Richland County submitted to the USDA Rural Development for grant and loan funding for the Lower Richland Sewer Project." (R. 572). The trial court failed to engage in such analysis and made no findings of fact or conclusions of law in that regard. This Court has similarly erred in failing to even consider or address that threshold issue. Respectfully, it is not an issue to be rejected under the *Futch* rule.

If this Court had addressed the merits of this threshold issue, this Court would recognize that in the remaining FOIA request at issue Brawley sought an application submitted to the USDA Rural Development and “supporting documentation,” with the latter being the term that on its face is unclear and is subject to varying interpretations. Had the trial court and this Court examined the plain and ordinary meaning of that request, it would be immediately apparent that there is no temporal aspect to Brawley’s FOIA request. In other words, Brawley did not make it clear whether she was requesting solely documents that accompanied the application or whether she was seeking all documentation that was ultimately submitted to the USDA over time, regardless of whether the materials accompanied the application or were submitted at different

times, separate and apart from the application itself. The trial court and this Court should have recognized that the lack of clarity in the request has given rise to the controversy between the parties.

As the record indisputably reflects, Andy Metts is the only witness who was questioned about his interpretation and understanding of the request. Metts explained that he understood the request as seeking the Application for Federal Assistance as submitted to the USDA and the documents that accompanied that submission. (R. 521). He did not conclude that the request required the production of the following exhibits placed into evidence by Brawley from her February 2016 review of the project file:

- \* A timeline that Andy Metts did not prepare and was never submitted to the USDA (Pl. Ex. 6). (R. 502-503, 628-631).
- \* Unsigned, incomplete and draft copies of applications that were never submitted to the USDA (Pl. Ex. 7-9). (R. 507-510, 632-649).
- \* Letter of Transmittal not directed or sent to the USDA (Pl. Ex. 11). (R. 510, 653).
- \* Emails from USDA personnel and between USDA personnel which were not submitted by the County to the USDA (Pl. Ex. 12-15, 19-20). (R. 510-513, 654-659, 669-677).
- \* USDA internal checklist (Pl. Ex. 18). (R. 389-392, 666-668).
- \* Letter of Conditions dated January 30, 2013 from USDA to Richland County (Pl. Ex. 21). (R. 514, 678-698).
- \* Loan Resolution (Pl. Ex. 22). (R. 514, 699-706).
- \* February 4, 2014 letter (Pl. Ex. 23). (R. 514-515, 707-709).

As a result, the trial court and this Court have erred in failing to find that an objectively reasonable person attempting to respond to the FOIA request as it was articulated would not

conclude that the foregoing documents were responsive to the request for “supporting documentation.” Accordingly, Brawley did not sustain her burden of proving that the County personnel should have properly determined that the documents at issue were responsive to her request and were withheld by the County in violation of FOIA. Moreover, based on a review of the documents themselves and the testimony explaining what they are (see above list), no reasonable fact finder could find that the "February 2016 Located Document," as identified by the trial court, would meet a reasonable person's interpretation of "supporting documentation" provided to the USDA with an Application for Federal Assistance.

This Court also overlooked or otherwise did not address the inconsistencies in the trial court's findings which the court refused to correct in response to the County's Rule 52(b) motion. As the County demonstrated, the "February 2016 Located Documents" were identified by the trial court in the "Findings of Fact" as Plaintiff's Exhibits 7, 8, 9, 10, 11, 13, 17, 18, 19, 21, and 23. (R. 16). However, the trial court then refers to “Exhibits 5-15, 17, and 19-23” in the “Legal Analysis” section of its order as “all responsive FOIA documents which were not provided to Ms. Brawley in the Original Response Documents.” (R. 20). On reconsideration, the trial court refused to address this inconsistency on the following basis: "Since the injunctive relief requiring Richland County to provide the documents to the Plaintiff is no longer requisite, this Court finds no need to make specific findings regarding the documents that were to be provided to the Plaintiff per the injunctive relief order." (R. 33). The trial court, however, failed to recognize that those findings are a critical part of its declaratory relief as well. This Court, likewise, did not acknowledge or address those inconsistencies.

This Court also disregarded and made no mention of the most blatant legal error committed by the trial court – a mistake that truly encapsulates the erroneous legal analysis that permeates the trial court’s rulings of a FOIA violation. To recap, the court impermissibly shifted

the burden to the County by ruling as follows: "No question concerning vagueness was made, nor did the Defendant file a request to the circuit court seeking relief from an overly broad request. Rather, the Defendant responded to the request with 6 pages of responsive information." (R. 32). The trial court thus relied on a newly-enacted provision of FOIA. There were significant amendments to FOIA that were adopted as part of 2017 Act No. 67. Those amendments, however, did not become effective *until May 19, 2017*. S.C. Code Ann. § 30-4-110(A) now provides:

A public body may file a request for hearing with the circuit court to seek relief from unduly burdensome, overly broad, vague, repetitive, or otherwise improper requests, or where it has received a request but it is unable to make a good faith determination as to whether the information is exempt from disclosure.

*See*, S.C. Code Ann. § 30-4-110(A) (Supp. 2017). Accordingly, the trial court committed an error of law by impermissibly and unfairly finding that the County failed to utilize the new provisions of S.C. Code Ann. § 30-4-110(A), *which were not even in existence in 2014*. In its opinion, this Court did not even mention this clear error of law, although the Court did state that “[t]hroughout this opinion, we rely on the 2014 version of the act, which controls this litigation.” (Slip Op. at 5). The trial court, however, did not rely on the 2014 version of the Act, and that clear error should not be overlooked on rehearing.

Finally, with respect to the third issue raised, this Court initially did not address that this case was adjudicated as a "failure to conduct a reasonable investigation" claim when that claim was never pled and was not raised as a theory *until the trial court issued its order*. Now, with the re-filed opinion, this issue was rejected in a footnote with no analysis. In a conclusory manner the Court now finds that the claim was pled because “Brawley’s pleading alleged that the County’s FOIA response was incomplete, inadequate, and that the County failed to properly and fully respond.” (Slip Op. at 7). Notably, the Court cites no specific paragraph or language in the

Plaintiff's Complaint. Simply put, under basic notice pleading, a "failure to conduct a reasonable investigation" claim does not appear with any precision or clarity in the Complaint.

To reiterate, this theory of liability is not in Brawley's Complaint, and at no time after discovery was completed did Brawley move to amend to bring such a claim. Likewise, the claim is not addressed in the Plaintiff's pre-trial brief. (R. 802-804). Most importantly, the case was not tried as a "failure to conduct a reasonable investigation" claim. In its re-filed opinion, the Court never addresses this critical point – not even in footnote number two. As the County pointed out in its brief, the term "reasonable investigation" does not appear in the trial transcript. Instead, the claim first appeared in Brawley's proposed order submitted to the trial court *after the trial*. (R. 815). That is not commensurate with fundamental fairness and due process.

In effect, this Court affirms “the circuit court’s finding that the County did not diligently investigate Brawley’s FOIA request.” (Slip Op. at 7). Yet, the Court did not correctly address whether such a claim was even pled and never addressed whether the issue was even tried. With all due respect, this remains a critical issue, and not one this Court should just disregard or adjudicate with a conclusory footnote. Basic notions of fundamental fairness require much more.

Additionally, as argued in the first petition for rehearing and not addressed in the re-filed opinion, to avoid deciding what are threshold and critical legal issues, the Court re-phrased the “County’s main argument” to characterize it as a factual question and then to decide the appeal in Brawley’s favor under the more deferential standard of review. This Court writes: “The County’s main argument against the circuit court’s finding of FOIA violation is that the County supposedly requested and received certain documents from the USDA after this case commenced.” (Slip Op. at 5). With all due respect, that is not the “main argument.” The County’s main arguments are clearly and concisely articulated in the Statement of Issues on

Appeal as required by Rule 208(b)(1)(B), SCACR, and those arguments all present legal issues, not factual ones, to which a *de novo* standard of review applies. As discussed above, the Court then refused to acknowledge, let alone address, at least two of the four legal issues actually raised by the County.

Nonetheless, even the “main argument” as articulated by the Court is deserving of a rehearing. With respect to the different Application for Federal Assistance dated July 18, 2012, there was no evidence presented that a copy of that application was retained and existed in the County’s files in September 2014, when the FOIA request was made. Andy Metts testified that, based upon the search conducted of the files, a copy of this application had not been retained and was not in the County’s possession at that time. (R. 517, 522). Brawley, however, presented no evidence to contradict this.

During the discovery process in this litigation, the County made a request to the USDA Rural Development Office to learn what was in their file. The County provided that information received from the USDA to Brawley as part of the discovery process after the lawsuit was filed. (R. 712). The origin of those documents is clearly stated in discovery responses (R. 712), but the trial court erroneously ruled that there was no evidence “supporting the origin for June 2015 Discovery Documents.” (R. 21). The court improperly shifted the burden of proof and required the County -- not Brawley -- to prove (or rather disprove) whether those documents were in the County’s possession in September 2014, when the FOIA request was made. The burden of proof, however, lies with a plaintiff, and Brawley did not show that the July 2012 application was in the County’s possession in September 2014, such that a diligent search would have revealed its existence and the need for production.

As the County argued, the trial court did not need to decide whether the County's representations made in discovery responses is evidence or not. That is because the trial court

erred in shifting the burden of proof -- particularly to the extent that the court was critical that defense counsel did not testify about the origin of documents produced in discovery. As discussed above, this Court never addresses issues related to burden of proof.

Nevertheless, instead of addressing the burden of proof in any respect, the Court writes: “There was no admissible evidence presented to the circuit court to show the responsive documents Brawley procured in litigation came solely from the USDA.” (Slip Op. at 7). In making that ruling, the Court disregarded and failed to consider that, as a matter of law, the County was precluded by Federal law – specifically the USDA’s *Touhy* regulations -- from being able to call an employee of the USDA as a witness. That limitation was well documented in the record. (R. 217-219). Moreover, the Court did not explain why the County’s discovery responses which explained the source of USDA documents is not considered evidence – particularly in light of the fact that the USDA refused to provide a witness under *Touhy*. Discovery responses are routinely included in the trial record as a form of evidence.

Finally, this Court erred in concluding that the February 4, 2014 letter from Metts to the USDA (Plaintiff’s Exhibit 23) is responsive to the FOIA request. That letter from 2014 was not “supporting documentation” sent to the USDA with an Application for Federal Assistance dated July 18, 2012. That is illogical from a purely temporal standpoint. Likewise, the Court erred in concluding that the documents referenced on pages 6 and 7 of the opinion that came from the USDA were in the County’s possession when the FOIA request was made. There is no evidence to support that conclusion.

### **CONCLUSION**

Based on the foregoing discussion, the Appellant-Respondent Richland County respectfully requests that the Court rehear its decision in this case and reverse the Orders issued by

Circuit Court Judge DeAndrea Benjamin finding a FOIA violation and awarding declaratory relief to the Respondent-Appellant and declaring the Respondent-Appellant to be a prevailing party.

Respectfully submitted,

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CERTIFICATE OF SERVICE

Pursuant to Section (d)(1) of the Supreme Court’s Order Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules (As Amended April 24, 2024), the undersigned employee of Lindemann Law Firm, P.A., counsel for the Appellant-Respondent Richland County, does hereby certify that service of the **Petition for Rehearing Directed at Opinion Re-Filed January 2, 2025** and the **Memorandum in Support of Petition for Rehearing Directed at Opinion Re-Filed January 2, 2025** in the above-captioned matter was made upon all counsel of record by email only this the 17th day of January 2025 as follows:

Jenkins M. Mann, Esquire  
Shaun C. Blake, Esquire  
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Email: [jmann@rogerslewis.com](mailto:jmann@rogerslewis.com)  
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January 17, 2025

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SC Court of Appeals

Via Email Only

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
Email: [ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)

RE: Wendy Brawley v. Richland County, South Carolina  
Appellate Case Number: 2020-001135  
Civil Action Number: 2015-CP-40-1805  
Our File Number: 314.9670

Dear Ms. Kitchings:

Pursuant to Section (b)(2) of the Supreme Court's Order RE: Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules (as Amended April 24, 2024), please find enclosed for filing the **Petition for Rehearing Directed at Opinion Re-Filed January 2, 2025** and the **Memorandum in Support of Petition for Rehearing Directed at Opinion Re-Filed January 2, 2025** in the above referenced matter. In accordance with Section (d)(1) of this same Order, I am hereby serving copies on all counsel of record. The \$50.00 filing fee will be sent to the Court via U.S. Mail.

If you have any questions, please advise.

Sincerely,

LINDEMANN LAW FIRM, P.A.

Andrew F. Lindemann

AFL/jmb  
Enclosures

cc: Jenkins M. Mann, Esquire (w/ Enclosures, Via Email Only)  
Shaun C. Blake, Esquire (w/ Enclosures, Via Email Only)