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S.C. SUPREME COURT

THE STATE OF SOUTH CAROLINA
In The Supreme Court

IN THE ORIGINAL JURISDICTION OF THE SUPREME COURT

Appellate Case No. 2025-000102

David J. Mason, Individually and as Class Representative,Petitioner,

v.

Town of Surfside Beach, SC; City of North Myrtle Beach, SC;
and P2 of SC, LLC, d/b/a Pivot Parking Respondents.

**RESPONDENTS' RETURN TO PETITION
FOR ORIGINAL JURISDICTION AND EXPEDITED CONSIDERATION**

LINDEMANN LAW FIRM, P.A.
Andrew F. Lindemann, SC Bar No. 13030
P.O. Box 6923
Columbia, SC 29260
andrew@ldlawsc.com
(803) 881-8920

*Counsel for Respondent Town of Surfside
Beach, SC*

JAMES E. SMITH JR., PA
James E. Smith Jr., SC Bar No. 8733
1422 Laurel Street
Columbia, SC 29201
james@jamesmithpa.com
(803) 933-9800

*Counsel for Respondent P2 of SC, LLC d/b/a
Pivot Parking*

MAYNARD NEXSEN PC
Elbert Stockman Dorn, Sr., SC Bar No. 7883
101 Johnson Ave., Suite 300
Myrtle Beach, SC 29577
edorn@maynardnexsen.com
(843) 213-5412

Kirsten E. Small, SC Bar No. 75681
Rebecca Jennings Capece, SC Bar No. 103200
104 S. Main Street, 9th Floor
Greenville, SC 29601
ksmall@maynardnexsen.com
rcapece@maynardnexsen.com
(864) 370-2211

*Counsel for Respondent City of North Myrtle
Beach, SC*

INTRODUCTION

For the Court even to consider investing its limited resources in an original jurisdiction matter, a petition must demonstrate both that bypassing the normal judicial process is necessary to avoid material prejudice to the parties and that there is a basis for original jurisdiction, such as a matter of significant public interest or an emergency. The Petition here fails to make either of these required showings, and indeed it is clear that they cannot be made.

First, original jurisdiction is not necessary to avoid material prejudice to the parties. While the Proposed Complaint is couched in terms of declaratory and injunctive relief, it is clear from a cursory review that the primary purpose of this action is monetary relief in the form of refunded parking fines. Such matters are routinely handled by the circuit court, and Petitioner alleges no facts demonstrating any prejudice that would result from following the usual course. In fact, Petitioner's counsel has filed in the circuit court a nearly identical action against another municipality and its parking vendor.

Second, Petitioner's only asserted basis for original jurisdiction—that the validity of municipal contracts for parking administration services is a matter of public interest—does not withstand scrutiny. Petitioner is asking this Court to exercise original jurisdiction over a legal technicality—whether parking citations must be issued by municipal employees as opposed to a duly contracted parking-services vendor—of interest only to scofflaws who have violated municipal parking ordinances.

Additionally, this matter is wholly unsuitable for the exercise of original jurisdiction. The Petition asks the Court to “uphold” an informal Attorney General opinion stating in very general terms that a municipality improperly delegates its police powers by contracting with a private entity for parking enforcement. But even if the Petition were limited to this question—it is not, as discussed *infra*—the issue is nowhere near as simple and straightforward as the Petition attempts

to make it seem. Assuming without conceding that there are constitutional limits on a home-rule municipality's authority to enter into contracts with private vendors, the real question is whether such limits (if they exist) have been exceeded. This question, which must be resolved separately as to each Respondent Municipality, depends on specific facts which can only be developed through discovery and motions practice. Additional difficulties are posed by Petitioner's decision to plead this case as a class action. The putative class, as defined by Petitioner, includes members from outside South Carolina and is for a time period far exceeding the applicable statute of limitations. Moreover, the Proposed Complaint explicitly seeks relief, including monetary relief, not just against the two named municipalities but also against "*any* city or county or towns in South Carolina which contracted with Defendant Pivot Parking to enforce their parking ordinances." (Proposed Compl. ¶ 16 (emphasis added).) The exercise of original jurisdiction would require the Court to unnecessarily enmesh itself in these matters, which are best suited to resolution by the circuit court in the first instance—as evidenced by the fact that Petitioner's counsel has filed essentially the same action against another municipality in circuit court.

Consistent with its primary role as an appellate court, the Court should deny the Petition so that this action can proceed through the ordinary course of litigation.

BACKGROUND

Petitioner David J. Mason filed the pending Petition for Original Jurisdiction on January 17, 2025, naming as Respondents the Town of Surfside Beach, South Carolina ("the Town"); the City of North Myrtle Beach, South Carolina ("the City," and together with the Town, "the Municipalities"); and P2, LLC d/b/a Pivot Parking ("Pivot Parking," and collectively with the Municipalities, "Respondents"). Based on an informal Attorney General opinion issued on November 15, 2024, Petitioner contends that the Town and the City have impermissibly delegated their police powers by contracting with Pivot Parking to administer their respective parking

programs, including through the issuance of citations for parking violations.

The Proposed Complaint filed with the Petition alleges that in October 2024, Petitioner “was issued a citation for a parking violation in the Town . . . which was issued by Defendant Pivot Parking in the amount of \$200.00.” (Proposed Compl. ¶ 9.) Petitioner does not dispute that he committed the infraction and the Proposed Complaint alleges no facts regarding whether Petitioner paid the fine. Petitioner alleges upon information and belief that “allowing a private entity to police parking violates” unspecified “laws of the State of South Carolina, including those procedures by which Pivot Parking is the entity to which there can be an appeal” of a parking citation. (Proposed Compl. ¶ 10.) However, the Proposed Complaint does not allege that Petitioner attempted to appeal the parking citation. Citing the informal Attorney General opinion, Petitioner alleges that “this scheme is illegal and unconstitutional.” (*Id.*)

Petitioner seeks declaratory and injunctive relief on behalf of himself and a putative class defined as:

[A]ll persons who were cited for parking violations in any city or county or towns in South Carolina which contracted with Defendant Pivot Parking to enforce their parking ordinances from 2017 to 2024.

(Proposed Compl. ¶ 16.) The declaratory relief sought includes a “declaration . . . requiring the Defendants to refund the illegal fines from the Plaintiff and Plaintiff Class” and an “order that all cities, towns, and counties who have employed Pivot Parking . . . refund the Plaintiff and all Plaintiff Class member for all parking fines collected in violation of” South Carolina law. (Proposed Compl. ¶¶ 26-27.) The Prayer for Relief includes demands for various and inconsistent forms of monetary relief, including that (1) “a common fund be formed and that any money in any city, county or state budget or account currently being held in such account cannot be used for any municipal, county or town budget pending the outcome of this case”; that (2) “all cities, towns and counties in South Carolina which have collected monies through a contract with Pivot Parking”—

none of which, other than the Town and the City, is identified in the Proposed Complaint or named as a defendant—“be ordered to refund those monies and that Pivot Parking also be ordered to refund any monies it has collected currently in its accounts”; and that (3) “all parking revenues collected by the Town . . . and the City . . . and any other city, town or county in South Carolina” that contracts with Pivot Parking “be held in trust . . . pending the outcome of this lawsuit and that such monies be refunded to those Class members who paid the tickets.” (Prayer for Relief ¶¶ B, D, F.)

ARGUMENT¹

This Court has recognized that its “primary function is to act as an appellate court to review appeals from the trial courts.” *Key v. Currie*, 305 S.C. 115, 406 S.E.2d 356, 357 (1991). Under the South Carolina Constitution and Rule 245, SCACR, this Court has “the authority to . . . entertain actions in its original jurisdiction.” *Id.* But the exercise of original jurisdiction is the exception, not the rule. As explained herein, the Petition fails to meet any of the minimum requirements for the exercise of original jurisdiction. Additionally, and contrary to Petitioner’s contention that the Court need only answer a straightforward legal question (*see* Petition at 8), resolution of the claims asserted in the Proposed Complaint will require extensive discovery concerning not only the specific facts of each Municipality’s contractual relationship but also as to the appropriateness of class certification and whether the Proposed Complaint even alleges a justiciable claim.²

¹ Although the merits of Petitioner’s claims are not presently before the Court, certain problems with the allegations and claims of the Proposed Complaint are relevant to whether the Court should entertain this matter in its original jurisdiction. In making such arguments, Respondents expressly reserve any and all available arguments and defenses against the Proposed Complaint.

² Among other justiciability problems, Petitioner lacks standing to assert any claim against the City because he does not allege that he was ever cited for violating any City parking ordinance. *See Gardner v. S.C. Dep’t of Revenue*, 353 S.C. 1, 23, 577 S.E.2d 190, 201 n.14 (2003) (“[A] plaintiff may not sue a defendant unless the plaintiff has suffered an injury at the hands of the defendant.”)

I. The Petition Fails to Establish the Minimum Requirements for the Exercise of Original Jurisdiction

Rule 245(a), SCACR, establishes the minimum showing required for the exercise of original jurisdiction:

The Supreme Court will not entertain matters in its original jurisdiction when the matter can be determined in a lower court in the first instance, without material prejudice to the rights of the parties. If the public interest is involved, or if special grounds of emergency or other good reasons exist why the original jurisdiction of the Supreme Court should be exercised, the facts showing the reasons must be stated in the petition.

Rule 245(a), SCACR; *see Modern Fin. Co. v. Hicks*, 235 S.C. 212, 215, 110 S.E.2d 859, 860–61 (1959) (“This court is and should be primarily concerned with appellate matters; it should not exercise original jurisdiction in matters cognizable in the circuit courts except when necessary in the public interest, or because of emergency, or for some other compelling reason.”). Rule 245 and its predecessors were “adopted for the purpose of this court protecting itself in the orderly manner of conducting the business of this court from the tremendous burden of hearing originally an avalanche of cases.” *King v. Aetna Ins. Co.*, 168 S.C. 84, 167 S.E. 12, 15 (1932) (internal quotation marks omitted). Thus, the burden is on Petitioner to state facts showing *both* “material prejudice to the rights of the parties” if this matter is determined in the circuit court in the first instance, *and* that this matter involves a significant public interest, an emergency, or some other compelling reason for this Court to entertain this matter in its original jurisdiction. Petitioner utterly fails to meet this burden.

A. No Party Will Suffer Material Prejudice if the Matter Is Resolved by the Circuit Court in the First Instance

Rule 245(a) requires a petitioner to state facts showing material prejudice to the parties’ rights if the matter proceeds first in circuit court. This obligation stems from the long-recognized principle that original jurisdiction is inappropriate when a matter involves issues of fact and law

and there is “ample time” to have those issues “regularly heard and decided in the circuit court.” *State v. Gibbes*, 108 S.C. 136, 93 S.E. 449, 449 (1917). Petitioner fails to make the required factual showing.

Petitioner does not contend that his rights or the rights of any putative class member will be materially prejudiced if this matter proceeds in the circuit court in the first instance. Instead, Petitioner purports to be concerned that the Municipalities may suffer “severe financial hardship” if they are ordered to repay allegedly improper parking fines after the “five or more years” it may take for this matter to reach the Court in its appellate jurisdiction. (Petition at 9.) However, Petitioner alleges no facts whatsoever in support of this contention.

The absence of any prejudice is confirmed by *Daniel v. City of Myrtle Beach, et al.*, No. 2025-CP-26-00425 (S.C. Ct. of Common Pleas for Horry Cty. filed Jan. 17, 2025), filed by Petitioner’s counsel on the same day the Petition was filed in this Court. The *Daniel* complaint, attached hereto as **Exhibit A**, makes allegations that are nearly identical to those of the Proposed Complaint here and seeks exactly the same forms of “declaratory and injunctive relief.”³ This filing alone negates any possibility that original jurisdiction is necessary to avoid material prejudice to the parties’ rights.

B. There Is No Issue of Significant Public Interest or Other Compelling Reason to Exercise Original Jurisdiction

The Petition also fails to identify any “question of significant public interest” supporting

³ The *Daniel* complaint was removed to federal court on February 27, 2025 and pending under Case No. 4:25-cv-01231-SAL.

At least two additional actions have been filed by different attorneys, asserting similar claims against different municipalities and their parking vendors. *See Smith v. City of Isle of Palms, et al.*, No. 2025-CP-10-00755 (S.C. Ct. of Common Pleas for Charleston Cty. filed Feb. 11, 2025); *Black v. City of Beaufort, et al.*, No. 2025-CP-07-00423 (S.C. Ct. of Common Pleas for Beaufort Cty. filed Feb. 19, 2025).

the exercise of original jurisdiction. The Petition claims that a significant public interest is demonstrated by the fact that the Town has “collected in excess of \$1,000,000.00 for parking tickets issued by Pivot Parking.” (Petition at 7; *see also* Proposed Compl. ¶ 11 (alleging that the Town “took in over \$1 million . . . in parking fines by contracting with Pivot Parking last year”).) The Petition and the Proposed Complaint grossly mischaracterize the statements in the *My Horry News* article on which Petitioner relies, and which is attached to the Petition as Exhibit 3. The article clearly states that the \$1 million figure comprises revenue from “parking enforcement *and* collections at city metered parking spaces,” not from parking fines *alone*. (Petition Ex. 3 (emphasis added).)⁴

Based on the erroneous \$1 million figure, Petitioner contends that the Plaintiff Class is so numerous that joinder is impractical, theorizing that “there would be over 5,000 class members” who received \$200 parking citations like Petitioner’s. (Proposed Complaint ¶ 12.) Petitioner’s math is wholly speculative. For example, Petitioner fails to allege any factual basis for his assumption that all parking citations issued by the Town are for \$200. In fact, a \$200 fine is authorized for only two out of twelve possible parking violations; all the others are subject to a fine of \$50. *See* Town of Surfside Beach Code of Ordinances § 9-17. Whatever public interest there may be in determining the propriety of such modest fines, it is not sufficiently significant to

⁴ It is well settled that newspaper articles are not admissible evidence. *See Trustees of Erskine College v. Central Mut. Ins. Co.*, 270 S.C. 118, 123, 241 S.E.2d 160, 162-63 (1978) (holding that newspaper articles “are unsworn statements and contain hearsay evidence” and thus “are not to be considered in a motion for summary judgment”); *see also Gantt v. Whitaker*, 57 F. App’x 141, 150 (4th Cir. 2003) (“[N]ewspaper articles are inadmissible hearsay to the extent they are introduced to prove the factual matters asserted therein.” (internal quotation marks omitted)); *Carolina Buggy Tours, LLC v. Gay*, 2008 WL 2690237, at *2 (D.S.C. July 1, 2008) (“a newspaper article is hearsay . . . [and] is not evidence”).

warrant the exercise of this Court’s original jurisdiction.⁵

Any claim regarding the public interest is further undermined by the factual basis of Petitioner’s claim. Petitioner concedes that neither he nor the members of the putative class would have any grounds to challenge parking citations issued by municipal employees. (Petition at 2.) In other words, Petitioner admits that he and the members of the putative class actually violated the Town’s parking ordinances.⁶ Petitioner seeks to have parking fines refunded not on the merits-based ground that no violations occurred but rather on the technical basis that an otherwise proper citation was allegedly issued by the wrong person (a Pivot Parking employee instead of a municipal employee). Regardless of whether refunds may ultimately be ordered, there is no “significant public interest” in allowing people to avoid the consequences of their own misconduct.

Petitioner also contends that a significant public interest is shown by the fact that other municipalities may have entered into similar contracts with private entities for administration of their parking programs. (Petition at 5, 6-7 & nn.3-5.) To begin, none of these other municipalities or private entities is before the Court, because Petitioner elected not to name them as defendants. But even if the Proposed Complaint named every private parking contractor and all of the municipalities that have contracted with them, the nature of the claims would not change. Petitioner would still be asking this Court to exercise original jurisdiction for the benefit of those who admittedly violated the law.

Petitioner contends that this Court has exercised original jurisdiction “in several recent

⁵ Notably, anyone who received a \$50 citation would not meet the \$100 amount-in-controversy requirement imposed by Rule 23(a), SCACR, in actions seeking monetary relief. And, while the propriety of class certification is not presently at issue, the Court should not be misled by the fact that Petitioner’s claims are couched in terms of declaratory and injunctive relief. Even a cursory review of the Proposed Complaint makes clear that the “primary relief” sought is monetary. (Proposed Compl. ¶¶ 22, 26, 27, and Prayer for Relief ¶¶ B, D, E, F.)

⁶ The Proposed Complaint contains no allegations regarding any citations issued by the City.

cases involving challenges to local ordinances or actions.” (Petition at 4.) The cases cited, however, involved circumstances far more compelling than those here. In *Adams v. McMaster*, for example, the petitioners sought to prohibit the Governor from using federal funds granted to support schools during the COVID-19 pandemic to pay for private-school tuition vouchers. 432 S.C. 225, 231-233, 851 S.E.2d 703, 706-07 (2020). The legal question before the court was both specific—whether the voucher plan violated a particular provision of the South Carolina Constitution—and urgent, because distribution of vouchers was imminent. *Aakjer v. City of Myrtle Beach* likewise concerned the narrow question of whether a local motorcycle helmet ordinance was preempted by specific state statutes. 388 S.C. 129, 133, 694 S.E.2d 213, 215 (2010). Another narrow and urgent question was presented in *O’Brien v. South Carolina ORBIT*, where the petitioners sought to forestall a municipality’s attempt to circumvent the constitutional prohibition on investing in equity securities, an action which would have placed employee retirement funds at risk. 380 S.C. 38, 668 S.E.2d 396 (2008). Two of the other cases cited by Petitioner involved questions important to upcoming elections. *See Mitchell v. City of Greenville*, 411 S.C. 632, 633-34, 770 S.E.2d 391, 391-91 (2015) (interpretation of ordinance establishing method of nomination for upcoming municipal elections); *State v. County of Florence*, 406 S.C. 169, 749 S.E.2d 516 (2013) (ordinance approving a referendum for submission to voters during the general election the following month).

In each of these cases, this Court exercised original jurisdiction over matters that presented narrow legal questions involving actions contemplated to occur in the very near future. They do not support the exercise of original jurisdiction in this case, which presents fact-dependent questions regarding past events.

II. This Case Is Otherwise Unsuitable for the Exercise of Original Jurisdiction

Petitioner’s failure to show that this matter meets the minimum prerequisites for original

jurisdiction is by itself sufficient grounds for denial of the Petition. But there are other reasons why this case is not suitable for determination in the Court’s original jurisdiction. Respondents will not burden the Court with an exhaustive catalog of the Proposed Complaint’s numerous and intractable flaws. Suffice it to say that the following discussion merely highlights the most immediately obvious reasons why original jurisdiction is inappropriate.

Most importantly, the Petition fails to present a clean legal question, resolution of which would resolve, or at least meaningfully advance resolution of, Petitioner’s claims. The legal question identified by Petitioner is whether the Court should “uphold[] the South Carolina Attorney General’s opinion that private companies cannot enforce parking violations in cities and towns in South Carolina since to do so is an unconstitutional delegation of police powers.” (Petition at 8.) Even if there is some limitation on a home rule municipality’s authority to enter into contracts with private entities—which Respondents do not concede—a mere statement of that general proposition would not resolve Petitioner’s claims. To prevail on his claims, Petitioner must prove, separately as to the Town and the City, that any applicable limitation has been exceeded. As a 1995 opinion by then-Attorney General Condon makes clear, answering this question requires a fact-intensive inquiry into the nature of the duties to be performed, the limits of the authority conferred on the private company, and the amount of supervision exercised by the municipality. *See* 1995 Op. Atty. Gen., 1995 WL 367934, at *1 (S.C.A.G. May 23, 1995).⁷

The 1995 opinion considered whether the Town of Kiawah Island could adopt an ordinance allowing private security personnel to issue ordinance summonses on the beach between the high- and low-tide lines. *See id.*; *see also* S.C. Code Ann. § 56-7-80 (authorizing municipal code

⁷ Although directly relevant to the issues, the 1995 opinion is neither referenced nor discussed in the 2024 informal opinion on which Petitioner relies.

enforcement officers). The opinion cautioned, “It goes without saying that the municipality could not abdicate its police power responsibilities to a private corporation.” *Id.* at *5 (citing Op. Atty. Gen. No. 85-81 (S.C.A.G. Aug. 8, 1985)). However, the analysis continued, whether an arrangement constitutes an unlawful delegation of police power depends upon the specific facts:

[t]he validity of any specific contract is in large measure dependent upon the particular duties delegated to the corporation and the degree of control which the State maintains over it. Important policy considerations would underlie the legal questions involved.

Id. (quoting Op. Atty. Gen. 85-81). The 1995 opinion cited numerous decisions upholding contracts between municipalities and private companies for the performance of municipal functions. *See id.* at *5-6. It also took care to point out that “[p]revious opinions of this Office” on the same subject “not only did not consider the effect of a municipality’s Home Rule powers . . . but were rendered prior to the enactment of [S.C. Code Ann.] § 5-7-32.” *Id.* at *4; *see* S.C. Code Ann. § 5-7-32 (providing that “[a] municipality may appoint and commission as many code enforcement officers as may be necessary for the proper security, general welfare, and convenience of the municipality”). The 1995 opinion concluded:

it is our opinion that your proposed contract whereby private security guards are appointed as code enforcement officers would be valid. So long as the municipality limits the duties of these officers to those set forth in Section 56-7-80, insures that such officers do not have the power of custodial arrest, and maintains sufficient supervision and control over these officers by virtue of the contract, we believe this arrangement would withstand scrutiny[.]

Id. at *6.

The Petition and the Proposed Complaint allege virtually no facts about the arrangement between the Town and Pivot Parking, and even fewer regarding the City’s contract with the company. Extensive discovery will be necessary to develop a factual record sufficient to allow the Court to hear evidence and make factual findings as to each Municipality’s particular relationship

with Pivot Parking and then, based on those facts, to decide the legal question of each contract's validity. Moreover, this Court has held that “[o]ur precedent imposes a high threshold for finding a statute unconstitutional. ‘All statutes are presumed constitutional and will, if possible, be construed so as to render them valid.’” *Richardson ex rel. 5th Cir. Drug Enf’t Unit v. Twenty Thousand Seven Hundred Seventy-One & 00/100 Dollars*, 437 S.C. 290, 297, 878 S.E.2d 868, 871 (2022) (quoting *State v. Harrison*, 402 S.C. 288, 292-93, 741 S.E.2d 727, 729 (2013)). Likewise, “[a] municipal ordinance is a legislative enactment and is presumed to be constitutional.” *Ani Creation, Inc. v. City of Myrtle Beach Bd. of Zoning Appeals*, 440 S.C. 266, 278, 890 S.E.2d 748, 754 (2023) (quoting *Town of Scranton v. Willoughby*, 306 S.C. 421, 422, 412 S.E.2d 424, 425 (1991)). “A legislative enactment will be declared unconstitutional only when its invalidity appears so clearly as to leave no room for reasonable doubt that it violates a provision of the constitution.” *Richardson*, 437 S.C. at 297, 878 S.E.2d at 871 (quoting *Joytime Distribs. & Amusement Co. v. State*, 338 S.C. 634, 640, 528 S.E.2d 647, 650 (1999)).

There are also serious justiciability questions that would have to be resolved before the Court could even reach the delegation question. For one thing, Petitioner does not allege he was ever cited by the City and thus lacks standing to assert any claim against it. *See Gardner*, 353 S.C. at 23 n.14, 577 S.E.2d at 201 n.14 (“[A] plaintiff may not sue a defendant unless the plaintiff has suffered an injury at the hands of the defendant.”). Moreover, Petitioner lacks standing to seek prospective relief against any Respondent. To demonstrate standing, Petitioner must show “an actual injury in fact, not a prospective concern of future harm.” *Sea Pines Ass’n for Prot. of Wildlife, Inc. v. S.C. Dep’t of Nat. Res.*, 345 S.C. 594, 602, 550 S.E.2d 287, 292 (2001). Here, however, the only possible future injury—a parking citation issued under an allegedly impermissible delegation of police powers—will occur only if Petitioner makes “a voluntary

decision . . . to violate the law.” *Worthy v. City of Phenix City*, 930 F.3d 1206, 1215 (11th Cir. 2019). As the 11th Circuit held in *Worthy*, standing for injunctive relief cannot be established when any future injury is self-inflicted.

Petitioner’s decision to plead his claims as a class action is yet another reason why this case is not suitable for the exercise of original jurisdiction. To begin, the Court will have to address procedural matters specific to class actions before considering the substantive legal issues. *See* Rule 23(d), SCRCF (requiring that suitability for class treatment be determined “[a]s soon as practicable”). Discovery and motions practice will be needed to address the prerequisites for class treatment; satisfaction of those prerequisites would then engender further factual and legal issues concerning the class definition, whether there should be multiple classes or subclasses, and how class members are to be identified and notified. Such fact-bound, discovery-intensive questions simply are not appropriate for resolution by this Court.

Respondents further dispute justiciability on the grounds that Petitioner could have challenged the constitutionality of his citation in municipal court after the citation was issued. As this Court has explained, “Declaratory relief should not be accorded to try a controversy by piecemeal, or to try particular issues without settling the entire controversy.” *Williams Furniture Corp. v. Southern Coatings & Chem. Co.*, 216 S.C. 1, 7, 56 S.E.2d 576, 578 (1949) (internal quotation marks omitted). “Nor should [declaratory] relief be granted when the remedy is invoked merely to try issues or determine the validity of defenses in pending cases.” *Id.* “The wholesome purposes of declaratory acts would be aborted by its use as an instrument of procedural fencing either to secure delay *or to choose a forum.*” *Id.* (emphasis added; internal quotation marks omitted). Likewise, this Court has held that “[d]eclaratory relief will ordinarily be refused where another remedy will be more effective or appropriate under the circumstances.” *Garris v.*

Governing Bd. of S.C. Reinsurance Facility, 319 S.C. 388, 390, 461 S.E.2d 819, 821 (1995); *see Williams Furniture*, 216 S.C. at 7-8, 56 S.E.2d at 578-79 (holding that courts “ordinarily . . . will refuse a declaration where a special statutory remedy has been provided, or where another remedy will be more effective or appropriate under the circumstances” and that “[g]ratuitous interference with the orderly processes of special statutory tribunals should be avoided”). In short, Petitioner had the opportunity to challenge his parking citation as unconstitutional in a municipal court proceeding adjudicating that specific parking violation, just as a criminal defendant may challenge the constitutionality of a sentence or fine in the specific criminal matter where it is levied. That tribunal may rule on that issue, and the Petitioner would then have appellate rights—first to the circuit court and then to the appellate courts—to obtain a decision on the constitutionality of the citation at issue. That would be the appropriate forum for a proper constitutional adjudication.

CONCLUSION

The extraordinary circumstances necessary to warrant the exercise of original jurisdiction by this Court simply are not present here, and other factors counsel strongly against doing so. Accordingly, the Petition should be denied.

Signatures on following page

Respectfully submitted,

LINDEMANN LAW FIRM, P.A.

s/Andrew F. Lindemann

Andrew F. Lindemann, SC Bar No. 13030
P.O. Box 6923
Columbia, SC 29260
andrew@ldlawsc.com
(803) 881-8920

*Counsel for Respondent Town of Surfside
Beach, SC*

JAMES E. SMITH JR., PA

s/James E. Smith Jr.

James E. Smith Jr., SC Bar No. 8733
1422 Laurel Street
Columbia, SC 29201
james@jamesmithpa.com
(803) 933-9800

*Counsel for Respondent P2 of SC, LLC d/b/a
Pivot Parking*

March 3, 2025
Myrtle Beach, South Carolina

MAYNARD NEXSEN PC

s/Elbert Stockman Dorn, Sr.

Elbert Stockman Dorn, Sr., SC Bar No. 7883
101 Johnson Ave., Suite 300
Myrtle Beach, SC 29577
edorn@maynardnexsen.com
(843) 213-5412

Kirsten E. Small, SC Bar No. 75681
Rebecca Jennings Capece, SC Bar No. 103200
104 S. Main Street, 9th Floor
Greenville, SC 29601
ksmall@maynardnexsen.com
rcapece@maynardnexsen.com
(864) 370-2211

*Counsel for Respondent City of North Myrtle
Beach, SC*