

THE STATE OF SOUTH CAROLINA
In The Supreme Court

ON CERTIFIED QUESTION
from the United States District Court
for the District of South Carolina

The Honorable Mary Geiger Lewis
Case No. 3:22-cv-03898-MGL

Appellate Case No. 2024-0001240

William M. Luce, on behalf of himself and all
similarly situated natural persons,

Plaintiff,

v.

Lexington County Health Services District, Inc.,
Brian D. Smith in both his official and individual
capacity, and Lynn Coggins in both her official and
individual capacity,

Defendants.

**MOTION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF BY
SOUTH CAROLINA PUBLIC EMPLOYEE BENEFIT AUTHORITY**

Pursuant to Rule 213 of the South Carolina Appellate Court Rules, the South Carolina Public Employee Benefit Authority (PEBA) moves for leave to file an *amicus curiae* brief in the above-captioned matter. PEBA is the state agency responsible for the administration and management of the state's retirement systems and employee insurance programs for South Carolina's public workforce. PEBA manages retirement plans for numerous South Carolinians by serving as the fiduciary stewards of the contributions and disbursements of the pension trust funds.

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PEBA helps ensure that the state’s public employers can offer their employees a comprehensive and financially viable retirement plan that is responsive to their needs and is equitable to all stakeholders.

Before the Court is a certified question from the United States District Court for the District of South Carolina asking whether certain wages earned by Plaintiff William M. Luce as a working retiree constitute “earnable compensation” subject to employer deductions under S.C. Code Ann. § 9-1-1020. Depending on how the Court answers this question, the Court’s decision may have an impact on the state retirement systems and other members of the retirement systems who are not parties to this case. Because PEBA is the state agency charged with maintaining the financial stability and long-term viability of the retirement systems, PEBA submits that a brief from PEBA will provide the Court with useful information that may assist the Court in making a decision. A copy of PEBA’s brief is being conditionally filed with this motion. *See* Rule 213, SCACR.

Accordingly, PEBA respectfully requests that the Court grant PEBA leave to file an *amicus curiae* brief.

Respectfully submitted,

s/Tina Cundari

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Columbia, South Carolina
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