

THE STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

Diane S. Goodstein, Circuit Court Judge

Appellate Case No. 2023-001601

Portfolio Recovery Associates, LLC
Assignee of Synchrony Bank/HH Gregg,
Petitioner

v.

Jennifer Campney, Respondent

and

Jennifer Campney, Third-Party Plaintiff

v.

Cooling & Winter, LLC, Third-party Defendant,
of whom Jennifer Campney is the Respondent

AMENDED MOTION TO ALLOW AMICUS TO PARTICPATE IN ORAL ARGUMENT

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Mar 11 2025

S.C. SUPREME COURT

Respondent Jennifer Campney (“Campney”) files this Motion to Allow Amicus South Carolina Department of Consumer Affairs (“SCDCA”) to Participate in Oral Argument (“Motion”) for the following reasons:

1. **Amicus has a personal stake in this case.** Amicus SCDCA, as can be seen in its filed amicus brief, represents the state of South Carolina as its agency in charge of consumer protection. In that capacity, it enforces the South Carolina Consumer Protection Code (“SCCPC”) and represents the consumers of South Carolina that are protected by that law. Petitioner (“PRA”) is asking this Court to find that federal law preempts the SCCPC. If this Court agrees with Petitioner, SCDCA will lose the ability to enforce the SCCPC as it applies to creditors like PRA, and possibly as to other creditors as well, which means that South Carolina consumers could lose the protections of this law. Campney believes that there are likely thousands of South Carolina consumers that are sued every year in South Carolina state courts by debt buyers like PRA. Therefore, Campney believes that SCDCA should be allowed to participate in oral argument to protect its interest in enforcing the SCCPC and to help the South Carolina consumers protected by that state law.
2. **Amicus’ participation at oral argument in the Court of Appeals was invaluable.** SCDCA was allowed to participate in oral argument in the Court of Appeals and used the majority of Campney’s allotted time for oral argument. The judges of the Court of Appeals valued the input of SCDCA regarding the impact of this case on South Carolina consumers and were able to ask much harder questions regarding the issues in this case due to SCDCA’s expertise and regulatory knowledge regarding the SCCPC provisions at issue. Indeed, the Court of Appeals only ruled in Campney’s favor on the issues that SCDCA briefed and argued in that court, so they found SCDCA’s arguments persuasive.
3. **Only SCDCA has extensively briefed the new arguments first raised by PRA on appeal.**

The majority of the issues upon which PRA’s Petition in this Court have been granted are new issues

that were raised for the first time on appeal by PRA in response to SCDCA's amicus brief that was filed in the Court of Appeals. SCDCA was not allowed to file a reply to the PRA response brief in the Court of Appeals, since its motion for permission to reply was denied in that court, so the SCDCA amicus brief just recently filed in this Court is the most complete response to PRA's new arguments, and SCDCA would be best able to defend that brief at oral argument due to the complex novel arguments raised by PRA in its briefs filed in this Court.

Prior to filing this Motion with the Court, the undersigned counsel for Campney communicated with counsel for PRA by phone yesterday to request PRA's consent to this Motion, PRA's counsel has informed Campney's counsel today via email that PRA does not consent to the Motion. This Motion has been amended solely to update PRA's position on the Motion. No other changes have been made.

CONCLUSION

For the reasons indicated above, Campney respectfully requests that this Court allow SCDCA to participate in oral arguments before this Court. If it please the Court, Campney also requests that SCDCA be granted separate equal time as the parties during oral argument. In the alternative, Campney is willing to share any of her oral argument time with SCDCA if necessary, as was done during oral argument at the Court of Appeals.

Dated this March 11, 2025.

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