

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

Diane Goodstein, Circuit Court Judge

Case No. 2018-CP-18-00729
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.

PETITIONER’S RETURN TO RESPONDENT’S AMENDED MOTION TO ALLOW
AMICUS TO PARTICIPATE IN ORAL ARGUMENT

Petitioner Portfolio Recovery Associates, LLC Assignee of Synchrony Bank/HH Gregg (“Petitioner”) submits its Return to Respondent’s Amended Motion to Allow Amicus to Participate in Oral Argument (the “Motion”) and respectfully requests the Motion be denied.

There are no extraordinary circumstances in this case which would require deviation from the rule that amicus curiae’s participation in an appeal is limited to the filing of a brief. *See* Rule 213, SCAR; 16 S.C. Jur. Brief of Amicus Curiae § 4 (“Historically, an amicus curiae has been allowed only to file a brief with the appellate court, but not to otherwise participate in the appeal

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process or in oral argument”). Respondent does not cite any exceptional circumstances to support her request that the South Carolina Department of Consumer Affairs (“SCDCA”) be allowed to participate in oral argument. And in fact, the SCDCA, which has filed an expansive brief which thoroughly sets forth its position as to the right to cure provisions, has neither joined in the Motion nor filed its own motion for leave to participate in oral argument, and it is unclear whether Respondent has standing to seek such relief on the SCDCA’s behalf.

Further, SCDCA is not a party to the action and cannot and should not step into the shoes of either of the parties. Respondent has had multiple opportunities to fully brief the issues, both in response to the Petition for Discretionary Review and in Respondent’s Appellate Brief. Respondent is well represented in this matter as Respondent’s counsel has consistently represented Respondent from the trial of this matter through the current stage of this appeal. Finally, to the extent the Court should deem oral argument from the SCDCA beneficial, the SCDCA’s time should be drawn from that of the Respondent.

WHEREFORE, Respondent respectfully requests that the Court deny the Motion.

Respectfully submitted,

March 18, 2025

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