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S.C. SUPREME COURT

**VIA EMAIL ONLY**

The Honorable Patricia A. Howard  
Clerk of Court  
South Carolina Supreme Court  
[suptfilings@sccourts.org](mailto:suptfilings@sccourts.org)

RE: *Richard A. Butts, individually and on behalf of all others similarly situated v. Miriam Mace, in her official capacity as Treasurer of Georgetown County, and Georgetown County, South Carolina*  
Appellate Case Number: 2024-001481

RE: *Carroll Brown, individually and on behalf of all others similarly situated v. Harold M. Young, in his official capacity as Orangeburg County Administrator; Matt Stokes, in his official capacity as Orangeburg County Treasurer; Orangeburg County; and Orangeburg County Council*  
Appellate Case Number: 2025-000207

Dear Ms. Howard:

The Respondents submit this response to the Appellants' April 10, 2026 letter, filed pursuant to Rule 208(b)(7), SCACR, which calls the Court's attention to footnote 7 in *DomainsNewMedia.com, LLC v. Hilton Head Island-Bluffton Chamber of Commerce*, 423 S.C. 295, 814 S.E.2d 513 (2018).

That footnote does not support the Appellants' position. The Respondents do not dispute that the General Assembly has the authority to amend or supersede this Court's interpretation of a statute on a prospective basis.

The issue in this appeal, however, is fundamentally different. It is whether the General Assembly may retroactively dictate the outcome of pending cases by rewriting the law to validate a previously unlawful government action, specifically, the imposition of an illegal Road Fee, and apply that change to claims already filed and currently before the courts.

Such retroactive legislation does more than alter the law going forward; it attempts to change what the law *was* at the time this Court interpreted it in *Burns*. Under the South Carolina Constitution, only the judiciary has the authority to declare what the law is and was at any given time, and only the judiciary may adjudicate pending cases under the law as it exists.

Article I, Section 8 reserves these powers exclusively to the judiciary. Decades of precedent, from *Lindsay* through *Steinke*, *Simmons*, *JRS Builders*, and *Harleysville*, confirm that

the General Assembly may not retroactively override this Court's prior construction of a statute in order to control the outcome of pending litigation.

Nothing in footnote 7 of *DomainsNewMedia* addresses, undermines, or alters this settled principle; nor does it authorize the General Assembly to retroactively convert a county's unlawful collection of a road fee into a lawful act.

Respectfully submitted,

MCCULLOUGH ▪ KHAN ▪ APPEL



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