

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

Dr. Brian McClure,

Appellant,

vs.

Charleston County School District, Charleston
County School District Education Foundation,
Leah Whatley, Michelle Leber, Keith
Grybowski, Carlote Bailey, and Pamela
Mckinney,

Respondent.

IN THE COURT OF COMMON PLEAS
NINTH JUDICIAL CIRCUIT
Case No.: 2025-CP-10-01436

NOTICE OF APPEAL

RECEIVED

Jun 08 2026

SC Court of Appeals

TO: THE CLERK OF COURT FOR CHARLESTON COUNTY AND
COUNSEL FOR RESPONDENT:

PLEASE TAKE NOTICE that the Appellant, Dr. Brian McClure, by and through his undersigned counsel, hereby appeals to the South Carolina Court of Appeals from the Order entered in the above-captioned matter on April 6, 2026, affirming the termination decision of the Respondent, Charleston County School District. This appeal is taken pursuant to Rule 203(b)(1), South Carolina Appellate Court Rules, and includes all issues preserved in the Appellant's Motion to Reconsider filed April 6, 2026, and the underlying Order of May 1, 2026, which affirmed the Charleston County School District Board of Trustees' February 25, 2026 termination decision.

A copy of the April 6, 2026, Order affirming the termination decision of the Respondent is attached as Exhibit A.

A copy of the May 1, 2026, Order denying Appellant's Motion to Reconsider, Alter, or Amend is attached as Exhibit B.

Specifically, the Court's April 6, 2026, and May 1, 2026, Orders were in error for the

following, general reasons:

1. The Court's April 6, 2026, Order states that Appellant failed to demonstrate irreparable harm and the absence of an adequate remedy at law. Appellant established both of these elements factually during the hearing on his Motion. Further, Appellant respectfully submits that, because the operative claim arises under the South Carolina Freedom of Information Act, at S.C. Code Ann. § 30-4-100(A), a violation of FOIA, "must be considered to be an irreparable injury for which no adequate remedy at law exists."

2. The Court's Order failed to address whether the Board's vote on Michelle Faust was a new action item requiring compliance with S.C. Code Ann. § 30-4-80(A). The publicly posted agendas identified specific nominees by district, including Appellant as the District 8 nominee. On February 25, 2026, after Appellant's nomination failed, the Board then moved to a different nominee who was not identified on the agenda and whose materials were not publicly posted in advance. Appellant respectfully submits that this was not merely continued consideration of the same item, but the addition of a distinct nominee for final action without the notice, vote, and findings required by FOIA.

3. Appellant alternatively requested that the Court, Pursuant to Rule 52(a) of the South Carolina Rules of Civil Procedure, amend its Order to set forth more specific findings or reasoning concerning (a) irreparable harm, (b) lack of an adequate remedy at law, and (c) the basis for concluding that Appellant has not established a likelihood of success on the merits. The Court's May 1, 2026, Order failed to address Appellant's request.

Therefore, Appellant submits this Notice of Appeal and seeks reversal of the Circuit Court's April 6, 2026, Order denying Appellant's Motion for Injunctive Relief.

RESPECTFULLY SUBMITTED,

s/Emmanuel J. Ferguson, Sr.

Emmanuel J. Ferguson, Sr., SC Bar No.

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Attorney for Appellant

Charleston, South Carolina
May 22, 2026

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Dr. Brian McClure,

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CERTIFICATE OF SERVICE

RECEIVED

Jun 08 2026

SC Court of Appeals

I do hereby certify, on this date, that a copy of the foregoing **Notice of Appeal** in this matter **was served by U.S. Mail, first-class postage prepaid, and by email** to the following address:

Charleston County School District
Office of Legal Counsel
75 Calhoun Street
Charleston, South Carolina 29401

and

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s/Emmanuel J. Ferguson, Sr.

Emmanuel J. Ferguson, Sr.

Charleston, South Carolina
May 22, 2026