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LEGAL ARGUMENT

Pursuant to Rule 240 of South Carolina Appellate Court Rules, Respondents, by way of their counsel, hereby request this Court to deny Petitioners' June 22, 2026, filing requesting a writ of mandamus for Respondents to "cease and desist" certain discretionary acts. Notwithstanding the erroneous manner in which Petitioners submitted their petition, this Court should deny their request because the Petition does not outline circumstances placing the matter within this Court's jurisdiction nor do the allegations meet any of the factors permitting an issuance of a writ of mandamus.

Original Jurisdiction

"Although Article V, § 5, of the South Carolina Constitution vests this Court with the authority to issue extraordinary writs and entertain actions in its original jurisdiction, this Court's primary function is to act as an appellate court to review appeals from the trial courts. In Rule 229, SCACR, this Court has indicated it will not entertain matters in its original jurisdiction where the matter can be entertained in the trial courts of this State. Only when there is an extraordinary reason such as a question of significant public interest or an emergency will this Court exercise its original jurisdiction." Key v. Currie, 305 S.C. 115, 116, 406 S.E.2d 356, 357 (1991).

Here, Petitioners allege violations in contract law, tort, criminal law, administrative law, and education law. Even if these allegations, which involve governmental agencies, did constitute matters of public interest, no facts exist showing them to be significant or urgent enough to rise to the level necessitating original jurisdiction of this Court, nor proving them to not be subject to the jurisdiction of trial courts. Indeed, every allegation can be disposed through either administrative remedies or circuit court. Thus, the Court should find that it does not have jurisdiction of the allegations in the Petition.

Writ of Mandamus

“The writ of mandamus is the highest judicial writ known to the law. . . The primary purpose or function of a writ of mandamus is to enforce an established right, and to enforce a corresponding imperative duty created or imposed by law. It is designed to promote justice, subject to certain well-defined qualifications. Its principal function is to command and execute, and not to inquire and adjudicate.” Willimon v. City of Greenville, 243 S.C. 82, 86-87, 132 S.E.2d 169, 170-71 (1963).

Therefore, obtaining a writ of mandamus to enforce a specific performance requires a petitioner to show: 1) respondent’s duty to perform the act, 2) the ministerial nature of the act, 3) the petitioner’s right to benefit from the act, and 4) a lack of any other legal remedy. Porter v. Jedziniak, 334 S.C. 16, 512 S.E.2d 497 (1999); Redmond v. Lexington Co. Sch. Dist. No. Four, 314 S.C. 431, 445 S.E.3d 441 (1994). Writs of mandamus cannot rightfully be issued when the legal right being sought is doubtful or if the desired performance is discretionary. In re: Lyde, 284 S.C. 419, 327 S.E.2d 70 (1985). Importantly, issuing a writ a mandamus is within the Court’s discretion—it is not a matter of right. Linton v. Gaillard, 203 S.C. 19, 25 S.E.2d 896 (1943).

Here, the Petition itself refers to the alleged violations of matters of “discretion.” (Petition for Writ, p. 7). Further, the list of allegations in the Petition shows a series of actions, not inactions, Petitioners assert caused harm to them. Additionally, the Petitioners’ requested remedy is not to command or execute a ministerial action, but to award damages befitting a suit in a lower tribunal. Finally, the lower tribunals are the proper venue for awarding the remedies sought by Petitioners. Accordingly, these allegations—to which Respondents denies any liability—do not warrant an issuance of a writ of mandamus.

CONCLUSION

In conclusion, the Petition is not subject the original jurisdiction of the South Carolina Supreme Court, and Petitioners have alleged circumstances inappropriate for an issuance of a writ of mandamus. Thus, the Petition should be DENIED.

Respectfully Submitted:

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