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**Oct 27 2026**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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APPEAL FROM CHARLESTON COUNTY  
Circuit Court

Judge Robert J. Bonds

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Circuit Court Appellate No.: 2026-CP-10-01436  
Appellate Case No.: 2026-001286

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Dr. Brian McClure .....Appellant,

v.

Charleston County School District, Charleston County School District Education Foundation,  
Leah Whatley, Michelle Leber, Keith Grybowski, Carlotta Bailey, and Pamela McKinney  
..... Respondents,

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**RESPONDENTS' FINAL BRIEF**

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October 27, 2026

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## **STATEMENT OF THE ISSUES ON APPEAL**

- I. Did the lower court correctly determine that Appellant failed to demonstrate likelihood of success on the merits of his claim that Respondents violated FOIA where the posted agenda clearly gave the public notice of the actions taken at the February 25, 2026, meeting of the Charleston County School District Board of Trustees?
- II. Did the lower court correctly determine that Appellant failed to demonstrate irreparable harm?
- III. Did the lower court correctly determine that Appellant failed to demonstrate the inadequacy of any remedy at law?

## **STATEMENT OF THE CASE**

This appeal arises out of the denial of Appellant Brian McClure's request for a temporary restraining order and preliminary injunction. Appellant Brian McClure filed this action on March 18, 2026, seeking a declaratory judgment that Respondent Charleston County School District ("CCSD") violated the S.C. Freedom of Information Act, S.C. Code Ann. § 30-4-10, et seq. ("FOIA"), when, at its February 25, 2026, meeting, the CCSD Board of Trustees ("BOT") declined for the second time to appoint Appellant to the board of the newly-created CCSD Education Foundation ("Foundation") and instead appointed Michelle Faust. Appellant's Complaint also seeks injunctive relief and, to that end, explains that "[t]he Foundation is named [as a defendant] because Plaintiff seeks injunctive relief preventing the disputed appointment from being treated as valid while this action is pending." (R. p. 13). No substantive allegations are made against the Foundation.

On March 19, 2026, Appellant filed his Motion for Temporary Restraining Order and Preliminary Injunction ("Motion for TRO"), the denial of which is the basis of this appeal. The Motion for TRO requests an order prohibiting Respondents from treating the vote appointing Ms. Faust to the Foundation's board as valid, enjoining the Foundation from recognizing Ms. Faust as a board member, and enjoining the CCSD BOT from calling for any future votes concerning the Foundation board's membership. (R. p. 21)

On March 27, 2026, Appellant filed an Amended Complaint adding a cause of action for civil conspiracy. (R. p. 31-32) Respondents filed a Motion to Dismiss on March 30, 2026, which has yet to be heard or ruled upon. (R. p. 40-42)

Appellant contends that the nomination of Ms. Faust violated FOIA because the agenda for the February 25, 2026, meeting did not specifically list Ms. Faust's name as a potential nominee.

(R. p. 11) Appellant further contends, upon information and belief, that the individual BOT members, who were improperly named as defendants in this action, violated FOIA by discussing Ms. Faust's nomination outside of a properly noticed public meeting in "one-on-one" telephone conversations with each other. (R. p. 27-28)

Appellant's Motion for TRO was heard on April 1, 2026, and denied by Order entered on April 6, 2026. (R. p. 4-6) The lower court found "that Plaintiff has failed to meet its burden of demonstrating (1) that irreparable harm would occur without the injunction; (2) a likelihood of success on the merits of the underlying litigation; and (3) that no adequate remedy at law exists." (*Id.*) Appellant filed a Motion to Reconsider, Alter, or Amend on April 6, 2026. (R. p. 142-144) Respondents filed a Memorandum of Law in Opposition to that Motion on April 8, 2026. (R. p. 145-146) Appellant's Motion to Reconsider was heard via WebEx on April 30, 2026, and denied by order entered on May 1, 2026. (R. p. 7-9) This appeal followed.

### **STATEMENT OF THE FACTS**

In accordance with FOIA's public meeting notice requirements, CCSD posted an agenda for the February 25, 2026, BOT meeting. (R. p. 102-107) Item 12(B) of the agenda, titled "CCSD Education Foundation Board of Director[s] Appointments", states:

In order to establish the CCSD Education Foundation, the Charleston County School District Board of Trustees shall nominate and approve the nine (9) initial Foundation board members representing each district. The appointments will be in compliance with the Foundation's Board of Directors Job Description and Conflict of Interest Policy.

(R. p. 107-108) Thereunder, two "First Time Nominees" for Districts 7 and 9 are listed as well as Appellant as a "Second Time Nominee" for District 8. Although it was anticipated that these three individuals listed on the agenda would be nominated by members of the BOT to serve on the Foundation's board, the nominations themselves were not made until the February 25, 2026,

meeting in accordance with the posted agenda and no nominations were made, or could have been made, prior to the appropriate motions and votes taking place during the meeting in open session.

At the February 25, 2026, BOT meeting, Trustee/Respondent Leah Whatley nominated an individual for District 7, Trustee Carol Tempel nominated an individual for District 9, and Trustee Darlene Roberson nominated Appellant for the second time for District 8.<sup>1</sup> The BOT voted to approve the two individuals who were nominated for Districts 7 and 9 but declined, for a second time, to approve by a majority vote the nomination of Appellant. Following the BOT's vote to deny the motion made to approve Appellant as the District 8 representative on the Foundation's board, Trustee/Respondent Leah Whatley made a motion to nominate Michelle Faust for District 8, which was seconded. A majority of the BOT then voted to approve Mrs. Faust's appointment to the Foundation board.

Appellant, disgruntled by the CCSD's BOT's refusal, on two occasions, to approve his nomination to the Foundation board, filed this lawsuit alleging that the BOT violated FOIA by: 1) failing to include Mrs. Faust's name on the posted agenda; and 2) engaging in "deliberations" outside of a properly noticed public meeting. (R. p. 24)

After February 25, 2026, the individual nominated for the District 7 seat withdrew her consent to serve and leaving one opening on the Foundation board. At a special called meeting of the CCSD Board to nominate an individual for this Foundation board seat, three (3) separate individuals were nominated, and the person receiving a majority of the votes became the board member for the District 7 seat. (R. p. 137-141)

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<sup>1</sup> Appellant was first nominated by Mrs. Roberson at the January 26, 2026, Board meeting. However, the BOT declined to approve his nomination at that meeting, as well. (R. p. 14)

### **STANDARD OF REVIEW**

“Actions for injunctive relief are equitable in nature.” Shaw v. Coleman, 373 S.C. 485, 492–93, 645 S.E.2d 252, 256 (Ct. App. 2007). Although an order granting or denying a request for injunctive relief is generally reviewed for abuse of discretion, “where the decision turns on statutory interpretation ... this presents a question of law.” Lambries v. Saluda Cnty. Council, 409 S.C. 1, 8, 760 S.E.2d 785, 788 (2014). An appellate court “reviews questions of law *de novo*.” Id. at 7, 760 S.E.2d at 788 (quoting Town of Summerville v. City of N. Charleston, 378 S.C. 107, 110, 662 S.E.2d 40, 41 (2008)).

## **ARGUMENT**

**I. The lower court correctly determined that Appellant failed to establish a likelihood of success on the merits of his claim that Respondents violated FOIA at the BOT's February 25, 2026, meeting.**

“The remedy of an injunction is a drastic one and ought to be applied with caution.” Forest Land Co. v. Black, 216 S.C. 255, 57 S.E.2d 420, 426 (1950); Lefurgy v. The Long Cove Owners Ass'n, Inc., 313 S.C. 555, 443 S.E.2d 577 (Ct. App. 1994). A preliminary injunction should issue only if necessary to preserve the status quo ante, and only upon a showing by the moving party that: (1) without such relief it will suffer irreparable harm; (2) that it has a likelihood of success on the merits; and (3) and that there is no adequate remedy at law. Poynter Invs., Inc. v. Century Builders of Piedmont, Inc., 387 S.C. 583, 586–87, 694 S.E.2d 15, 17 (2010). The party seeking an injunction has the burden of demonstrating facts and circumstances warranting an injunction. Strategic Res. Co. v. BCS Life Ins. Co., 367 S.C. 540, 544, 627 S.E.2d 687, 689 (2006).

**A. The posted agenda sufficiently gave the public notice that the CCSD BOT would be making nominations to the Foundation's board at its February 25, 2026, meeting, and no amendment to that agenda was required.**

FOIA requires public bodies to give written public notice of the date, time, and place of any meetings. S.C. Code Ann. § 30-4-80(A). Additionally, public bodies are required to post an agenda for meetings at least twenty-four hours prior to any meeting. Id. Although no guidance is given by FOIA as to the contents of an agenda, FOIA's ultimate purpose of protecting the public from secret government activity dictates that an agenda must give the public notice that some action may be taken on a particular subject. See Wiedemann v. Town of Hilton Head Island, 330 S.C. 532, 500 S.E.2d 783 (1998) (the essential purpose of FOIA is to protect the public from secret government activity).

In Brock v. Town of Mount Pleasant, 415 S.C. 625, 632, 785 S.E.2d 198, 202 (2016), at issue was the sufficiency of an agenda. Relevant to the case at bar, our Supreme Court held that an agenda must “give notice that some action may be taken” but also acknowledged that a public body may not know in advance specifically what action it will take.

Courts have routinely rejected challenges to an agenda’s specificity where, as here, the agenda gives the public notice of the potential government “action” to be taken at a public meeting. In City of San Antonio v. Fourth Ct. of Appeals, 820 S.W.2d 762, 765 (Tex. 1991), city council posted an agenda listing: “An Ordinance determining the necessity for and authorizing the condemnation of certain property in County Blocks 4180, 4181, 4188, and 4297 in Southwest Bexar County for the construction of the Applewhite Water Supply Project.” A citizen whose property was condemned by the city’s passage of the ordinance at the council meeting complained that the agenda was insufficient to give her notice and that the agenda should have listed the specific properties sought to be condemned. The Supreme Court of Texas disagreed, finding “the City’s notice as to the subject matter of the ordinance was sufficient to ensure that a reader was given adequate notice of the proposed governmental action.” Noting that an agenda must enable public access to, and increase public knowledge of, government decision making, the court clarified that it:

need not go further and inquire into whether a notice was tailored to reach those specific individuals whose private interests are most likely to be affected by the proposed government action, as [complainant] would have us do. The intended beneficiaries of [FOIA] are not individual citizens, such as the particular landowners affected by this condemnation, but members of the interested public. If a “reader” is given notice, the requirement of [FOIA] is satisfied and its purpose served.

Id. at 765.

In Banks v. Bd. of Education of Chase Cty, 202 Neb. 717, 277 N.W.2d 76 (1979), the plaintiff sought a declaration that a school board meeting which authorized the approval of a contract with Wilson & Company, a group of architects, was void because of a violation of the public meetings laws with respect to the contents of the agenda. The court's opinion recited that the agenda included notice of a "discussion" with John Smutz of Wilson & Company which "should result in determining whether we want this company or not." Id. at 723, 277 N.W.2d at 80. Nebraska's Supreme Court found that although the language was not "a model of clarity, [it] did inform the public that an agreement with the architect was to be discussed and possibly entered." Id. The court rejected the contention that the notice on the agenda was inadequate.

In Town of Marble v. Darien, 181 P.3d 1148, 1149 (Colo. 2008), town council held a public meeting at which it voted to reject a proposal for erecting a permanent monument at Mill Site Park, a local park owned by the town. Proponents of the proposal brought suit, alleging that the agenda was deficient and violated Colorado's Open Meetings Law because it did not expressly state that the council would be taking formal action on the proposal. The Colorado Supreme Court held that the agenda was sufficient because an ordinary member of the community would understand that the agenda item listed on the notice - "Mill Site Committee Update" - would include consideration of, and possible formal action on, the Mill Site Park proposal.

Here, the agenda in question gave the public notice that the BOT would "nominate and approve the nine (9) initial Foundation board members representing each district" at the February 25, 2026, meeting. (R. pp. 107-08, ¶ 12(B)) That is exactly what happened, satisfying the letter and the spirit of FOIA. Appellant's contention that all potential nominees were required to be listed on the agenda is not only unsupported by law, but also impractical. After all, how would it be

known in advance who a BOT member might decide to nominate during the course of the meeting, as they were certainly empowered to do? <sup>2</sup>

The fact that certain CCSD BOT members and Appellant were disappointed in the nomination and approval of someone else for the District 8 Foundation board seat is not relevant to the determination of whether the agenda sufficiently apprised the public that nominations and votes on those nominations were likely to occur at the meeting. There was no secret governmental activity.

Additionally, Appellant's contentions that the BOT was required to amend the agenda, either 24 hours in advance of the meeting or with a 2/3 majority vote of the BOT during the meeting, lack merit. FOIA provides:

Once an agenda for a regular, called, special, or rescheduled meeting is posted pursuant to this subsection, no items may be added to the agenda without an additional twenty-four hours notice to the public, which must be made in the same manner as the original posting. After the meeting begins, an item upon which action can be taken only may be added to the agenda by a two-thirds vote of the members present and voting; however, if the item is one upon which final action can be taken at the meeting or if the item is one in which there has not been and will not be an opportunity for public comment with prior public notice given in accordance with this section, it only may be added to the agenda by a two-thirds vote of the members present and voting and upon a finding by the body that an emergency or an exigent circumstance exists if the item is not added to the agenda.

S.C. Code Ann. § 30-4-80(A). FOIA only requires amendment of an agenda when an item upon which action can be taken is added. Here, the actions taken, i.e., the nominations and votes on those nominations, were already on the agenda for the February 25, 2026, BOT meeting. The

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<sup>2</sup> Notably, two of the Trustees called by Appellant to testify at the April 1, 2026, hearing, Trustee Roberson and Trustee Tempel, made nominations "from the floor" during the following CCSD Board meeting. Compare 4/4/26 Agenda, listing Joan Robinson-Berry as a nominee (R. p. 111 at 2(A)) with 4/4/26 Minutes, indicating that both Roberson and Tempel made additional nominations during the meeting (R. p. 139 at 2(A)); see also 4/1/26 Trans., (R. p. 199, ll. 7-20) (Tempel testimony); (R. p. 218, ll. 18-19) (CCSD CFO testimony); (R. p. 260, ll. 15-17) (CCSD Superintendent testimony).

public was already appraised by virtue of the agenda that the BOT would be nominating individuals for service on the Foundation board and voting on those nominations. Amendment of the agenda was not required because the BOT did no more than take action on the matter which was properly noticed in the original agenda. In other words, there was no “item” to be added to the agenda.

Appellant’s disappointment stemming from his rejection by a majority of the BOT does not translate into a FOIA violation. Appellant is not likely to succeed on the merits of his claims related to the sufficiency of the agenda, and the denial of injunctive relief should be affirmed.

**B. Appellant presented no evidence that deliberations amongst a quorum of the BOT concerning Foundation board appointments took place prior to, or outside of, the February 25, 2026, meeting.**

FOIA dictates that meetings of a public body, such as CCSD’s BOT, must be open to the public with only certain exceptions not applicable here. See S.C. Code Ann. § 30-4-60. However, not every discussion amongst or between members of a public body constitutes a “meeting”. Rather, FOIA defines “meeting” as “the convening of a quorum of the constituent membership of a public body, whether corporal or by means of electronic equipment, to discuss or act upon a matter over which the public body has supervision, control, jurisdiction or advisory power.” S.C. Code Ann. § 30-4-20(d); see also S.C. Code Ann. § 30-4-20(e) (defining “quorum” as “a simple majority of the constituent membership of a public body.”).

As such, were a majority of CCSD’s BOT to get together and discuss BOT business, there would potentially be a violation of FOIA because such would constitute a “meeting” with a quorum of the BOT present that was not properly noticed and not open to the public. That is not what happened here.

Appellant failed to produce any competent evidence that a quorum of the BOT discussed or deliberated on the Foundation board nominations outside of a properly noticed meeting. Rather, he simply alleges, “[u]pon information and belief, Defendants Whatley, Leber, Grybowski, Bailey, and McKinney engaged in ‘one-on-one’ telephone conversations with each other to discuss how they can avoid having Plaintiff serve on the foundation.” (R. p. 27, ¶ 29). First, “one-on-one” telephone conversations between members of a public body do not constitute a quorum or a meeting and are not violative of FOIA’s open meeting requirements. Second, no competent evidence of any deliberations or discussions amongst a majority of the BOT, outside of the confines of a properly noticed public meeting, was presented.

In his Amended Complaint, Appellant further attempts to allege a FOIA violation by claiming that these “one-on-one” conversations ran afoul of S.C. Code Ann. § 30-40-70(b). However, that section concerns the prohibition against the polling of members of a public body during *executive session* and is entirely irrelevant here.

The lower court correctly determined that Appellant is not likely to succeed on the merits of these claims.

**C. Even if Respondents failed to follow CCSD’s BOT’s policies, the Foundation’s bylaws, or prior practices relating to agenda contents, those failures do not establish a FOIA violation.**

Appellant devotes substantial argument and discussion to Respondents’ perceived departures from past agenda-related practices, BOT policies, and the Foundation’s Bylaws. However, such departures, even if proven, are not probative of whether Respondents violated FOIA. For example, Appellant argues that once CCSD included supplementary materials in the BOT meeting agendas, such as the biographical information of individuals who BOT members had, prior to the posting of the agenda, indicated they intended to nominate for a Foundation board

seat, FOIA required that they continue to do so. This is incorrect. There is no legal basis supporting the contention that a public body's past practice of exceeding FOIA's disclosure requirements creates an ongoing duty to do so or that a departure from such voluntary practices constitutes a FOIA violation. Appellant is not likely to succeed on the merits of this argument.

**D. Appellant failed to allege any legally cognizable claims against the Respondent Trustees or the CCSD Education Foundation and therefore cannot establish any likelihood of success as against these Respondents.**

Appellant's Complaint names five individual BOT members and the Foundation as defendants. However, individual BOT members cannot be held liable for FOIA violations as they are not a "public body"<sup>3</sup>. FOIA imposes obligations on public bodies thus, liability for violation of FOIA can only be asserted against public bodies. The purpose of FOIA is to protect the public by providing a mechanism for the disclosure of information by *public bodies*. Sloan v. Friends of Hunley, Inc., 369 S.C. 20, 26, 630 S.E.2d 474, 478 (2006) (emphasis added) (citing Bellamy v. Brown, 305 S.C. 291, 295, 408 S.E.2d 219, 221 (1991)). In Sloan, the plaintiff sued a public body and its chairman alleging that the public body violated FOIA by refusing to produce certain documents in response to a FOIA request. The S.C. Supreme Court held that the chairman was properly granted summary judgment because he was sued only in his capacity as the chairman of

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<sup>3</sup> Pursuant to FOIA, "public body" is defined as "any department of the State, a majority of directors or their representatives of departments within the executive branch of state government as outlined in Section 1-30-10, any state board, commission, agency, and authority, any public or governmental body or political subdivision of the State, including counties, municipalities, townships, school districts, and special purpose districts, or any organization, corporation, or agency supported in whole or in part by public funds or expending public funds, including committees, subcommittees, advisory committees, and the like of any such body by whatever name known, and includes any quasi-governmental body of the State and its political subdivisions, including, without limitation, bodies such as the South Carolina Public Service Authority and the South Carolina State Ports Authority. Committees of health care facilities, which are subject to this chapter, for medical staff disciplinary proceedings, quality assurance, peer review, including the medical staff credentialing process, specific medical case review, and self-evaluation, are not public bodies for the purpose of this chapter." S.C. Code Ann. § 30-4-20(a).

the public body. Sloan, 369 S.C. at 29, 630 S.E.2d at 479. That reasoning is equally applicable here and compels a finding that Appellant cannot succeed on the merits of his claims, if any, against the individual BOT Trustees named as defendants.

Likewise, no substantive allegations – at all – are made against the Foundation. As such, Appellant cannot show that he is likely to succeed on the merits of any claim against this Respondent and the lower court correctly determined that injunctive relief was unwarranted.

**E. Because CCSD’s BOT, at a minimum, substantially complied with the requirements of FOIA, and because Appellant can show no prejudice from the actions he alleges were improper, Appellant cannot show he is likely to succeed on the merits of his claim that Respondents violated FOIA.**

At the very minimum, CCSD substantially complied with FOIA and the deficiencies in the agenda that Appellant has alleged, even if violative of FOIA (which is adamantly denied), had no prejudicial effect on Appellant. See Multimedia, Inc. v. Greenville Airport Comm’n, 287 S.C. 521, 525, 339 S.E.2d 884, 887 (Ct. App. 1986) (“[S]ubstantial compliance with the Act will satisfy its requirements where a technical violation has no demonstrated effect on a complaining party.”). His nomination was rejected, a second time, prior to the nomination of Michelle Faust. Appellant has failed to explain what would have occurred differently had the agenda specifically listed Ms. Faust as a potential nominee or how the absence of Ms. Faust’s name on the agenda affected his, let alone the public’s, interests. Of course, it would have been impossible to list Ms. Faust as a nominee because she was not a “nominee” until she was actually nominated by Leah Whatley during the BOT meeting in question. Appellant is not entitled to injunctive relief and the lower court’s orders should be affirmed.

**II. Appellant cannot show that he will be irreparably harmed in the absence of injunctive relief.**

“An injunction is a drastic remedy issued by the court in its discretion to prevent irreparable harm suffered by the plaintiff.” Scratch Golf Co. v. Dunes W. Residential Golf Props., Inc., 361 S.C. 117, 121, 603 S.E.2d 905, 907 (2004). The United States Supreme Court has explained:

The key word in this consideration is irreparable. Mere injuries, however substantial, in terms of money, time and energy necessarily expended in the absence of a stay, are not enough. The possibility that adequate compensatory or other corrective relief will be available at a later date, in the ordinary course of litigation, weighs heavily against a claim of irreparable harm.

Sampson v. Murray, 415 U.S. 61, 90 (1974). A plaintiff must demonstrate more than the mere possibility of irreparable harm; the plaintiff must demonstrate that irreparable injury is likely in the absence of an injunction. Winter v. Natural Res. Def. Council, Inc., 555 U.S. 7 (2008).

Appellant cannot show any irreparable harm in the absence of an injunction. Respondents acknowledge that “a violation of [FOIA] must be considered to be an irreparable injury for which no adequate remedy at law exists.” S.C. Code Ann. § 30-4-100(A). However, Appellant finds no support in this provision of FOIA as, by its terms, it applies where there has been a violation of FOIA. Here, there has been no violation of FOIA and Appellant may not rely on the presumption of irreparable injury in the absence of injunctive relief.

Appellant’s nomination was rejected, for a second time, before another BOT member nominated Ms. Faust for the Foundation board. Appellant’s “candidacy” for a Foundation board seat had already been determined, and that rejection is the only “harm” that has befallen Appellant. An injunction is not going to change that, nor will it prevent any future irreparable harm from befalling Appellant (nor has Appellant identified any such anticipated harm). On a broader level, to the extent Appellant purports to bring this action to protect the public’s interest, the public will likewise sustain no irreparable harm because there has been no FOIA violation. From a public

policy standpoint, the issuance of an injunction would actually harm the public's interests. The Foundation was formed to "promote educational and charitable endeavors for i) the improvement and enrichment of the quality of public schools, excluding charter schools and public-private partnership schools in the District; and ii) the increase of community support for and involvement in the District." (R. p. 55, § 3.02) These are laudable goals, benefiting the public at large. Stifling that work, especially where there has been no material violation of FOIA, would be inequitable and harmful to the public's interests.

### **III. Appellant cannot show the inadequacy of legal remedies.**

An injunction is an equitable remedy; as such, it is available only where no remedy at law exists or where the legal remedy would fail to make the party whole. MailSource, LLC v. M.A. Bailey & Assocs., 356 S.C. 363, 369–70, 588 S.E.2d 635, 639 (Ct. App. 2003).

The general rule is that an injunction should be granted only where some irreparable injury is threatened for which there is no adequate remedy at law. Whether a wrong is irreparable in the sense that equity may intervene, and whether there is an adequate remedy at law for a wrong, are questions that are not decided by narrow and artificial rules.

Id. (quoting Cartee v. Lesley, 286 S.C. 249, 256, 333 S.E.2d 341, 345 (Ct. App. 1985) (citations omitted) (holding that a "complaint fails to state a cause of action for injunctive relief unless facts are alleged which show that the plaintiff has no adequate and complete remedy at law").

Appellant's Amended Complaint alleges that "absent injunctive relief, the Foundation may continue to act with a composition created by an allegedly unlawful vote, and records relevant to the violation may be lost, deleted, or altered." (R. p. 31, ¶ 58) This is pure speculation and does not establish the inadequacy of legal remedies. In fact, FOIA itself provides a remedy in the event a violation is established, and it is exactly what Appellant is now requesting. "Upon finding a violation of the Act, the trial court may order equitable relief as it considers appropriate, and a violation of the statute must be considered to be an irreparable injury for which no adequate remedy

at law exists. Piedmont Pub. Serv. Dist. v. Cowart, 319 S.C. 124, 130, 459 S.E.2d 876, 879 (Ct. App. 1995), aff'd, 324 S.C. 239, 478 S.E.2d 836 (1996) (citing S.C. Code Ann. § 30–4–100(A)). As such, Appellant can hardly claim that he has no adequate remedy for a FOIA violation when there was no FOIA violation.

### **CONCLUSION**

The crux of Appellant's case is his contention that FOIA required Michelle Faust's name to be specifically listed as a potential nominee on the agenda for the September 25, 2026, BOT meeting. However, Appellant's position is not supported by the letter or the spirit of FOIA. The agenda in question gave the public notice that the CCSD BOT intended to take up the matter of Foundation board nominations and appointments at its February 25, 2026, meeting. FOIA was satisfied. Appellant's disappointment that he was not appointed does not change that.

Appellant failed to make the necessary showing to support the issuance of injunctive relief. Moreover, even if FOIA dictated a presumption of irreparable harm and inadequate remedy at law, which is denied, injunctive relief would nonetheless be inappropriate because Appellant failed to make a *prima facie* case that he is likely to succeed on the merits of his claims. Respondents respectfully request that the lower court's orders, denying Appellant's Motion for Temporary Restraining Order and Preliminary Injunction and denying Appellant's Motion to Reconsider, Alter, or Amend, be affirmed.

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