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October 27, 2026

RECEIVED

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S.C. SUPREME COURT

VIA ELECTRONIC MAIL (supctfilings@sccourts.org)

The Honorable Patricia A. Howard
Clerk of Court
Supreme Court of South Carolina
1231 Gervais Street
Columbia, South Carolina 29201

**Re: *Concerned Citizens of Spartanburg County v. Valara Holdings, LLC, Spartanburg County, and Spartanburg County Administrator*
Petition for Extraordinary Writ in the Original Jurisdiction (filed October 23, 2026) Spartanburg County C/A No. 2026-CP-42-03416; Court of Appeals Case No. 2026-002323**

Dear Ms. Howard:

This firm, together with Bannister, Wyatt & Stalvey, LLC and Kirkland & Ellis LLP, represents Respondent Valara Holdings, LLC ("Valara") in the above-referenced matter. We write to acknowledge receipt of the Petition for Extraordinary Writ in the Original Jurisdiction of the Supreme Court and accompanying Appendix that Petitioner Concerned Citizens of Spartanburg County filed and served by electronic mail on Friday, October 23, 2026, and to advise the Court of Valara's intended response.

Valara respectfully submits that the Petition is procedurally improper. The sole relief Petitioner seeks is an injunction pending its appeal of the circuit court's October 6, 2026 order, which has already been docketed in the Court of Appeals. *See* Case No. 2026-002323. Under Rule 62(c), SCRCP, "[w]hen an appeal is taken from . . . [a] final judgment . . . denying an injunction, the court in its discretion may . . . grant an injunction during the pendency of the appeal." However, "[a]n application for such relief should first be made to the trial court under Rule 62(c)." Rule 62(g), SCRCP. Only when an application has been denied, or when it is not practicable, "may [the application] first be made to an appellate court or a judge or justice thereof." *Id.*; *see also* Rule

241, SCACR. Relatedly, this Court “will not entertain matters in its original jurisdiction when the matter can be determined in a lower court in the first instance.” Rule 245(a), SCACR.

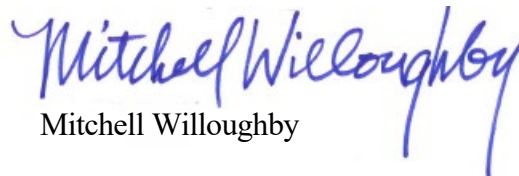
Here, Petitioner has not satisfied critical preconditions to this Court’s review. Petitioner has not shown that it sought relief from the circuit court, or that doing so was impracticable. Nor has Petitioner shown that the matter cannot “be determined in a lower court in the first instance, without material prejudice to the rights of the parties.” Rule 245(a), SCACR. And Petitioner has not complied with the requirements for invoking this Court’s original jurisdiction under Rule 245(c), SCACR. These deficiencies are determinative, and the Court should deny the Petition accordingly.

Without waiving any of these objections, to the extent the Court does not reject the Petition as procedurally improper, Valara intends to file and serve its Return to the Petition within ten (10) days of service, on or before Monday, November 2, 2026. Valara reserves all rights, defenses, and objections, including as to the form of the Petition and the manner of its service.

Thank you for your attention to this matter. Please do not hesitate to contact the undersigned with any questions.

Very truly yours,

WILLOUGHBY HUMPHREY & D’ANTONI, P.A.



Mitchell Willoughby

Attorneys for Respondent Valara Holdings, LLC

MW/cgc

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