

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

J. Ernest Kinard, Jr., Circuit Court Judge

Op. No. 5201
(S.C. Ct. App. Filed February 26, 2014)

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S.C. Supreme Court

Phillip D. Grimsley, Sr., and
Roger M. Jowers, on behalf of
themselves and others similarly situated,

Respondents,

vs.

South Carolina Law Enforcement Division
and the State of South Carolina,

Defendants,

of whom,
South Carolina Law Enforcement Division is.

Petitioner.

RESPONDENTS' MOTION TO DISMISS
THE PETITION FOR WRIT OF CERTIORARI

A. Camden Lewis
Ariail E. King
LEWIS, BABCOCK, & GRIFFIN, L.L.P.
1513 Hampton Street
Post Office Box 11208
Columbia, South Carolina 29211
(803) 771-8000

Richard A. Harpootlian
RICHARD A. HARPOOTLIAN, P.A.
1410 Laurel Street
Columbia, South Carolina 29201
(803) 252-4848

John A. O'Leary
James Walter Fayssoux, Jr.
O'LEARY & ASSOCIATES, P.A.
714 Calhoun Street
Columbia, South Carolina 29201
(803) 779-5556

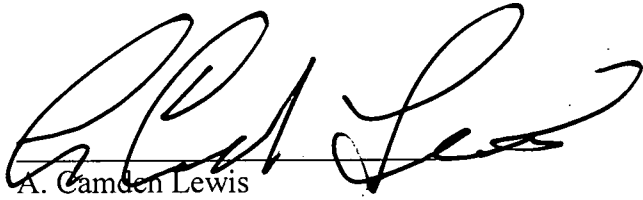
Attorneys for the Respondents

Respondents Phillip D. Grimsley, Sr., and Roger M. Jowers, move for the dismissal of Petitioner South Carolina Law Enforcement Division's ("SLED's") Petition for Writ of Certiorari. SLED is seeking a writ of certiorari for a case that was unanimously decided in favor of Respondents and for which rehearing by the Court of Appeals has been denied. Furthermore, SLED has failed to set forth any considerations that render this matter appropriate for review by this Court.¹

As set forth in Rule 242, SCACR, "a writ of certiorari is not a matter of right, but of sound judicial discretion and will only be granted where there are special and important reasons." The Rule also sets forth type of reasons that would support a grant of certiorari: (1) where there are novel questions of law; (2) where there is a dissent in the decision of the Court of Appeals; (3) where the decision of the Court of Appeals is in conflict with a prior decision of the Supreme Court; (4) where substantial constitutional issues are directly involved; (5) where a federal question is included and the decision of the Court of Appeals conflicts with a decision of the United States Supreme Court. Rule 242(b), SCACR. In the "Questions Presented" section of the Petition, SLED merely asserts that the Court of Appeals "erred" in its holdings. Petition, p. 1. Petitioner simply disagrees with the Court of Appeals' decision to reverse summary judgment and argues that "[t]here is no reason for this case to go through another round of proceedings in the trial court when there are no triable issues of fact." Petition, p. 14. SLED is simply attempting to reargue issues that have been unanimously rejected by the Court of Appeals and SLED has clearly failed to meet the standards of Rule 242. Thus, the Petition should be

¹In fact, the Petition is simply an almost verbatim rehash of the Petition for Rehearing which was denied by the Court of Appeals.

summarily dismissed.



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Attorneys for the Respondents

Columbia, South Carolina
5/30/2014, 2014

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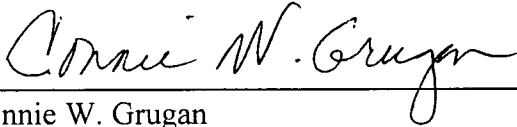
of whom,
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PROOF OF SERVICE

I, Connie W. Grugan, secretary to the law firm of Lewis, Babcock & Griffin, L.L.P., hereby certify that I have served the foregoing Respondents' Motion to Dismiss the Petition for Writ of Certiorari upon opposing counsel by mailing a copy of same, postage prepaid and return address clearly indicated, to said opposing counsel addressed as follows:

Kenneth P. Woodington, Esquire
William H. Davidson, II, Esquire
Davidson & Lindemann, P.A.
Post Office Box 8568
Columbia, South Carolina 29202-8568



Connie W. Grugan

This 30th day of May, 2014.

A. CAMDEN LEWIS
KEITH M. BABCOCK
JAMES M. GRIFFIN
ARIAIL E. KING
J. RYAN HEISKELL*
MARGARET N. FOX**

LB&G

LEWIS, BABCOCK & GRIFFIN L.L.P.

1513 HAMPTON STREET
P.O. BOX 11208 (29211)
COLUMBIA, S.C. 29201
FACSIMILE: 803-733-3534
TELEPHONE: 803-771-8000
WEBSITE: WWW.LBGLEGAL.COM

*ALSO ADMITTED IN D.C.
**ALSO ADMITTED IN N.C.

EMAIL: AEK@LBGLEGAL.COM

May 30, 2014

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S.C. Supreme Court

HAND DELIVERED

Honorable Daniel E. Shearouse
Clerk, Supreme Court of South Carolina
1231 Gervais Street
Columbia, South Carolina 29201

Re: Phillip D. Grimsley, Sr., et al. vs. South Carolina Law Enforcement Division and
the State of South Carolina. et al., Appellate Case No. 2014-001059

Dear Mr. Shearouse:

Enclosed please find the original and seven copies of the Respondents' Motion to Dismiss
the Petition for Writ of Certiorari in regard to the above-referenced matter for filing with your office.
Also enclosed is a \$25.00 filing fee. Please return a clocked copy via our courier.

By copy of this letter, we are hereby serving a copy of same upon opposing counsel.

Sincerely,

LEWIS, BABCOCK & GRIFFIN, L.L.P.


Ariail E. King

AEK:cg
Enclosure

cc: Kenneth P. Woodington, Esquire
William H. Davidson, II, Esquire
Richard A. Harpootlian, Esquire
John A. O'Leary, Esquire