

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM RICHLAND COUNTY  
J. Michael Baxley, Circuit Court Judge

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Case No. 2005-CP-40-02925

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**RECEIVED**  
JUN 13 2014  
SC Court of Appeals

T.R., P.R., K.W., and A.M., on behalf of  
themselves and others similarly situated; and  
Protection and Advocacy for People with Disabilities, Inc., ..... Respondents,

v.

South Carolina Department of Corrections; and  
William R. Byars, Jr., as Director of the  
South Carolina Department of Corrections, ..... Appellants.

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**PETITION FOR WRIT OF SUPERSEDEAS  
OR STAY PENDING APPEAL**

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The Appellants South Carolina Department of Corrections (SCDC) and its  
Director hereby petition this Court for a writ of supersedeas or alternatively a stay  
pending appeal of the Order Granting Judgment In Favor Of Plaintiffs, filed  
January 8, 2014. The Appellants filed a Motion to Alter or Amend, which was  
denied by Order filed April 18, 2014.

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This petition is filed pursuant to Rule 241(c) and (d), SCACR, and based on the common law allowing a writ of supersedeas or stay pending appeal. Appellants would show that it was impracticable to move before the circuit court for a stay pending appeal because Judge Baxley retired as of April 15, 2014, several days prior to the entry of the final order denying reconsideration, and no other judge has been appointed to preside over this case in his place.

The grounds for this Petition are set forth in more detail in the supporting memorandum filed herewith.

This Petition is based on the rules of court, the supporting memorandum filed herewith, the Appendix of documents from the Circuit Court record, and such further matters are the Court may allow or require.

DAVIDSON & LINDEMANN, P.A.

BY: 

ANDREW F. LINDEMANN  
WILLIAM H. DAVIDSON, II  
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Post Office Box 8568  
Columbia, South Carolina 29202  
(803) 806-8222

*Counsel for Appellants*

Columbia, South Carolina

June 12, 2014

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM RICHLAND COUNTY  
J. Michael Baxley, Circuit Court Judge

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**CERTIFICATE OF SERVICE**

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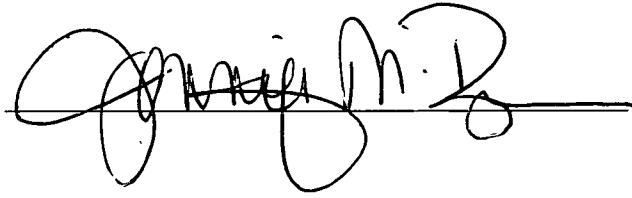
The undersigned employee of Davidson & Lindemann, P.A., counsel for the Appellants, does hereby certify that service of the below listed documents in the above-captioned matter was made upon all counsel of record by placing copies in the United States Mail, first class postage prepaid, at the below listed addresses clearly indicated on said envelopes this the 13th day of June 2014:

1. Petition for Writ of Supersedeas or Stay Pending Appeal
2. Memorandum in Support of Petition for Writ of Supersedeas or Stay Pending Appeal

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JUN 13 2014  
SC Court of Appeals

3. Appendix

Daniel J. Westbrook, Esquire  
Stuart M. Andrews, Jr., Esquire  
Nelson, Mullins, Riley  
& Scarborough, LLP  
Post Office Box 11070  
Columbia, South Carolina 29211

A handwritten signature in black ink, appearing to read "Stuart M. Andrews, Jr.", written over a horizontal line. The signature is highly stylized and cursive.

# DAVIDSON & LINDEMANN, P.A.

ATTORNEYS AND COUNSELLORS AT LAW

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†Certified Mediator

June 13, 2014

Of Counsel  
Kenneth P. Woodington

Writer's Email: [alindemann@dml-law.com](mailto:alindemann@dml-law.com)

## **Hand Delivered**

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
Edgar Brown Building  
1205 Pendleton Street  
Columbia, South Carolina 29201

**RECEIVED**

JUN 13 2014

**SC Court of Appeals**

RE: T.R. v. South Carolina Department of Corrections; and William R. Byars, Jr.,  
as Director of the South Carolina Department of Corrections  
Appellate Case Number: 2014-001080  
Civil Action Number: 2005-CP-40-2925  
Our File Number: 340.6875

Dear Ms. Kitchings:

Please find enclosed for filing the originals and seven copies each of the below listed documents with regard to the above referenced matter.

1. Petition for Writ of Supersedeas or Stay Pending Appeal
2. Memorandum in Support of Petition for Writ of Supersedeas or Stay Pending Appeal
3. Appendix

Please file the originals and return a clocked-in copy of each document to me by way of my courier. I have not enclosed a filing fee since the Appellants are exempt.

By copy of this letter, I am serving copies on all counsel of record.

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JUN 13 2014

**SC Court of Appeals**

The Honorable Jenny Abbott Kitchings  
June 13, 2014  
Page Two

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Sincerely,

DAVIDSON & LINDEMANN, P.A.



Andrew F. Lindemann

AFL/jmb  
Enclosures

cc: (w/ Enclosures)

Daniel J. Westbrook, Esquire  
Stuart M. Andrews, Jr., Esquire  
Nelson, Mullins, Riley  
& Scarborough, LLP  
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