

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

R. Markley Dennis, Jr., Circuit Court Judge

Case No. 2012-CP-10-04969

Appellate Case No. 2013-001273

74917

South Carolina Public Interest Foundation and Waring
S. Howe, Jr., individually, and on behalf of all others
similarly situated, Appellants,

v.

Robert W. Harrell, Jr., in his official capacity as
Speaker of the South Carolina House of
Representatives, Glenn McConnell, in his official
capacity as President of the South Carolina Senate,
Representative Harry B. "Chip" Limehouse III, Senator
George E. "Chip" Campsen, and the State of South
Carolina, Respondents.

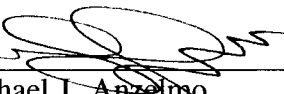
Motion for Substitution of a Party

Pursuant to Rule 240 of the South Carolina Appellate Court Rules and Rule 25(d) of the South Carolina Rules of Civil Procedure, the Honorable James H. "Jay" Lucas, in his official capacity as Speaker of the South Carolina House of Representatives, moves this Court for an order substituting him as Respondent in the above-captioned appeal for Robert W. Harrell, Jr., in his official capacity as Speaker of the South Carolina House of Representatives.

Rule 25(d), SCRCF, provides that “[w]hen a public officer is a party to an action in his official capacity and during its pendency . . . resigns, or otherwise ceases to hold office, the action does not abate and his successor is automatically substituted as a party.” Rule 25(e), SCRCF, allows for a substitution of a party to “be made by the trial court either before or after judgment, or pending appeal, by the appellate court.”

Appellants initiated this action against Robert W. Harrell, Jr., in his official capacity as Speaker of the South Carolina House of Representatives, who has since resigned from the South Carolina House of Representatives. The South Carolina House of Representatives elected Representative James H. “Jay” Lucas as Speaker on December 2, 2015. Thus, the requested substitution is necessary pursuant to Rule 25(d), SCRCF. This Court should issue an order allowing the substitution of James H. “Jay” Lucas, in his official capacity as Speaker of the South Carolina House of Representatives, as a Respondent in this appeal.

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Attorneys for James H. “Jay” Lucas, in his official capacity as Speaker of the South Carolina House of Representatives

Columbia, South Carolina

February 2, 2015

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R. Markley Dennis, Jr., Circuit Court Judge

SC Court of Appeals

Case No. 2012-CP-10-04969

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South Carolina Public Interest Foundation and Waring
S. Howe, Jr., individually, and on behalf of all others
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v.

Robert W. Harrell, Jr., in his official capacity as
Speaker of the South Carolina House of
Representatives, Ken Ard, in his official capacity as
President of the South Carolina Senate, Representative
Harry B. "Chip" Limehouse III, Senator Glenn
McConnell, and the State of South Carolina, Respondents.

PROOF OF SERVICE

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Robert W. Harrell, in his official capacity as Speaker of the South Carolina House of Representatives, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings:

Motion for Substitution of a Party

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February 2, 2015

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Hand Delivered

The Honorable Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
1015 Sumter Street - 5th Floor
Columbia, SC 29201

SC Court of Appeals

RE: South Carolina Public Interest Foundation, et al. v. Robert W. Harrell, Jr., in
his official capacity as Speaker of the S.C. House of Representatives, et al.
Civil Action No.: 2012-CP-40-1589
SC Court of Appeals Case No.2013-001273
Our file no.: 38955/01500

Dear Ms. Kitchings:

Enclosed please find an original and seven copies of a Motion for Substitution of a Party in the above-referenced matter. Please file the original and return a clocked-in copy to me via our courier. Should you have any questions, please do not hesitate to contact me.

By copy of this letter, I am hereby serving opposing parties.

Very truly yours,



Michael J. Anzelmo

MJA:jlee
Enclosures

cc: Robert E. Tyson, Jr. Kenneth M. Moffitt
Edward H. Bender James G. Carpenter
Alexis K. Lindsay J. Emory Smith