

THE STATE OF SOUTH CAROLINA
In The 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

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

v.

James H. "Jay" Lucas, in his official capacity as
Speaker of the South Carolina House of
Representatives, Hugh K. Leatherman, Sr., in his
official capacity as President of the South Carolina
Senate, Representative Harry B. "Chip" Limehouse III,
Senator George Campsen, and the State of South
Carolina,

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Appellants,

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Respondents.

URGENT Motion to Cancel Argument and Stay Appeal

Pursuant to Rule 240 of the South Carolina Appellate Court Rules, Respondents jointly request that the Court cancel the oral argument¹ in the above-captioned action and stay this matter in its entirety until June 30, 2015. This request is not interposed for delay, but rather, the request is made to save judicial time, resources, and costs to the parties.

The basis for this motion is that pending legislation, which has unanimously passed the Senate and is pending in the House, will, if passed, moot this appeal and the

¹ Argument has been scheduled for Tuesday, March 3, 2015, at 11:20 a.m.

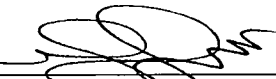
litigation in full. The legislation is moving quickly through the legislative process and appears likely to pass in short order. It would save the Court time and resources, as well as costs of the party, to cancel argument and to stay this appeal to allow the legislative solution to work to completion. Thus, Respondents request a stay until June 30, 2015, which is the end of the legislative session.²

This matter also requires cancellation of oral argument for an additional important reason. Counsel for Respondent Representative Limehouse learned late in afternoon on Friday, February 27, 2015, that Rep. Limehouse needs to be substituted out of this action due to the fact that he no longer is a named member of the Charleston County Aviation Authority because he is no longer Chair or Vice-Chair of the Charleston County Legislative Delegation. Representative Peter McCoy needs to be substituted in as party in this litigation. Counsel has yet to have an opportunity to discuss the appeal and upcoming oral argument with Rep. McCoy. Based on comments in the media, it appears possible that Rep. McCoy will have a different position in this appeal and litigation than Rep. Limehouse.

Respondents anticipate counsel for Appellant will oppose this request. Despite the opposition, Respondents have set forth two legitimate reasons to cancel argument and stay the litigation until the end of the current legislative session. This Court should grant this urgent request.

² Should the legislation not pass, Appellants will not be prejudiced by the delay. In such a circumstance, Respondents consent to this matter being placed on the first available argument calendar after the expiration of the stay.

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

And with the consent to sign on behalf of counsel for Respondents Representative Harry B. "Chip" Limehouse III, Hugh K. Leatherman, Sr., in his official capacity as President of the South Carolina Senate, and Senator George Campsen

Columbia, South Carolina

March 2, 2015

THE STATE OF SOUTH CAROLINA
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Senate, Representative Harry B. "Chip" Limehouse III,
Senator George Campsen, and the State of South
Carolina,

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Appellants,

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:

Urgent Motion to Cancel Argument and Stay Appeal


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March 2, 2015

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February 2, 2015

Hand Delivered and via Electronic Mail

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

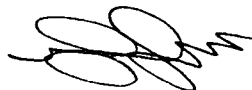
RE: South Carolina Public Interest Foundation, et al. v. James H. "Jay" Lucas, III
his official capacity as Speaker of the S.C. House of Representatives, et al.
Civil Action No.: 2012-CP-40-1589
SC Court of Appeals Case No. 2013-001273
Our file no.: 38955/01500

Dear Ms. Kitchings:

Enclosed please find an original and seven copies of an URGENT Motion to Cancel Argument and Stay Appeal 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

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