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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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MAR 02 2015

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas

**SC Court of Appeals**

R. Markley Dennis, Jr., Circuit Court Judge

75207

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, ..... Appellants,

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, ..... Respondents.

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MOTION TO SUBSTITUTE REPRESENTATIVE PETER M. MCCOY, JR.  
AS A PARTY

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Pursuant to Rule 265(d) of the South Carolina Appellate Court Rules and Rule 25(d)  
of the South Carolina Rules of Civil Procedure, Respondent Representative Harry B.  
"Chip" Limehouse, III, by his undersigned counsel, hereby moves the Court for an Order  
substituting Representative Peter M. McCoy, Jr. as Respondent in place of Respondent  
Limehouse. Rule 265(d) provides that if a public officer in his official capacity is a party  
in an appellate court proceeding and during the pendency of the appeal, he ceases to hold  
office, his successor shall automatically be substituted as a party. Pursuant to Rule 265

and the reasons stated below, Respondent Limehouse respectfully requests this Court substitute Representative McCoy for him in this lawsuit.

In the Complaint, Appellants sued Representative Limehouse in his official capacity. Specifically, Paragraph 4 of the Complaint stated the following:

Defendant Representative Harry B. "Chip" Limehouse III has held office since 1995 as a member of the South Carolina General Assembly from Charleston County. Since 2007, he has simultaneously held office as a member of the Charleston County Aviation Authority. Recently he has held office as the Chairman of the Charleston County Aviation Authority. He is named as a Defendant in his official capacity as to **all three** named offices.

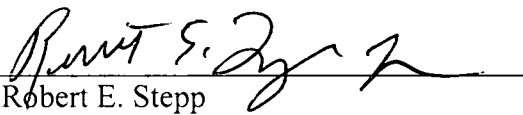
Act 130 of 2007, the subject of this underlying litigation, increased the membership of the Charleston County Aviation Authority to include the Chairman and Vice Chairman of the Charleston County legislative delegation. At the time this litigation was commenced, Representative Limehouse served as Chairman of the Charleston County legislative delegation. Therefore pursuant to Act 130, he became a member of the Charleston County Aviation Authority.

Recently, Representative Peter M. McCoy, Jr. became vice chairman of the Charleston County legislative delegation. Consequently, pursuant to Act 130, Representative McCoy, in place of Representative Limehouse, became a member of the Charleston County Aviation Authority.

Since Representative Limehouse is no longer vice chairman of the legislative delegation, he no longer serves on the Charleston County Aviation Authority.

WHEREFORE, the undersigned moves this Court with consent of all parties to substitute Representative Peter M. McCoy, Jr. as a defendant in place of Representative Limehouse.

SOWELL GRAY STEPP & LAFFITTE, L.L.C.

By: 

Robert E. Stepp

Robert E. Tyson, Jr.

Alexis K. Lindsay

1310 Gadsden Street

Post Office Box 11449

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***Attorneys for Respondent Representative Harry B.  
"Chip" Limehouse III***

Columbia, South Carolina  
March 2, 2015

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PROOF OF SERVICE

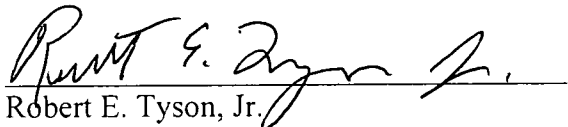
I certify that I have caused to be served a Motion to Substitute Representative  
Peter M. McCoy, Jr. as a Party on the Petitioners and co-Respondents by depositing a  
copy in the United States Mail, postage prepaid, on March 2, 2015, addressed to their  
counsel of record, and electronically mailed as follows:

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Jennifer J. Miller, Esquire  
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Robert E. Tyson, Jr.  
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March 2, 2015



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March 2, 2015

**VIA HAND-DELIVERY**

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

RE: 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  
Civil Action No.: 2012-CP-10-04969  
**SC Court of Appeals Case No. 2013-001273**  
Our File No.: 6426/1500

Dear Ms. Kitchings:

Enclosed please find the original and seven copies of a Motion to Substitute Representative Peter M. McCoy, Jr. as a Party in the above-referenced matter. I would appreciate your filing as appropriate and returning a clocked-in copy via our courier.

By copy of this letter and as evidenced by the Proof of Service, I am serving all counsel of record.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert E. Tyson, Jr.", with a long horizontal flourish extending to the right.

Robert E. Tyson, Jr.

Enclosures

cc: (by email and US Mail)  
James G. Carpenter, Esquire  
Jennifer J. Miller, Esquire



March 2, 2015

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Litigation is our Business.

C. Mitchell Brown, Esquire  
Michael J. Anzelmo, Esquire  
Kenneth M. Moffitt, Esquire  
Edward Houseal Bender, Esquire  
J. Emory Smith, Jr., Esquire