

From: [Michael Anzelmo](mailto:Michael.Anzelmo@nelsonmullins.com)
To: [Kitchings, Jenny](mailto:Kitchings.Jenny@sccourts.org); [Allen, Claire](mailto:Allen.Claire@sccourts.org)
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Subject: RE: TIME SENSITIVE REQUEST--2013-001273 South Carolina Public Interest Foundation and Waring S. Howe, Jr. v. James H. "Jay" Lucas, in his official capacity as Speaker, et al.
Date: Monday, March 02, 2015 9:52:50 AM
Attachments: [201503020927.pdf](#)

Ms. Kitchings,

Please find attached a courtesy copy of the motion to cancel argument and stay appeal filed with the Court this morning. Appellants have been consulted on this motion and do not consent.

Please do not hesitate to contact me should you have any questions or need more information.

Thanks,
Michael Anzelmo

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From: Kitchings, Jenny [<mailto:jkitchings@sccourts.org>]
Sent: Friday, February 27, 2015 4:57 PM
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Subject: RE: TIME SENSITIVE REQUEST--2013-001273 South Carolina Public Interest Foundation and Waring S. Howe, Jr. v. James H. "Jay" Lucas, in his official capacity as Speaker, et al.

Dear Mr. Anzelmo:

Good afternoon. The Court will consider your request upon receipt of the motion on Monday, and after the appellants have had an opportunity to respond. We request a response from the appellants by Monday, if possible. Thank you.

Jenny Abbott Kitchings

Clerk of Court

South Carolina Court of Appeals

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From: Michael Anzelmo [<mailto:Michael.Anzelmo@nelsonmullins.com>]
Sent: Friday, February 27, 2015 4:28 PM
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Subject: TIME SENSITIVE REQUEST--2013-001273 South Carolina Public Interest Foundation and Waring S. Howe, Jr. v. James H. "Jay" Lucas, in his official capacity as Speaker, et al.

Ms. Kitchings and Ms. Allen,

Oral argument is currently scheduled for Tuesday, March 3, 2015, at 11:20 a.m. in the above-referenced matter. Respondents jointly request that argument be cancelled and the appeal be stayed in its entirety until June 30, 2015, which is the end of the legislative session. This request is not interposed for delay, but rather, the request is made to save judicial resources and costs to the parties.

The basis for this request is that pending legislation, which unanimously passed the Senate and is pending in the House, will, if passed, moot this appeal and the underlying litigation. Also, it came to counsels' attention today that a new Respondent needs to be substituted into this matter, and counsel for that new Respondent has not had any opportunity to discuss the litigation with the new client. Thus, in the interest of judicial efficiency and to save costs of continued preparations for argument over the weekend, the parties request that oral argument be cancelled and the case stayed to allow the legislative solution to work to completion.

The parties will file the formal motion and filing fee with the Court on Monday, but do respectfully request a ruling today so no party will incur further costs preparing over the weekend. Counsel for Appellants is copied on this email.

I thank the court for its quick consideration of this request,
Michael Anzelmo
Counsel for Speaker Lucas

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