

From: [James Carpenter](#)
To: ["Michael Anzelmo"](#); [Kitchings, Jenny](#); [Allen, Claire](#)
Cc: [""Tyson, Rob""](#); [""Emory Smith""](#); ["Edward Bender"](#); ["Ken Moffitt"](#); jennifer.miller@carpenterlawfirm.net; johnhazard@scsenate.gov
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 11:15:03 AM
Attachments: [Appellants' Memorandum of Law in Opposition to Respondents' Motion to Cancel Argument and Stay Appeal.pdf](#)

Dear Ms. Kitchings,

We attach a copy of Appellants' Memorandum of Law in Opposition to Respondents' Motion to Cancel Argument and Stay Appeal. We are also serving a copy by mail.

Respectfully submitted,

Jim

James G. Carpenter
The Carpenter Law Firm, PC
819 E. North St.
Greenville, SC 29601
(864) 235-1269 phone
(864) 331-3083 fax
www.carpenterlawfirm.net



WHEN IT'S WORTH FIGHTING FOR!

From: Michael Anzelmo [mailto:Michael.Anzelmo@nelsonmullins.com]
Sent: Monday, March 02, 2015 9:52 AM
To: Kitchings, Jenny; Allen, Claire
Cc: 'Tyson, Rob' (Rtyson@sowellgray.com); 'Emory Smith' (ESmith@scag.gov); Edward Bender (EdwardBender@scsenate.gov); Ken Moffitt (KenMoffitt@scsenate.gov); Jim Carpenter (james.carpenter@carpenterlawfirm.net); jennifer.miller@carpenterlawfirm.net; johnhazard@scsenate.gov
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.

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

Michael J. Anzelmo | Attorney at Law | Nelson Mullins Riley & Scarborough LLP
(p) 803.255.9312 | (f) 803.255.9024 | (e) michael.anzelmo@nelsonmullins.com

From: Kitchings, Jenny [<mailto:jkitchings@sccourts.org>]
Sent: Friday, February 27, 2015 4:57 PM
To: Michael Anzelmo; Allen, Claire
Cc: 'Tyson, Rob' (Rtyson@sowellgray.com); 'Emory Smith' (ESmith@scag.gov); Edward Bender (EdwardBender@scsenate.gov); Ken Moffitt (KenMoffitt@scsenate.gov); Jim Carpenter (james.carpenter@carpenterlawfirm.net); jennifer.miller@carpenterlawfirm.net; johnhazard@scsenate.gov; jphazardv@yahoo.com; kenneth.moffitt@yahoo.com; dcarmichael@sowellgray.com; Mitch Brown; Lisa Whitehurst
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
1015 Sumter Street
Columbia, SC 29201
Ph: (803) 734-1891
Fax: (803) 734-1839
jkitchings@sccourts.org

From: Michael Anzelmo [<mailto:Michael.Anzelmo@nelsonmullins.com>]
Sent: Friday, February 27, 2015 4:28 PM
To: Kitchings, Jenny; Allen, Claire
Cc: 'Tyson, Rob' (Rtyson@sowellgray.com); 'Emory Smith' (ESmith@scag.gov); Edward Bender (EdwardBender@scsenate.gov); Ken Moffitt (KenMoffitt@scsenate.gov); Jim Carpenter (james.carpenter@carpenterlawfirm.net)
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

Michael J. Anzelmo | Attorney at Law | Nelson Mullins Riley & Scarborough LLP
(p) 803.255.9312 | (f) 803.255.9024 | (e) michael.anzelmo@nelsonmullins.com

Confidentiality Notice

This message is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged, confidential or otherwise legally exempt from disclosure.

If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately either by phone (800-237-2000) or reply to this e-mail and delete all copies of this message.

~~~ CONFIDENTIALITY NOTICE ~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.