

# The South Carolina Court of Appeals

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 Peter M. McCoy, Jr., Senator George Campsen, and the State of South Carolina, Respondents.

Appellate Case No. 2013-001273

---

## ORDER

---

Respondents filed a motion to dismiss this appeal because recent legislation has mooted the appeal and claims advanced in Appellants' complaint relating to Act 130 of 2007. On May 7, 2015, the General Assembly ratified Senate Bill 376 ("S.376"), which repeals Act 130 of 2007. The Governor signed S.376 on May 7, 2015. Thus, S.376 renders Appellants' appeal moot. Appellants consent to the dismissal of the appeal on the ground of mootness, and move this court for attorneys' fees and costs. We hereby grant Respondents' motion to dismiss the appeal. Further, we find Appellants are not entitled to attorneys' fees under section 15-77-300 of the South Carolina Code (Supp. 2014) because they are not the prevailing party in this action. Therefore, we deny Appellants' motion for attorneys' fees.

Paul G. Short, Jr. J.

James E. Seckman J.

Thomas E. Huff J.

Columbia, South Carolina

**FILED**

June 17, 2015 *vet*

cc:

C. Mitchell Brown, Esquire  
Michael J. Anzelmo, Esquire  
Robert E. Tyson, Jr., Esquire  
John Potter Hazzard, V, Esquire  
J. Emory Smith, Jr., Esquire  
James G. Carpenter, Esquire  
Jennifer J. Miller, Esquire  
Kenneth M. Moffitt, Esquire  
Edward Houseal Bender, Esquire