

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

RECEIVED

JUN 25 2015

R. Markley Dennis, Jr., Circuit Court Judge

SC Court of Appeals

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.

Return to Appellants' Petition for Rehearing

Pursuant to Rule 240(e) of the South Carolina Appellate Court Rules,
Respondents 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 [MJA to revise if not all
consent] jointly request that the Panel deny Appellants' petition for rehearing. The
Panel should deny the petition because our appellate court rules do not allow a party to
seek rehearing from the denial of a motion.

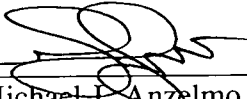
After oral argument on this motion, Respondents moved to dismiss the appeal as moot. Appellant consented to the dismissal but filed a separate petition for attorneys' fees and costs under Section 15-77-300 of the South Carolina Code. The Panel correctly construed the petition for attorneys' fees as a motion filed by Appellants. See Order at p. 1 ("Appellants consent to the dismissal of the appeal on the grounds of mootness, and move this court for attorneys' fees and costs."). On June 17, 2015, the Panel disposed of both the appeal and Appellants' motion by dismissing the appeal as moot and denying the petition for attorneys' fees.

Our appellate court rules do not allow a party to seek rehearing of a motion or petition, such as Appellants' motion for attorneys' fees and costs. See Rule 221(c), SCACR ("The appellate court will not entertain petitions for rehearing on a motion or petition unless the action of the court on the motion or petition has the effect of dismissing or finally deciding a party's appeal"); Rule 240(i), SCACR (same). Here, the petition for attorneys' fees and costs did not dismiss or finally decide the appeal. The Court's order of June 17, 2015, previously ended and dismissed the appeal as moot. Therefore, Appellants' petition for attorneys' fees and costs had no bearing on the issue of dismissal of the appeal or the appeal continuing before this Court if not moot. The effect of the denial of the petition for attorneys' fees and costs did not, and could not, dismiss or finally decide Appellants' appeal. As a result, the Panel should deny the petition for rehearing.

As to the arguments advanced by Appellants' in the petition for rehearing, Respondents incorporate herein the arguments set forth in their Return to Appellants' Petition for Attorneys' Fees and Costs. Should the Panel reach the merits of the

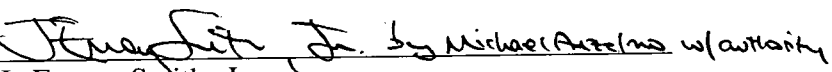
petition for rehearing, the petition should be denied for the reasons set forth in that filing.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: 
Michael J. Anzelmo
SC Bar No. 72933
E-Mail: michael.anzelmo@nelsonmullins.com
1320 Main Street / 17th Floor
Post Office Box 11070 (29211-1070)
Columbia, South Carolina 29201
803.799.2000

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

By: 
J. Emory Smith, Jr.
SC Bar No. 5262
Deputy Solicitor General
Post Office Box 11549
Columbia, South Carolina 29211
803.734.3680

Attorneys for the Respondent State of South Carolina

Columbia, South Carolina

June 25, 2015

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

JUN 25 2015

SC 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, 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.

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:

Return to Appellants' Petition for Rehearing

Counsel Served:

Alexis K. Lindsay
Robert E. Tyson, Jr.
Robert E. Stepp
Sowell Gray Stepp & Laffitte, LLC
Post Office Box 11449
Columbia, SC 29211

Kenneth M. Moffitt
Edward Houseal Bender
South Carolina Senate
Post Office Box 142
Columbia, SC 29202

James G. Carpenter
Jennifer J. Miller
Carpenter Law Firm, PC
819 E. North Street
Greenville, SC 29601

J. Emory Smith
South Carolina Attorney General's Office
Post Office Box 11549
Columbia, SC 29211



Jennifer B. Lee
Administrative Assistant

June 25, 2015

Nelson Mullins

Nelson Mullins Riley & Scarborough LLP
Attorneys and Counselors at Law
1320 Main Street / 17th Floor / Columbia, SC 29201
Tel: 803.799.2000 Fax: 803.255.9024
www.nelsonmullins.com

Michael J. Anzelmo
Tel: 803.255.9312
Fax: 803.255.9024
michael.anzelmo@nelsonmullins.com

June 25, 2015

Hand Delivered

The Honorable Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
1220 Senate Street
Columbia, SC 29201

RECEIVED

JUN 25 2015

SC Court of Appeals

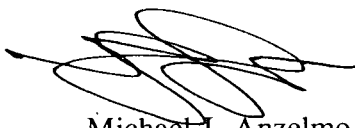
RE: South Carolina Public Interest Foundation, et al. v. Robert W. Harrell, Jr., in
his official capacity as Speaker of the S.C. House of Representatives, et al.
Civil Action No.: 2012-CP-40-1589
SC Court of Appeals Case No.2013-001273
Our file no.: 38955/01500

Dear Ms. Kitchings:

Enclosed please find an original and seven copies of Return to Appellants' Petition for Rehearing 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: James G. Carpenter
J. Emory Smith
Kenneth M. Moffitt
Alexis K. Lindsay

Jennifer J. Miller
Robert E. Stepp
Edward Houseal Bender
Robert E. Tyson, Jr.