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STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

IN THE COURT OF COMMON PLEAS MAY 25 2016  
FIFTH JUDICIAL CIRCUIT

SC Court of Appeals

South Carolina Lottery Commission, )  
Plaintiff, )

Civil Action No. 2014-CP-40-02926

vs. )

**ORDER DENYING MOTION  
TO RECONSIDER**

George S. Glassmeyer, )  
Defendant. )

2016 MAY 17 PM 9:48  
JAMES E. HARRIS  
CLERK OF COURT

This Court issued an Order filed on November 17, 2015, in the above-captioned action, and this matter is before me upon the Defendant's timely motion under Rules 52(b) and 59(e), SCRCP, concerning that order. For the reasons set forth herein, the Court finds that it did not misapprehend any principle of fact or law in its order, and the Defendant's motion is therefore denied.

In his motion, the Defendant alleges that there were procedural deficiencies in the hearing on this matter. Defendant is in error. The Court properly ruled on Plaintiff's motion for judgment on the pleadings by granting judgment in Plaintiff's favor. Moreover, the Court properly denied the Defendant's motion to dismiss, and properly granted his motion to strike the Plaintiff's request for attorney's fees. Accordingly, all of the pending motions were argued by counsel for the parties and addressed by the Court in its order. Therefore, Defendant's claim of procedural error is without merit.

Defendant also alleges that multiple factual findings and conclusions of law made by the Court are erroneous. Again, Defendant is incorrect in his assertions. What Defendant perceives as improper factual findings are in reality nothing more than a disagreement he has with the

Court over matters of degree. For example, Defendant admits that he submitted three FOIA requests to the Plaintiff in this case, but he quibbles over the Court's determination that this constitutes "a long line" of such requests. The Court disagrees. Alternatively, even if Plaintiff is correct and three FOIA requests is not "a long line" of requests, the Court's finding is harmless because it has no relevance or impact on the ultimate determination of the Court.

Furthermore, Defendant's allegations that the Court's conclusions of law are improper or inaccurate are without merit. It is not surprising that the Defendant disagrees with the Court's conclusions of law; that is often the case with parties who do not prevail in litigation. However, Defendant fails to provide substantive facts or law to demonstrate error in the Court's conclusions of law. Accordingly, Defendant's allegations on this point are without merit.

Defendant also argues that the injunctive and declaratory relief granted against him is improper. First, Plaintiff clearly has standing to assert a claim regarding FOIA requests directed at Plaintiff. In fact, in his motion Defendant himself cites two reported cases wherein public bodies were plaintiffs in actions that sought declaratory judgment under FOIA: *City of Columbia v. American Civil Liberties Union of South Carolina, Inc.*, 323 S.C. 384, 475 S.E.2d 747 (1996), and *South Carolina Tax Commission v. Gaston Copper Recycling Corp.*, 316 S.C. 163, 447 S.E.2d 843 (1994).

Second, Defendant contends that the declaratory relief granted to Plaintiff is improper because S.C. Ann. § 30-4-100(a) only authorizes "citizens" of South Carolina to seek declaratory relief under FOIA, and he asserts that Plaintiff is not a "citizen" and therefore cannot bring this action. However, Defendant not only ignores the two cases he cited, both of which involve public bodies which were allowed to bring declaratory judgment actions under FOIA, but he also completely ignores S.C. Ann. § 30-4-100(b), which states that "(i)f a person or entity seeking

such [declaratory or injunctive] relief prevails, he or it may be awarded reasonable attorney fees and other costs of litigation. If such person or entity prevails in part, the court may in its discretion award him or it reasonable attorney fees or an appropriate portion thereof (emphasis added).” Clearly, this provision demonstrates that the South Carolina legislature intended to enable “entities” to bring declaratory judgment actions under FOIA, and there is no dispute that Plaintiff qualifies as an entity. Therefore, Defendant’s arguments on this point fail.

Finally, Defendant alleges that Plaintiff’s ulterior motive is to obtain a new FOIA exemption concerning lottery winners. The Court disagrees. As the Order in this matter confirms, the existing FOIA exemptions are more than sufficient to provide Plaintiff with the relief it sought. Accordingly, for all of the reasons set forth herein and in the Order of November 17, 2015, Defendant’s motion to reconsider is DENIED.

**IT IS SO ORDERED.**

  
L. Casey Manning  
Presiding Judge, Fifth Judicial Circuit

July 17, 2016  
Columbia, South Carolina