

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

RECEIVED

JUL 27 2017

SC Court of Appeals

APPEAL FROM BARNWELL COUNTY  
Doyet A. Early, Circuit Court Judge

Appellate Case No. 2017-001208  
Case No. 2013-CP-06-0059

Lorenda Robinson, Elaine Nix, Archie Patterson,  
And Tami Bollerman, ..... Plaintiffs,

Of Whom, Archie Patterson and Tami Bollerman are ..... Respondents,

v.

South Carolina Department of Employment and Workforce, ..... Appellant.

RESPONSE TO APPELLANT'S PETITION FOR REHEARING, CLARIFICATION, OR  
RECONSIDERATION OF  
ORDER DISMISSING APPEAL

Respondents/Plaintiffs object to any modification of this Court's June 27<sup>th</sup> Order dismissing this appeal without prejudice and believe all of the petitioners rights to future appeals are not limited by the dismissal.

Respondents believe that petitioners April 28, 2017 Rule 59(e) Motion is not successive in that it pertains to and seeks to amend the lower Court's April 27, 2017 Order regarding standing of the named Plaintiffs. This order stems from Petitioner's Motion requesting an evidentiary hearing on the issue of standing filed June 20, 2016. Respondents had previously

filed a 59(e) Motion regarding the lower courts 2016 class certification Order. These issues are separate and distinct. Even if it could be argued that the 2016 59(e) Motions are successive, Respondents waive any future argument that the 2017 59(e) Motion is successive to the 2016 59(e) Motion.

Further, Respondents do not believe, nor will they assert, that any findings of the Court in either Order referenced above are final, nor does either Order reach the merits of the case. Both orders are preliminary orders that: 1) the action may proceed as a class action (class action orders under S.C.R.C.P 23 can always be modified before a decision on the merits; and 2) the parties have standing to bring the case. Any appeal is therefore premature as both Orders are interlocutory.

The Court's dismissal of the appeal ensures that all of the petitioner's rights of appeal are protected and prevents duplicative appeals in this matter.

Respondents respectfully submit that Defendant's request for rehearing should be denied.

Respectfully submitted,

BEDINGFIELD & WILLIAMS, LLC

By: 

DANIEL W. WILLIAMS (SC Bar #10233)  
40 Wall Street  
Barnwell, SC 29812  
[danwilliams@bellsouth.net](mailto:danwilliams@bellsouth.net)  
(803) 259-2759

Counsel for Plaintiffs/Respondents

Barnwell, South Carolina  
July 27, 2017

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM BARNWELL COUNTY  
Doyet A. Early, Circuit Court Judge

Appellate Case No. 2017-001208  
Case No. 2013-CP-06-0059

RECEIVED

JUL 27 2017

SC Court of Appeals

Lorenda Robinson, Elaine Nix, Archie Patterson,  
And Tami Bollerman, ..... Plaintiffs,

Of Whom, Archie Patterson and Tami Bollerman are ..... Respondents,

v.

South Carolina Department of Employment and Workforce, ..... Appellant.

CERTIFICATE OF SERVICE


The undersigned employee of BEDINGFIELD & WILLIAMS, LLC, counsel for the Respondents, does hereby certify that I have served a copy of the enclosed Respondent's Motion to File a Late Response to Appellant's Request for Rehearing in the above captioned matter by mailing a copy of same by United States Mail, postage prepaid, to the following addresses on July 27, 2017.

Kenneth P. Woodington, Esquire  
Davidson & Lindemann, PA  
P. O. Box 8568  
Columbia, SC 29202-8568

**C. Bradley Hutto, Esquire  
Williams & Williams  
1281 Russell Street, P.O. Box 1084  
Orangeburg, SC 29115**

**Alex Paterra, Esquire  
Paterra & Osmer, LLC  
107 E. Park Avenue  
Greenville, S.C. 29601**

**Stephen R. Suggs, Esquire  
South Carolina Appleseed Legal Justice Center  
P.O. Box 7187  
Columbia, SC 29202**

A handwritten signature in cursive script, reading "Andrea S. Reed", written over a horizontal line.

**Andrea S. Reed  
Legal Assistant to Daniel W. Williams**

LAW OFFICES  
*Bedingfield &*  
**WILLIAMS, LLC**

WALTER BEDINGFIELD  
(1938-2002)

DANIEL W. WILLIAMS

July 27, 2017

RECEIVED

VIA FAX ((803) 734-1839) & U.S. MAIL

JUL 27 2017

The Hon. Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
PO Box 11629  
Columbia, SC 29211

SC Court of Appeals

Re: Lorenda Robinson, Elaine Nix, Archie Patterson, Tami Bollerman, Fred Alexander and Pamela Wooten vs. SC Department of Employment and Workforce  
Court of Appeals Tracking Number: 2017-001208  
Civil Action Number: 2013-CP-06-059

Dear Ms. Kitchings:

In connection to the above aforesaid matter, you will find the original and seven (7) copies of Respondents' Motion to File a Late Response to Appellant's Request for Rehearing. Attached to this motion is the response Respondent proposes to file. Please file the original and return a clocked-in copy of the same to me in the stamped reply envelope provided. I have enclosed the necessary filing fee as required in this matter.

We are also faxing a copy to your office so that you will know it is on the way. When you receive the fax, if you would prefer hand delivery let me know.

By copy of this letter to all counsel of record, I am hereby serving a copy of the Motion to File a Late Response upon them. Thank you for your courtesies in this matter.

Sincerely,

  
Daniel W. Williams

DWW:ar  
Enc.

cc: Kenneth P. Woodington, Esquire  
DAVIDSON & LINDEMANN, P.A.  
PO Box 8568  
Columbia, SC 29202-8568

The Hon. Jenny Abbott Kitchings  
July 27, 2017  
Page 2

C. Bradley Hutto, Esquire  
WILLIAMS & WILLIAMS  
PO Box 1084  
Orangeburg, SC 29116

Alexander D. Paterra, Esquire  
PATERRA LAW FIRM, LLC  
104 S. Calhoun St.  
Greenville, SC 29601

Stephen R. Suggs, Esquire  
S.C. Appleseed Legal Justice Center  
PO Box 7187  
Columbia, SC 29202