

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

L. Casey Manning, Circuit Court Judge

Appellate Case No. 2017-001638

South Carolina Public Interest Foundation and
Edward S. Sloan, Jr., individually, and on behalf of
all others similarly situated, Appellants,

v.

The South Carolina House of Representatives, The South Carolina Senate,
The Honorable James H. "Jay" Lucas, as Speaker of the South Carolina
House of Representatives, The Honorable Hugh K. Leatherman,
in his capacity as President Pro Tempore of the South Carolina Senate,
and, The State of South Carolina, Respondents.

MOTION TO DISMISS APPEAL

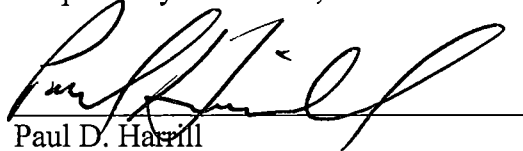
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SC Court of Appeals

Respondents The South Carolina House of Representatives and The Honorable James H. "Jay" Lucas, as Speaker of the South Carolina House of Representatives, respectfully move to dismiss this appeal for failure to comply with SCRAP 207. Rule 207 requires the transcript be ordered within 10 days of service of the Notice of Appeal. Appellants served the Notice of Appeal on July 25, 2017. Appellant served its Initial Brief and Designation of Matter to be Included in the Record on Appeal on August 25, 2017, without ordering and receiving the transcript of the

proceedings below. Moreover, Appellant did not obtain the consent of Respondents in writing to dispense with the requirement of ordering the transcript of the proceedings below.

For these reasons, and for the reasons set forth above, it is respectfully submitted that this appeal must be dismissed.

Respectfully Submitted,



Paul D. Harrell
Bradley S. Wright
MCNAIR LAW FIRM, P.A.
Post Office Box 11390
Columbia, South Carolina 29211
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September 12, 2017
Columbia, SC

ATTORNEYS FOR RESPONDENTS
THE SOUTH CAROLINA HOUSE OF
REPRESENTATIVES AND THE HONORABLE
JAMES H. "JAY" LUCAS, AS SPEAKER OF THE
SOUTH CAROLINA HOUSE OF
REPRESENTATIVES

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in his capacity as President Pro Tempore of the South Carolina Senate,
and, The State of South Carolina, Respondents.

CERTIFICATE OF SERVICE

I, Ann Shuler, an employee of the McNair Law Firm, certify that I have served the *Motion to Dismiss* by depositing a copy in the United States Mail, postage prepaid, on September 13, 2017, addressed to all attorneys of record, as follows:

James G. Carpenter
The Carpenter Law Firm, PC
819 E. North Street
Greenville, SC 29601
Attorney for Appellants

J. Emory Smith, Jr.
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*Attorneys for Hugh K. Leatherman, Sr. and
The South Carolina Senate*

A handwritten signature in cursive script, reading "Ann Shuler". The signature is written in black ink and is positioned above a horizontal line.

Ann Shuler

September 13, 2017

Paul D. Harrill

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T 803.799.9800
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Via Courier

Honorable Jenny Abbott Kitchings
Clerk of Court
S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

Re: South Carolina Public Interest Foundation and Edward S. Sloan, Jr,
individually, and on behalf of all other similarly situated -v- The South
Carolina House of Representatives, The South Carolina Senate, The
Honorable James H. "Jay" Lucas, as Speaker of the South Carolina
House of Representatives, The Honorable Hugh K. Leatherman, in his
capacity as President Pro Tempore of the the South Carolina Senate,
and, The State of South Carolina
Appellate Case No. 2017-001638

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Dear Ms. Kitchings:

Enclosed for filing, please find the original and seven copies of Respondents The South Carolina House of Representatives and the Honorable James H. "Jay" Lucas, as speaker of the South Carolina House of Representatives' Motion to Dismiss Appeal, along with our check in the amount of \$25.00. By copy of this letter, we are serving a copy on the motion on counsel for the Appellants. Please file the motion in your office and return the file-stamped extra copy to me via our courier.

Thank you for your assistance in this matter.

Sincerely,

McNAIR LAW FIRM, P.A.



Paul D. Harrill

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PDH:as
Enclosures

Honorable Jenny Abbott Kitchings
September 13, 2017
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M C N A I R
ATTORNEYS

cc: James G. Carpenter Esquire
Michael J. Anzelmo, Esq.
J. Emory Smith, Esq.