

# JUSTIN O'TOOLE LUCEY, PA

*Attorneys at Law*

Justin Lucey  
Joshua F. Evans  
Stephanie D. Drawdy  
Dabny Lynn  
James L. Floyd, III

415 Mill Street, Mount Pleasant, SC 29464  
Reply to: P.O. Box 806, Mount Pleasant, SC 29465  
Phone: 843.849.8400 · Fax: 843.849.8406 · lucey-law.com

Anna S. McCann  
Lauren M. Milton  
Taylor M. Morris  
Sohayla R. Townes

July 20, 2018

RECEIVED

JUL 23 2018

S.C. SUPREME COURT

**VIA U.S. MAIL**

The Honorable Daniel E. Shearouse  
Clerk of Court  
South Carolina Supreme Court  
1231 Gervais Street  
Columbia, South Carolina 29201

Re: *Gordon v. Lancaster* | Appellate Case No. 2017-000640  
Common Pleas Nos. 2010-CP-10-9096 and 2011-CP-10-8840

Dear Mr. Shearouse:

This letter is to express Respondents' substantive and procedural objections<sup>1</sup> to the Motion of Adriane Livingston Radeker to File Brief as Amicus Curiae (and its accompanying Brief) filed with the Court dated July 10, 2018. Mrs. Radeker's motion for leave to file an amicus brief should be denied because it is untimely, it fails to comply with Rule 213, and offers no unique information or perspective that has not or could not have been raised by the parties.

This Court should deny Mrs. Radeker's motion because it was untimely filed more than a month after oral arguments. A motion for leave to file an amicus curiae should not be granted unless the court "deems the proffered information timely and useful." C.J.S. Amicus Curiae § 3 (1973).

Pursuant to Rule 213, SCACR a motion for leave is required to state the reasons an amicus curiae's brief is desirable. Ms. Radeker's brief fails to do so and is duplicative of the parties' arguments. While the amicus brief sought to be filed in this case contains a few additional citations not found in the parties' briefs, it is essentially a summary of Appellants' briefs. Courts across the nation have adopted the principle that an amicus brief is meant to assist the court and not merely extend the length of a litigant's brief.

Respondents therefore oppose Mrs. Radeker's current motion for leave to file an amicus curiae brief in this matter and oppose filing of their proposed amicus curiae brief. Respondents request that the Supreme Court deny Mrs. Radeker's motion. With deep respect and warm regards, I remain;

---

<sup>1</sup> In this opposition letter, Respondents will not address each point made in the Amicus Curiae Brief, with the understanding that, under Rule 213, "if leave to file an amicus curiae brief is granted, the Supreme Court will specify the period in which a response to the brief may be filed."

Yours very truly,



Justin Lucey

JOL/lmm

cc: Stephen P. Groves, Sr. Esq.  
John J. Dodds, III, Esq.  
Andrew S. Radeker, Esq.

RECEIVED

JUL 23 2018

S.C. SUPREME COURT

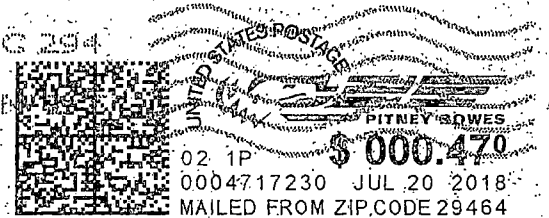
JUSTIN O'TOOLE LUCEY, PA

ATTORNEYS AT LAW

415 MILL STREET • P.O. BOX 806 • MT. PLEASANT, SC 29465-0806

CHARLESTON SC 294

20 JUL 2018 PM



The Honorable Daniel E. Shearouse  
Clerk of Court  
South Carolina Supreme Court  
1231 Gervais Street  
Columbia, South Carolina 29201

25201+3235

