

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM RICHLAND COUNTY

Court of Common Pleas

G. Thomas Cooper, Jr., Circuit Court Judge

Appellate Case No. 2018-000794  
Trial Court Case No. 2016-CP-40-02875

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JUL 23 2018

SC Court of Appeals

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

v.

Richland County,..... Respondent,

And

Central Midlands Regional Transit Authority.....Intervenor/Respondent

**MOTION TO REINSTATE APPEAL**

Now come the Appellants, by their undersigned attorney, and move the Court to reinstate this appeal. In support of this Motion, the Appellants would show the Court the following:

Appellants filed a Notice of Appeal April 30, 2018. Richland County’s primary attorney is Andrew Lindemann. CMRTA’s primary attorney is Rob Tyson. In an effort to be thorough, Appellants included as “other counsel” Ray N. Stevens and Ray Jones, of the Parker Poe law firm, who were listed as counsel for Richland County on its Answer in the court below. In addition,

Appellants listed Larry C. Smith, in-house counsel for Richland County, who made an appearance at one of the hearings in the court below.

On May 2, 2018, the Court of Appeals sent two letters. One listed the appellate case number, stated the official title of the case, and directed counsel's attention to the rules. The other letter asked about the identity and roles of Stevens, Jones, and Smith.

At that time, Appellants were working to contact two different court reporters, sending payments, and securing the transcripts from court reporters, one of whom was from outside Richland County. Apparently, the undersigned counsel simply overlooked the second letter asking about Stevens, Jones, and Smith.

On May 25, Appellants received a letter from the Court of Appeals referencing a previous letter dated May 2, and asking for follow-up activity, but not specifying what the oversight was. Appellants continued to follow up with the court reporters to secure the transcripts and copied the Court of Appeals and Court Administration on such correspondence.

On May 30, 2018, the undersigned counsel wrote emails to Smith and to Jones asking them whether they were involved in the appeal. (Stevens is retired.) Smith did not respond. Jones wrote back on June 10, stating that he and Stevens were not involved in the appeal.

Monday July 16, Appellants received this Court's Order entered July 13, dismissing the appeal because of the unresolved uncertainty about Stevens, Jones and Smith. The Order referenced a telephone call on June 12, 2018. The undersigned counsel has no record or independent recollection of a June 12 telephone call. However, Jones's June 10 email stated that Jones and Stevens were not involved with the appeal. If there were a telephone conversation about Stevens, Jones, and Smith on June 12, surely the undersigned counsel would have mentioned Jones's June 10 email and stated that he and Stevens were not involve in the appeal.

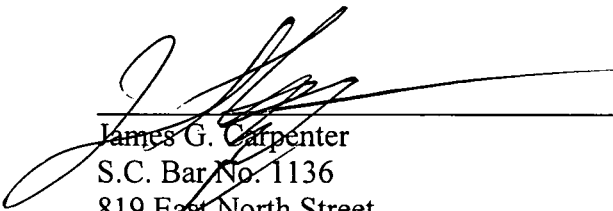
In Appellants' next correspondence with a court reporter, June 29, Appellants copied the Clerk, Court Administration, Lindemann, and Tyson. Unlike previous correspondence, Appellants did not show copies to Smith, Jones, or Stevens. At that time, Appellants consider them out of the case.

Lindemann indicates that Smith is not counsel of record on the appeal. Appellants asked opposing counsel, Lindemann and Tyson, to consent to this Motion to Reinstate the Appeal. Tyson was not able to obtain a definitive answer from his client. Lindemann said he had to check with Smith.

The Appellants' Initial Brief, with tables and cover page, is written and ready to go for duplication and filing, well before it is due. Appellants have not requested any extension of time. Appellants respectfully suggest that Respondents have not suffered any prejudice because of this oversight, particularly since all three men in question represented Richland County in the court below.

For all these reasons, Appellants respectfully request reinstatement of the appeal.

Respectfully submitted,  
**THE CARPENTER LAW FIRM, PC**



James G. Carpenter  
S.C. Bar No. 1136  
819 East North Street  
Greenville, SC 29601  
(864) 235-1269  
Attorney for the Appellants

**CERTIFICATE OF SERVICE**

The undersigned attorney certifies that he served a copy of the foregoing Appellants' Motion to Reinstate Appeal upon counsel for the Respondents by first class mail, postage prepaid, this July 18, 2018, addressed as follows:

Andrew Lindemann  
Lindemann, Davis & Hughes, P.A.  
Post Office Box 6923  
Columbia, South Carolina 29260

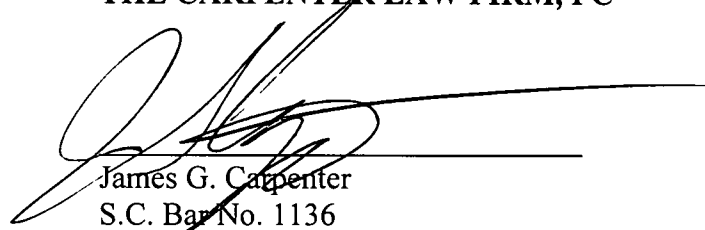
Elizabeth Gray  
Rob Tyson  
Alexis K. Lindsay  
PO Box 11449  
Columbia, SC 29211

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**SC Court of Appeals**

Respectfully submitted,  
**THE CARPENTER LAW FIRM, PC**



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Attorney for the Appellants



WHEN IT'S WORTH FIGHTING FOR

JAMES G. CARPENTER  
james.carpenter@carpenterlawfirm.net  
SERVING S.C. AND N.C.

July 18, 2018

The Honorable Jenny Abbott Kitchings  
Clerk of SC Court of Appeals  
PO Box 11629  
Columbia, SC 29211

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**Attention Claire Allen, Deputy Clerk**

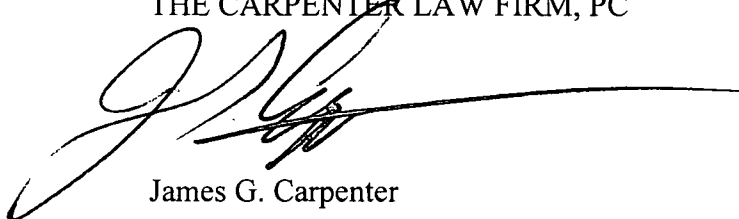
Re: *South Carolina Public Interest Foundation et al. vs. Richland County*,  
Appellate Case No. 2018-000794.

Dear Ms. Kitchings:

I enclose the original and seven copies of Appellants' Motion to Reinstate Appeal, with Certificate of Service. I also enclose a check for \$25 for the filing fee. Please stamped the extra copy and return it to me in the enclosed postage-paid envelope.

If you need anything else, please telephone me.

Sincerely yours,  
THE CARPENTER LAW FIRM, PC



James G. Carpenter

Enclosures  
CC w/ enclosures: Andrew Lindemann  
Rob Tyson



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