

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF CHARLESTON )  
 )  
 TRAVIS J. McCORY and ALICIA S. )  
 McCORY, )  
 )  
 )  
 Plaintiffs, )  
 )  
 VS. )  
 )  
 CHARLESTON COUNTY SCHOOL )  
 DISTRICT BOARD OF TRUSTEES, )  
 DR. GERRITA POSTLEWAIT, in her )  
 Capacity as Superintendent of Charleston )  
 County School District and )  
 KIM JACKSON, in her capacity as )  
 Principal of Mt. Pleasant Academy )  
 )  
 Defendants. )  
 )

IN THE COURT OF COMMON PLEAS  
 CASE NO.: 2018-CP-10-4127

**ORDER**  
**(DECLARATORY JUDGMENT)**

**RECEIVED**  
 OCT 03 2018  
 SC Court of Appeals

FILED  
 2018 SEP -7 PM 12:06  
 JULIE WOOD COURT  
 CLERK OF COURT

This matter came before this court on the August 27, 2018, to hear a Declaratory Judgment action filed by the Plaintiffs, Travis J. McCory and Alicia S. McCory. Present at the hearing were the Plaintiffs Travis J. McCory and Alicia S. McCory represented by Randolph W. Cooper, Esquire; and Thomas K. Barlow, Esquire and Dwayne T. Mazyck, Esquire of the law firm of Halligan, Mahoney & Williams, P.A. representing the Defendants, as well as Natalie Ham, Esquire, General Counsel to Charleston County School District.

**INTRODUCTION**

This case is brought pursuant to S.C. Code § 15-53-10 *et seq.* (1976) as amended to declare the Plaintiffs legal rights under S.C. § 59-63-30 (1976) as amended. Specifically, Plaintiffs are requesting this court determine whether the minor child of the Plaintiffs, Aubrey Lyla McCory, should be admitted as a student to Mt. Pleasant Academy in compliance with S.C. § 59-63-30.

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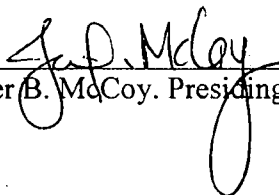
**ORDER**

After considering arguments from both sides and evidence submitted to the Court, Plaintiff's requested relief for Declaratory Judgment is granted. Therefore, it is hereby ordered that the Charleston County School Board admit Aubrey Lyla McCory as a student of Mt. Pleasant Academy immediately.

Additionally, the Court has received the Defendants' Suggestion of Mootness as to this matter. The Court, however, ruled on the matter at the conclusion of the hearing on August 27, 2018. Therefore, the matter was ruled upon prior to the subsequent actions taken by Defendants and, as such, any argument as to Mootness is precluded.

Finally, pursuant to S.C. § 15-77-300 (2010), a prevailing party in an action against the State may recover reasonable attorney's fees to be taxed as court costs against the appropriate agency if: (1) the court finds the government agency acted without substantial justification, and (2) the court finds there are no special circumstances that would make the award of attorney's fees unjust. Here, the issue of attorney's fees was neither included in the parties' written motions nor addressed at the hearing. While there are no special circumstances that would make the award of attorney's fees in this case unjust, the Court finds the Charleston County School Board did not act without substantial justification. Therefore, the Court finds attorney's fees and costs are not appropriate in this matter.

AND IT IS SO ORDERED!

  
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Jennifer B. McCoy, Presiding Judge

September 7, 2018  
Charleston, South Carolina