

Law Office of  
**ADAM T. SILVERNAIL**  
LLC

November 8, 2019

*By Hand-delivery:*

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201

**RECEIVED**  
NOV 08 2019  
SC Court of Appeals

Re: *Pope v. Wilson* (FOIA)  
Court of Appeals Case No. 2016-001708  
Appeal from Richland County  
Opinion No. 5657 (Revised)  
Filed June 19, 2019  
Richland County Case No. 2010-CP-40-4900

Dear Ms. Kitchings:

I write to seek your help in connection with securing a remittitur to the Richland County Circuit Court of the Court of Appeals' decision in the above FOIA case (pending since 2011) which was remanded to Richland County in its revised opinion referenced above.

The original opinion, as stated, was issued on June 19, 2019, and the Attorney General sought reconsideration. On August 27, 2019 the Court denied rehearing, but made a modification to the opinion. The opinion states in relevant part that "we reverse the circuit court's order dismissing Pope's complaint and remand for further proceedings consistent with this opinion." No party sought review by the Supreme Court, and the time to do so has passed.

We have been checking the Court's portal, as well as the Richland County file, since late September but have not seen a remittitur. We would very much appreciate your helping us by advising if there is anything further we need to do so that this 8-year-old FOIA case can proceed on remand, as directed by the Court.

Because of possible confusion regarding the case number, and the retirement of the trial judge, I am copying this letter to both the Chief Administrative Judge for Richland County and the Clerk of Court, so that the case can proceed expeditiously on remand.

First, for the benefit of the Richland Clerk, I note that this FOIA case was consolidated, but not merged, with another case, also Richland 2010-CP-40-4900. There are certain appeals pending from that case which are separate from this FOIA decision, and, I trust the Solicitor General will agree, should not prevent this FOIA case from proceeding on remand.

In addition, the Honorable Doyet A. Early, III, who was the Circuit Judge assigned to this FOIA case and another Richland County FOIA case, as well as 2010-CP-40-4900, has retired. I trust, again, that the Solicitor General will agree that Judge Early's retirement while the appeal was pending means that the case should proceed to the general nonjury roster for management when the remittitur is handed down.

Ltr. to the Honorable Jenny Abbott Kitchings

November 8, 2019

Page 2

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If there is anything further we need do to secure the remittitur so that we can proceed with this FOIA matter, I would appreciate your letting me know. Otherwise, I thank you, and the Richland Court and Clerk, in advance for helping move this case back into position to be concluded.

Sincerely,



Adam T. Silvernail

cc:

Robert D. Cook, Esq.

J. Emory Smith, Jr., Esq.

The Honorable DeAndrea G. Benjamin  
Chief Administrative Judge for Richland County  
PO Box 192  
Columbia, SC 29202

The Honorable Jeanette McBride  
Richland County Clerk of Court  
Richland County Judicial Center  
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Adele J. Pope, Esquire