

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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S.C. SUPREME COURT

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

J.C. Nicholson Jr., Circuit Court Judge

Appellate Case No.: 2018-02025
Published Opinion No. 5583 (S.C. Ct. App. Filed Aug. 1, 2018)

Leisel Paradis Petitioner

v.

Charleston County School District, James Island Charter High School, Robert Bohnstengel, and
Stephanie Spann, in their individual capacities, Respondents

MOTION TO ARGUE AGAINST PRECEDENT

Petitioner, pursuant to Rule 217, SCACR, moves the Court to grant her leave to argue against precedent in this matter at oral argument.

This motion is filed greater than fifteen (15) days prior to oral argument which is set for December 12, 2019.

The basis for this motion is that the issue on appeal is:

1. Should the Court reverse the special damages pleading requirement on civil conspiracy claims arising from Todd v. S.C. Farm Bureau Mut. Ins. Co.?

Thus, Petitioner is set to argue against the propriety of the pleadings rule on special damages set forth in *Todd v. Farm Bureau Mut. Ins. Co.* and its progeny. *Todd v. S.C. Farm Bureau Mut. Ins. Co.*, 276 S.C. 284, 293, 278 S.E.2d 607, 611 (1981).

Petitioner's arguments in favor of reversing the *Todd* rule and Respondents' arguments in favor of maintaining the *Todd* rule are set forth in the parties' respective briefs.

Petitioner sought consent from Respondents to file this motion. Respondents do consent this motion.

Petitioner therefore requests that the Court grant her leave to argue against precedent at the oral argument in this case.



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November 22, 2019
Columbia, South Carolina

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PROOF OF SERVICE

I certify that I, the undersigned employee of Cromer Babb Porter & Hicks, LLC, caused to have served **Petitioner's Motion to Argue Against Precedent** by depositing a copy of it in the United States Mail, postage prepaid and electronic mail, on November 22, 2019, to attorney of record, Rene S. Dukes, Esq., ROSEN, ROSEN, HAGOOD, LLC, P.O. Box 893, Charleston, SC 29402, and Bob J. Conley, Esq. and Emanuel Ferguson, Esq., CLEVELAND AND CONLEY, LLC, 171 Church Street, Suite 310, Charleston, SC 29402.

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