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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Honorable Joceyln Newman, Circuit Court Judge

Appellate Case No. 2019-000360

Case No. 2018-CP-40-04819

William R. Folks, individually and on behalf of all
others similarly situated,

v.

The South Carolina House of Representatives;
The South Carolina Senate; The Honorable James
H. Lucas, Speaker of the South Carolina House
of Representatives; The Honorable Harvey S.
Peeler, Jr., President the South Carolina Senate;
and The State of South Carolina, Respondents.

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MOTION TO EXPEDITE ORAL ARGUMENT AND CONSIDERATION

The Respondents, pursuant to Rule 240, SCACR, and this Court's inherent power to control its docket, respectfully move the court set argument, if needed, at the next available session of court to provide for an expedited prosecution and adjudication of the appeal. Expediting this case will promote the public interest and will not prejudice the parties.

As background, Act 40 became law on May 9, 2017, when the General Assembly overrode the Governor's veto. Act 40 sought to provide a comprehensive approach to

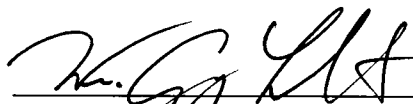
infrastructure financing and oversight, which would allow for road construction and safety. Folks filed this lawsuit three months later, on August 11, 2017. Thus, whether Act 40 is constitutional has been pending before our courts for more than two years.

First, deciding the constitutionality of Act 40 quickly is in the public interest and will bring the issues closer to conclusion. In other contexts, courts have sought to avoid “prolonged uncertainty” about what the law is. *Cf. United States v. South Carolina*, 720 F.3d 518, 528 (4th Cir. 2013) (holding that the district court correctly refused to abstain from hearing a challenge to an immigration-related law passed by the General Assembly). And the Court should do so here as well. Act 40 is a significant piece of legislation that addresses “the effects of inadequate infrastructure financing and oversight.” 2017 S.C. Acts No. 40, § 27. It became law in May 2017, and within three months, it was—and has remained—the subject of this constitutional challenge. The Act is constitutional and should be declared as such sooner rather than later.

Second, expediting this case will not prejudice any of the parties. This appeal is fully briefed and ready for consideration.

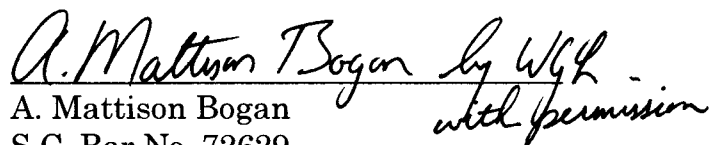
In light of these considerations, the Respondents respectfully request that the Court of Appeals expedite oral argument and consideration of this appeal.

Respectfully Submitted,



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December 4, 2019
Columbia, South Carolina

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of Representatives; The Honorable Harvey S.
Peeler, Jr., President the South Carolina Senate;
and The State of South Carolina, Respondents.

CERTIFICATE OF SERVICE

I certify that this MOTION TO EXPEDITE ORAL ARGUMENT AND
CONSIDERATION was served on counsel of record on December 4, 2019:

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December 4, 2019

VIA HAND DELIVERY

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

**Re: Folks v. The South Carolina House of Representatives; et al.
Appellate Case No. 2019-000360**

Dear Ms. Kitchings:

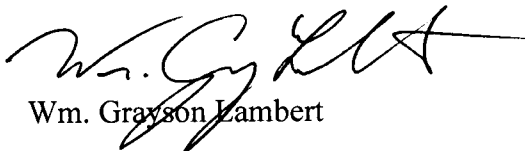
Please find enclosed the original and thirteen copies of the Final Brief of Respondents in the captioned matter. I ask that you please stamp the extra copies and return them to me via the courier.

Please also find enclosed the original and ten copies of a Motion to Expedite oral argument and consideration of this appeal, together with this firm's check in the amount of \$50.00 to cover the filing fee. I again ask that you please stamp the extra copies and return them to me via the courier.

By copy of this letter, I am herewith serving a copy of the Final Brief and the Motion to Expedite on counsel for Appellant.

Respectfully yours,

Burr Forman McNair



Wm. Grayson Lambert

WGL:lg

Enclosures

cc: Helen Ann Siegling Thrower

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