

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Robert E. Hood, Circuit Court Judge

Appellate Case No. 2019-001624

RECEIVED
DEC 03 2019
SC Court of Appeals

Nancy Miramonti,

Respondent,

v.

Richland County School District One, a body politic and corporate; and the
Board of Commissioners of Richland County School District One,

Appellants.

**RESPONSE IN OPPOSITION TO APPELLANTS' MOTION OPPOSING
RESPONDENT'S REQUESTED DESIGNATION OF MATTER
RESPONDENT, NANCY MIRAMONTI**

Having received and reviewed the Appellants' Motion Opposing Respondent's Requested Designation of Matter ("**Motion**"), the undersigned hereby submits Respondent's Opposition to the Appellants' requested relief.

SCACR Rules 209 and 210


The video of the Board of Commissioners of Richland County School District One Meeting on August 13, 2019 (minutes 23:37 to 29:13) (the "**Video**") should be included in the Designation of Matter as such was submitted to the Circuit Court and discussed at the trial, and is relevant to the appeal. Pursuant to South Carolina Appellate Court Rules 209 and 210 the Record on Appeal may include relevant matters that were presented to the lower court. The Video was submitted to the Circuit Court by the Respondent's counsel via e-mail on September 12, 2019 with Appellant's counsel copied. See Exhibit 1 attached hereto. Further, at trial, Respondent's counsel

noted that the Video was submitted to the Circuit Court, referred to discussions from the Video and offered to play the Video, without any objection by Appellants. See Hearing Transcript, at 7, ll. 22-25, and 8, ll. 1-15, attached hereto as Exhibit 2.

Conclusion

Based on the foregoing, Appellants' Motion should be denied and the Video should be included as part of the Record on Appeal.

Respectfully submitted,



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Attorneys for Respondent

December 3, 2019
Columbia, South Carolina

Exhibit 1

From: **Jonathan Milling** <imm@millinglaw.net>
Date: Thu, Sep 12, 2019 at 11:46 AM
Subject: Re: Miramonti v. Richland One (2019CP4004931)
To: Hood, Robert E. Law Clerk (Dana Maurizio) <rhoodlc@sccourts.org>
Cc: Kenneth A. Davis <kdavis@boykinlawsc.com>, Riley Baldwin <riley@millinglaw.net>, susan.williams@richlandone.org <susan.williams@richlandone.org>

Great. Below is a link to the video posted on the Richland One webpage for the subject Board Meeting. The issue is addressed beginning at approximately the 23:40 minute mark.

<https://rotv.viebit.com/player.php?hash=ARztZ6oYA26P>

On Thu, Sep 12, 2019 at 11:25 AM Hood, Robert E. Law Clerk (Dana Maurizio) <rhoodlc@sccourts.org> wrote:

Mr. Milling,

We do have a copy of the exhibits.

Dana

Dana E. Maurizio

Law Clerk to the

Honorable Robert E. Hood

Circuit Court Judge

Fifth Judicial Circuit

Richland County Judicial Center

1701 Main Street

Exhibit 2

1 Superintendent for the District, trying to address, not
2 the -- the specific issues as it relates to these
3 students, but address the policy -- a policy decision.

4 After getting nowhere, the letter was sent August 7
5 of this year. That is the complaint letter which was
6 issued pursuant to KE policy, District policy. And it
7 specifically says if you've got an issue, you gotta direct
8 it to the Board and within the next -- or by the next
9 Board meeting, you gotta take action as the Board deems
10 fit. You gotta --

11 THE COURT: You gotta be disposed of ---

12 MR. MILLING: Disposed of. Yes, sir.

13 THE COURT: -- best -- best judgment of the Board.

14 MR. MILLING: Yes, sir. That -- that -- that's the
15 exact language.

16 THE COURT: Right.

17 MR. MILLING: And so the next meeting was that August
18 13 meeting. There was not an agenda item for the
19 complaint letter and during the open session, it was
20 learned that apparently during executive session the
21 letter from Mr. Smith was addressed.

22 And Ms. Miramonti was there. She can authenticate
23 the -- the video recording that I emailed to chambers
24 yesterday. We've got a copy of that -- or not a copy, but
25 we can -- I'll play it on my laptop if Your Honor wants us

1 to here today.

2 But basically, Chairman Devine says, "What we're
3 going to do is we're going to send a letter. We discussed
4 it, we're gonna send a letter."

5 THE COURT: We discussed it in executive session.

6 MR. MILLING: He doesn't start off saying that he
7 discussed it in executive session, but Ms. King --
8 Commissioner King starts to discuss, "Wait a second. I
9 disagree with what we're doing."

10 She turns to Ms. Williams, who is general counsel for
11 the Board and for the District, I believe, technically,
12 and asks questions about taking action and there's a lot
13 of discussion about vote and polling and things like that.

14 But it is clear and apparent that during that --
15 during that executive session, this topic was discussed.

16 The next day, on August the 14, a letter is sent out
17 which basically said, "We can't discuss any specific
18 transfer requests, ESOL or otherwise, with people who are
19 not the parent," which was never the request, which was
20 never what was discussed in the -- the complaint letter,
21 which was never discussed on the -- the June 11 meeting or
22 anything like that.

23 The whole purpose behind this letter and the -- the
24 formal complaint under KE policy is to make sure that
25 everything's in public, and give everybody the opportunity

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Richland County School District One, a body politic and corporate; and the
Board of Commissioners of Richland County School District One,

Appellants,

**RESPONDENT NANCY MIRAMONTI'S PROOF OF SERVICE OF RESPONSE IN
OPPOSITION TO APPELLANTS' MOTION OPPOSING RESPONDENT'S
REQUESTED DESIGNATION OF MATTER**

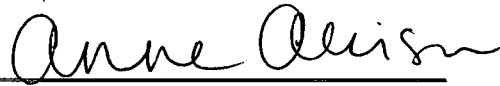
I certify that I have served Respondent Nancy Miramonti's Response in Opposition to Appellants' Motion Opposing Respondent's Requested Designation of Matter by depositing a copy of it in the United States Mail, postage prepaid, on **December 3, 2019** addressed to their attorneys of record, listed as follows:

Eugene Matthew, Esq.
Richardson Plowden & Robinson, P.A.
Post Office Box 7788
Columbia, South Carolina 29202
(803) 771-4400
gmatthews@richardsonplowden.com

and

Kenneth A. Davis, Esq.
Charles J. Boykin, Esq.
Boykin & Davis, LLC
220 Stoneridge Drive, Suite 100
Columbia, South Carolina 29210
(803) 254-0707

cjboykin@boykinlawsc.com
kdavis@boykinlawsc.com
Counsel for Appellants

A handwritten signature in cursive script that reads "Anne Allison". The signature is written in black ink and is positioned above a horizontal line.

Anne B. Allison, Paralegal
Rogers Lewis Jackson Mann & Quinn, LLC
PO Box 11803 (29211)
1901 Main Street, Suite 1200
Columbia, SC 29201
Tele: (803) 256-1268
Fax: (803) 252-3653

December 3, 2019

ROGERS LEWIS

ATTORNEYS AT LAW

Anne B. Allison, Paralegal
abeaudette@rogerslewis.com

December 3, 2019

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VIA HAND DELIVERY

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

Re: Nancy Miramonti, Respondent, v. Richland County School District One, a body politic and corporate; and the Board of Commissioners of Richland County School District One, Appellants / Appellate Case No. 2019-001624

Dear Ms. Kitchings:

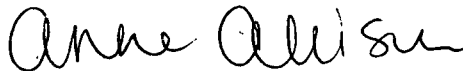
Enclosed please find for filing the original and one copy of Respondent Nancy Miramonti's Response in Opposition to Appellants' Motion Opposing Respondent's Requested Designation of Matter. Please file the original and return file-stamped copy to me via the courier from my office.

By copy hereof, all counsel of record are being served with the above.

Thank you for your assistance, and should you have any questions, please do not hesitate to contact me.

Very truly yours,

ROGERS LEWIS JACKSON MANN & QUINN, LLC



Anne B. Allison, Paralegal

Enclosures

cc: Eugene Matthews, Esq. (via U.S. Mail)
Kenneth A. Davis, Esq. (via U.S. Mail)
Charles J. Boykin, Esq. (via U.S. Mail)