

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

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Hon. Doyet A. Early, Circuit Court Judge

FEB 20 2020

SC Court of Appeals

C.A. No.: 2018-CP-40-02425
Appellate Case No. 2019-000648

Jefferson Davis, Jr.Appellant,

v.

Ellen Weaver, Chad Connelly, Oran P. Smith, Neil J. Mellen, Howard S. Rich, Rick Reames, Stephen D. Kirkland, Palmetto Promise Institute, Palmetto Family Council, Palmetto Family Action, South Carolinians for Responsible Government, SCRG Foundation, Access Opportunity South Carolina, Friedman Foundation for Educational Choice, Inc., Cato Institute, South Carolina Educational Credit for Exceptional Needs Children Fund, South Carolina Education Oversight Committee, South Carolina Department of Revenue, South Carolina Department of Labor, Licensing and Regulation, First Impressions, Inc. d/b/a/ Richard Quinn & Associates, First Tuesday Strategies, LLC, Bill Wilson, Jason Bedrick, Jim DeMint, Randy Page, Tony Denny, Phillip Cease, Melanie Barton, Doris Cubitt, Susan Thomas, John McCormick, Nate Leupp, Institute of Management Consultants USA & John Doe(s) 1-40Respondents.

INITIAL REPLY BRIEF OF APPELLANT

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Appellant

TABLE OF CONTENTS

Argument1

Conclusion2

ARGUMENT

For whatever reasons, Respondents have filed numerous and extensive briefs in this matter. Apparently all done in an attempt to confuse the one and only (and very simple) issue being presented to this Court. Yet none of Respondents, in all of their Briefs, have provided a single example, much less a case, whereby any Court in the land has given a Plaintiff “only” 15 days to amend a complaint and SERVE the amended complaint on all parties ... much less serve an amended complaint on a large and geographically diverse group of defendants as in the case at hand.

This matter is nothing more than a simple interpretation of the plain language of a few lines of an Order. Basically, what does the below mean?

CONCLUSION

For the foregoing reasons, Defendants’ Motion to Dismiss is granted in part and denied in part.

IT IS THEREFORE ORDERED each John Doe referenced in the complaint shall be specifically named and served. This court allows the plaintiff 15 days to appropriately amend the pleadings.

AND IT IS SO ORDERED.

s/ The Honorable DeAndrea Gist Benjamin
Presiding Judge

Clearly Appellant was required by the Order to amend his pleading within 15 days ... and he did so timely. No one debates that statement.

However, did the plain language of the Order require Appellant to SERVE each and every newly named John Doe defendant within that same 15 days? **Clearly not**, and Respondents have not provided any reasonable explanation (much less a legal basis) as to why the trial court would have expected Appellant to physically serve all the newly named and geographically diverse defendants within 15 days. It was clearly not the plain language intent of the trial court to impose such an impossible task.

CONCLUSION

For the foregoing and very simple reasons, Appellant asks this Honorable Court to reverse the judgment of the circuit court order. Plaintiff / Appellant's First Amended Complaint should be reinstated and Plaintiff / Appellant given an appropriate time certain (of at least 120 additional days) to serve the remaining John Doe defendants.

Respectfully submitted,



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Date: February 20, 2020

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PROOF OF SERVICE

I certify that I have served the **INITIAL REPLY BRIEF OF APPELLANT** on the below named parties at the addresses noted by depositing a copy of it in the United States Mail, postage prepaid, on February 20, 2020.

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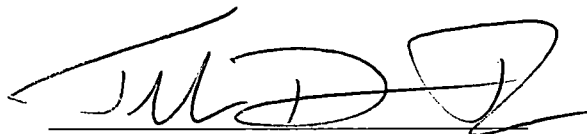
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