

S. Jahue Moore†
J. Mark Taylor*
C. Vance Stricklin, Jr.
James Edward Bradley†
Sheila McNair Robinson
Christian G. Spradley
William H. Edwards
Stanley L. Myers
Jane H. Downey*
S. Jahue Moore, Jr.
John C. Bradley, Jr.
Melissa K. Moore
William B. Fortino
Ralph Nichols Riley, Jr.
Amber Cary Fulmer
Lester McGill Bell, Jr.
Bryan C. Letteer
Edward Hood Dawson
Sierra D. Carini
Nicole E. Jackson

Robert D. Hazel†
C. David Sawyer, Jr.†
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SC Court of Appeals

March 5, 2020

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

Re: Donald Stanley and Sean Reiter, Individually and as Class Representatives
vs. Southern States Police Benevolent Association, Inc.
C/A No. 2016-CP-10-04062
Appellate Case No. 2019-000182

Dear Ms. Kitchings:

Pursuant to Rule 3.3 of the South Carolina Rules of Professional Conduct, the Appellant in the above matter, Southern States Police Benevolent Association (“PBA”), informs the Court of a recent South Carolina Supreme Court Opinion that reversed a case PBA cited in its Reply Brief on this appeal. PBA cited this Court’s Opinion in *BLH by Hensley v. S.C. Dept. of Social Services*, 423 S.C. 422, 814 S.E.2d 628 (Ct. App. 2018), at pages 5-6 of its Final Reply Brief on the subject of appealability. In January, in *Hensley v. South Carolina Department of Social Services*, Op. No. 27941, 2020 WL 465701 (S.C. Jan. 29, 2020), the Supreme Court held the order from which the appeal had been taken was not immediately appealable because the order’s requirement that the defendant furnish allegedly confidential information of the putative class members did not render the order appealable as of right.

PBA respectfully submits the Supreme Court’s ruling in *Hensley* does not affect the appealability of the class certification order in this case. As discussed in PBA’s Final Reply Brief, the trial court’s class certification order imposed an injunction prohibiting PBA from communicating with any putative class members. Under *Eldridge v. City of Greenwood*, 308 S.C. 125, 127, 417 S.E.2d 532, 534 (1992), the injunction renders the order appealable. (See PBA Reply Br. at 5).

Moreover, pursuant to Rule 3.3, PBA draws this Court’s attention to the Supreme Court’s recent Opinion in *Aiken v. South Carolina Department of Revenue*, Op. No. 27944, 2020 WL 701215 (S.C. Feb. 12, 2020) in which the Court reversed a circuit court order granting a motion to strike and in so doing, held plaintiffs’ proposed class claims were barred.

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
March 5, 2020
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Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "James Edward Bradley". The signature is fluid and cursive, with a long horizontal stroke at the end.

James Edward Bradley

/lgi

cc: Ronald L. Richter, Jr., Esquire (via first class mail)
Scott M. Mongillo, Esquire (via first class mail)
Eric S. Bland, Esquire (via first class mail)
Andrew J. Savage, III, Esquire (via first class mail)
Carl E. Pierce, II, Esquire (via first class mail)
Joseph C. Wilson, IV, Esquire (via first class mail)
Daniel Francis Lynch, IV, Esquire (via first class mail)
James Andrew Yoho, Esquire (via email)
Barry Goheen, Esquire (via email)

MTI MOORE | TAYLOR
LAW FIRM

PO Box 5709, West Columbia SC 29171
1700 Sunset Boulevard, West Columbia SC 29169

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