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**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas  
Doyet A. Early, Circuit Court Judge

Appellate Case No. 2019-000648  
Civil Action No. 2018-CP-40-02425

Jefferson Davis, Jr. .... Appellant,

v.

Ellen Weaver, Chad Connelly, Oran P. Smith, Neil J. Mellen, Howard S. Rich, Rick Reams, 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 Dept. of Revenue, South Carolina Dept. 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) 1-40 .....

Respondents.

**RESPONDENTS PALMETTO FAMILY COUNCIL AND PALMETTO FAMILY ALLIANCE'S  
RESPONSE OPPOSING APPELLANT'S MOTION TO STRIKE**

To the extent Appellant's Motion to Strike is directed at Respondents Palmetto Family Council and Palmetto Family Alliance, these Respondents oppose Appellant's Motion to Strike. Appellant's Motion argues that the matter involves only a February 19, 2019 Order by Judge

Early dealing solely with interpretation of a timing requirement in a previous order by Judge Benjamin.

Appellant's Motion should be denied. Respondents' brief addresses the timing issue discussed by Appellant and further raises additional sustaining grounds arising from the record below, as permitted in South Carolina. See SCACR 208 ("Respondent's brief may also contain argument asking the court to affirm for any ground appearing on the record as provided by Rule 220(c).). See also I'On, L.L.C. v. Town of Mt. Pleasant, 338 S.C. 406, 419, 526 S.E.2d 716, 723 (2000) ("Under the present rules, a respondent—the 'winner' in the lower court—may raise on appeal any additional reasons the appellate court should affirm the lower court's ruling, regardless of whether those reasons have been presented to or ruled on by the lower court.").

Further, regarding the record on appeal, Appellant misstates the current requirements of Rule 209(c), SCACR. The Rules states that the certification of the record on appeal must indicate "that the Designation contains no matter *which is irrelevant* to the appeal." SCACR 209. Respondents have included this certification and in fact Respondents' designation contains only matters relevant to the issues on appeal, which include the additional sustaining grounds properly raised in Respondents' brief.

Respondents further join the arguments in opposition to the Motion to Strike presented by other respondents in this matter.

For these reasons, Appellant's Motion to Strike should be denied.

Respectfully submitted,

**SWEENEY, WINGATE & BARROW, P.A.**

A handwritten signature in black ink, appearing to read 'Mark S. Barrow', is written over a horizontal line.

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Council and Palmetto Family Alliance

Hartsville, South Carolina  
March 18, 2020

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Respondents.

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**PROOF OF SERVICE**

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I certify that I have served a copy of Respondents Palmetto Family Council and Palmetto Family Action's Response Opposing Appellant's Motion to Strike by United States Mail, Postage Prepaid, on March 18, 2020, addressed to Jefferson Davis, Jr., 403 McCarter Avenue, Greenville, South Carolina 29615.

March 18, 2020

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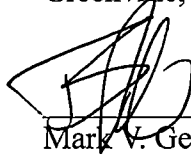
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# S·W·B

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Reply to: Pee Dee Office

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**VIA HAND DELIVERY**

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

RE: Jefferson Davis, Jr. v. Palmetto Family Council, et al.  
Civil Action No.: 2018CP4002425/2019-000648  
Our File: 4513-11974

Dear Ms. Kitchings:

Enclosed please find the original and one (1) copy of Respondents Palmetto Family Council and Palmetto Family Alliance's Response Opposing Appellant's Motion to Strike, along with a Proof of Service in connection with the above-referenced matter. Please file the originals and return the remaining clocked copies to our courier.

By copy of this letter to counsel of record, I am serving them with same.

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

Yours truly,

**SWEENY, WINGATE & BARROW, P.A.**



Brandon R. Gottschall

BRG/jln  
Enclosures  
CC: Counsel of Record