

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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

MAR 18 2020
SC Court of Appeals

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.

**PHILLIP CEASE AND SOUTH CAROLINIANS FOR RESPONSIBLE GOVERNMENT’S RESPONSE
OPPOSING APPELLANT’S MOTION TO STRIKE**

To the extent Appellant’s Motion to Strike is directed at Respondents Phillip Cease and South Carolinians for Responsible Government, 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.

SWEENEY, WINGATE & BARROW, P.A.



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March 18, 2020.

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Respondents.

PROOF OF SERVICE

I certify that I have served a copy of Respondent Phillip Cease and South Carolinians for Responsible Government’s Response Opposing Appellant’s Motion to Strike, by depositing a copy of the same in the 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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(SIGNATURE PAGE TO FOLLOW)



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SC Court of Appeals

Reply to: Main Office

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HAND DELIVERY

South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201

RE: Jefferson Davis, Jr. v. Phillip Cease, et al
Civil Action No.: 2018CP4002425
Claim No.:
Our File: 6075-12350

To Whom it May Concern:

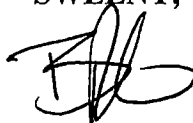
Enclosed please find the original and 1 copy of the Respondents Phillip Cease and South Carolinians for Responsible Government's Response Opposing Appellant's Motion to Strike and South Carolinians for Responsible Government, along with two Proofs of Service of the same in connection with the above-referenced matter. Please file the original and return the remaining clocked copy to me in the envelope provided.

By copy of this letter to opposing counsel, 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
w/enclosure