THE STATE OF SOUTH CAROLINA
In The Court of Appeals



APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Hon. Doyet A. Early, Circuit Court Judge

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) 1–40 .....Respondents.

**APPELLANT'S REPLY TO RESPONDENT'S RETURN TO APPELLANT'S MOTION TO STRIKE**

Appellant, Jefferson Davis, Jr., hereby submits his reply to the Respondent's return to Appellant's Motion to Strike. Appellant's Motion to Strike asks this Honorable Court for an Order striking certain sections of Respondent's Initial Briefs as addressing issues not in evidence or the subject matter in the underlying hearing and Order, as well as certain documents that were not part of the underlying hearing and Order.

The extended due date of this return is May 4, 2020, and is hereby timely filed and served.

## PROCEDURAL BACKGROUND

**On March 9, 2020**, Appellant filed his Motion to Strike (stamped filed 3/11/2020).

The following Respondents filed Returns to Appellant's Motion to Strike.

1) **Palmetto Family Council** and **Palmetto Family Alliance** (stamped filed 3/18/2020).
2) **Phillip Cease** and **South Carolinians for Responsible Government** (stamped filed 3/18/2020).
3) **Friedman Foundation for Educational Choice, Inc** (now known as EdChoice, Inc.) (stamped filed 3/19/2020).
4) **Cato Institute & Howard S. Rich** (stamped filed 3/19/2020).
5) **First Tuesday Strategies, LLC** (stamped filed 3/20/2020).
6) **South Carolina Educational Credit for Exceptional Needs Children Fund** (stamped filed 3/23/2020).
7) **Stephen D. Kirkland** (stamped filed 3/23/2020).
8) **First Impressions, Inc. d/b/a Richard Quinn & Associates** (stamped filed 3/30/2020).[1]

The following 15 Respondents did not file any objection: (1) **Ellen Weaver,** (2) **Oran P. Smith,** (3) **Rick Reames,** (4) **Palmetto Promise Institute,** (5) **SCRG Foundation,** (6) **Access Opportunity South Carolina,** (7) **South Carolina Education Oversight Committee,** (8) **South Carolina Department of Revenue,** (9) **South Carolina Department of Labor, Licensing and Regulation,** (10) **Jim DeMint,** (11) **Randy Page,** (12) **Tony Denny,** (13) **Melanie Barton,** (14) **Doris Cubitt,** (15) **Institute of Management Consultants USA.**

**Today, May 4, 2020**, Respondent timely files this Reply.

---

[1] Respondent First Impressions, Inc. d/b/a/ Richard Quinn & Associates simply filed a letter dated 3/26/2020 concurring with the positions advanced in the above referenced returns and joining in the arguments set forth therein.

## ARGUMENT IN REPLY

### I. Motion should be granted against the 15 Respondents that did not file any objection to Appellant's Motion to Strike.

As a preliminary issue, Appellant's Motion to Strike should be granted at least as to the 15 respondents (noted above) that did not make any written objection or file any return to the Motion to Strike. Although perhaps there is no technical requirement to file a return to a motion to strike, it is apparent these 15 respondents realize the futility of arguing to include materials that have either never been heard by a lower court or have never been scheduled for a hearing such that any opposition has been heard. The Court of Appeals is clearly not the place for an initial briefing and hearing on a Motion to Dismiss, and these 15 Respondents evidently agree.

- ***At a minimum*, all 15 respondents who did not file a written objection or return should have their Answer, Motion to Dismiss and Memorandum stricken.**

### II. Only 2 respondents (*specifically IMCUSA & First Tuesday*) had their Motion to Dismiss argued before the lower court.

An "appeal" is just that, an "appeal". At the hearing before Judge Early on February 12, 2019, only two of the respondents had their Motion to Dismiss heard, and no substantive rulings on those two motions were given from the bench or in the written Order. See transcript at Page 412 – 450. Respondents are now asking this Court of Appeals to make the first substantive ruling on their respective Motions to Dismiss, which is not by definition an "appeal".

- ***At a minimum*, all respondents who have not had their Motion to Dismiss heard by the lower court should have their Answer, Motion to Dismiss and Memorandum stricken.**

## III. Even though IMCUSA and First Tuesday had their Motion to Dismiss heard at the February 12, 2019 hearing, no substantive ruling has been made on their motions.

As is the basis of Appellant's entire Motion to Strike as to all respondents, even though IMCUSA and First Tuesday had their Motion to Dismiss heard at the February 12, 2019 hearing, the trial court made no substantive ruling on those two Motions to Dismiss either from the bench or in its written Order dated February 19, 2019 which is the subject of this appeal.

IMCUSA did not make any written objection or file any return to Appellant's Motion to Strike, and as such has apparently conceded to the position that their filings should be stricken.

- ***As such***, **in addition to all the other respondents, IMCUSA and First Tuesday should have their Answer, Motion to Dismiss and Memorandum stricken.**

## IV. Respondent Tony Denny did not appear in the case or file his Motion to Dismiss until after the February 12, 2019 hearing and thus should have his Motion to Dismiss stricken.

To further illustrate the absurdity of the Respondents loading this appeal record up with irrelevant filings and attempting to have their respective Motions to Dismiss heard for the first time before this Court of Appeals, Respondent Tony Denny for example did not appear in the case until after the February 12, 2019 hearing. See Docket, appeared 02/15/2019 at 14:34. Respondent Denny did not file his Answer and his Motion to Dismiss until February 15, 2020.

However, even though Respondent Denny did not appear until after the February 12, 2019 hearing, both his Answer and his Motion to Dismiss (both dated & filed February 15, 2019) is included in Respondent Cato & Howard Rich's Designation of Matter (stamped filed 10/07/2019) and in Respondent Denny's Designation of Matter (stamped filed 11/08/2019).

- ***At a minimum***, **Respondent Denny should have his Answer (ROA, page 140) and Motion to Dismiss (ROA, page 368) stricken.**

## V. Only 9 Motions to Dismiss (covering only 12 respondents) have been "scheduled" for argument before the lower court (*with only 2 being heard, but not ruled upon, as discussed above*).

Only 9 Motions to Dismiss were even scheduled for the February 12, 2019 hearing. See Docket.[2] All other Respondents' Motions to Dismiss have never been scheduled to be heard. Appellant has never had an opportunity to prepare a brief in opposition, much less argue in opposition to the motions before a trial court. Something that has never been heard by the trial court cannot be ripe for appeal.

- ***At a minimum*, all respondents who have not had their Motion to Dismiss scheduled for a hearing by the lower court should have their Answer, Motion to Dismiss and Memorandum stricken.[3]**

## VI. No Respondent made a 12(b)(5) claim as to "TIMELINESS" of service in any Motion to Dismiss or Memorandum. This claim as to TIMELINESS was only brought up orally at the hearing.

Respondents Cato / Rich in specifically make the argument in their Return (stamped filed 3/19/2020, page 5) that they made an argument of failure to TIMELY serve in their Motion to Dismiss and Memorandum. An extensive review of those to filings show no such basis was argued. Unfortunately for Respondents, NO ONE made an argument as to TIMELINESS prior to the February 12, 2019 hearing. That argument made only made by counsel for Cato / Rich from the gallery (Cato / Rich were not scheduled to be heard by the Court on that day) after an

---

[2] The only nine Motions to Dismiss, representing 12 respondents, that were scheduled for the February 12, 2019, hearing were: (1) IMCUSA, (2) First Tuesday, (3) SC EOC/Barton, (4) SCRG Foundation, (5) PFC/PFA, (6) Randy Page, (7) Kirkland, (8) SCDOR/Reames, and (9) ECENC Fund.

[3] The 9 respondents who have filed Motions to Dismiss that have not been scheduled for a hearing before the trial court are (1) Philip Cease, (2) Cato / Howard Rich, (3) South Carolinians for Responsible Government, (4) Doris Cubit, (5) SCLLR, (6) First Impressions, d/b/a Richard Quinn & Associates, (7) Friedman Foundation, & (8) Tony Denny.

extensive discussion had ensued over whether Appellant had timely filed his Amended Complaint with the court (an argument which was finally ruled in Appellant's favor).[4]

The argument that the Defendants were not timely served, or that they had to be served within that same 15-day period allowed to amend the filing, was obviously so absurd to everyone that not a single defendant noted such in their Motions to Dismiss or Memorandums. Not one out of 30 +/- experienced SC litigators raised the procedural issue of failure to TIMELY serve. It was only a last-ditch appeal thrown in from the "peanut gallery" of attorneys in attendance which was adopted by the trial court as it allowed the matter to be closed out and all of us to go home in 30 minutes (as opposed to listening to 12 motions which would have taken 5 or 6 hours).

However, if any Respondent can show that they argued "TIMELINESS" of service in any Motion to Dismiss or Memorandum filed on or before the February 12, 2019 hearing, Appellant will concede that such filing should be included in the Record on Appeal.

## VII. Respondents provide no evidence or transcript discussion that would indicate that Judge Benjamin intended for Appellant to SERVE the newly named defendants within 15-days.

Although none of the Respondents have shown in their returns to Appellant's Motion to Strike that any of their Motions to Dismiss or their Memorandums discuss the matter of TIMELINESS of service, likewise none of the Respondents have been able to provide any evidence or transcript discussion that would indicate Judge Benjamin intended for Appellant to SERVE the newly named defendants within 15-days.

---

[4] Candor with the Court by attorneys is one of the pillars of our legal system. However not a single one of the 30 +/- experienced SC attorneys in attendance at the February 12, 2019 hearing indicated to the Court that they were aware of the additional filing days allowed by rule for *pro se* litigants to file documents (due to the fact they are not allowed to file electronically). That same Condor with the Court was non-existent when the suggestion was verbally raised the Appellant has not TIMELY SERVED, even though none of them had raised that argument in their Motions to Dismiss or Memorandums.

## VIII. Respondent Cato / Rich – their final ditch effort. They forget service is not effective upon mailing.

On page 6 – 7 of the Cato Institute and Howard Rich's Return to Appellant's Motion to Strike (stamped filed 3/19/2020) they debate Appellant's claim that it was *physically* impossible to amend the complaint and serve the defendants all within 15 days. Respondents Cato / Rich claim the defendants could be served by certified mail – which Appellant attempted to do.

We all agree that Appellant had 15 days to file the Amended Complaint. Appellant in fact did file his substantially expanded Amended Complaint on the 15th and final day – November 19, 2018.

We all also agree that Appellant was entitled to serve Cato / Rich via certified mail. However, service by certified mail is not effective until received and accepted. It was in fact physically impossible to have served Cato / Rich by certified mail on the 15th day as US Certified Mail is not delivered same day.

Cato / Rich also neglect to acknowledge that Cato did accept service via certified mail, but Rich refused certified mail service and only voluntarily appeared months later on January 15, 2019 with the filing of his Motion to Dismiss (which has never been scheduled for a hearing).

This is just one more example showing Respondents as a whole are throwing the proverbial kitchen sink of procedural issues at this case as opposed to dealing with the underlying issue at hand that has damaged Appellant and is hurting thousands of K-12 children with "special needs" in the State of South Carolina today.

- ***As such***, **in addition to all the other respondents, the Cato / Rich Motion to Dismiss and Memorandum should be stricken.**

## IX. Declaratory Judgment Freedom of Information Act (FOIA) case involving Respondent ECENC Fund is irrelevant to the current case and appeal.

Respondent South Carolina Educational Credit for Exceptional Needs Children Fund (ECENC Fund) filed a return in opposition (stamped 3/23/2020) claiming that for some reason they were named as a John Doe defendant in this case as some sort of thinly vailed attempt to pursue the same claims as in the Declaratory Judgement action and that perhaps those claims were barred by the doctrines of *res judicata*, estoppel and waiver.

However, Respondent ECENC Fund fails to realize this FOIA case was simply a Declaratory Judgment action. A case to determine if the organization was subject to the SC Freedom of Information Act. No civil tort claims were included in this Declaratory Judgment action – nor would that have been appropriate. Respondent ECENC Fund cannot argue *res judicata*, estoppel or waiver simply because they have been a party to a Declaratory Judgment action seeking a court's determination if they are subject to FOIA.

As such, all filings in the *Jefferson Davis, Jr. v. South Carolina Educational Credit for Exceptional Needs Children Fund* (Civil Action No. 2017-CP-23-04748 / 2017-CP-40-06976) declaratory judgment action consisting of an additional 14 items totaling 72 additional pages for the record on appeal related to this FOIA case that were requested by Respondent ECENC Fund (ROA, pages 451-523) should be stricken.

## X. "Additional sustaining grounds" deals with cases ruled upon based on the merits. The merits have never been addressed in this case.

Finally, to address the one legal basis of any actual merit, although incorrectly applied, is the standard practice that a winning litigant can bring up **"additional sustaining grounds"** on appeal.

For the Respondents that actually made this flawed claim, what they all neglect to understand is that "additional sustaining grounds" only applies to matters that were fully briefed / litigated at the trial court level.

*I'on, LLC v. Town of Mt. Pleasant*, 338 S.C. 406, 419, 526 S.E.2d 716, 723 (2000) and *Sims v. Amisub of South Carolina, Inc.*, 408 S.C. 202, 214-15, 758 S.E.2d 187, 194 (Ct. App. 2014) (citing *I'on*) both deal with fully briefed and litigated matters. The present case is in its initial stages ... only at the 12(b)(6) motion to dismiss stage. The present case was dismissed (*interestingly with prejudice which raises substantial other questions*[5]) on a procedural time deadline – contrary to the plain language of the Order. The attempt to argue "additional sustaining grounds" on appeal that have not been heard or fully briefed at the trial court level is a tremendous leap and not supported in law or statute.

The *Sims* case for example was won at the trial level on estoppel, so the court in its Opinion never addressed the statute of limitations. But the statute of limitations had been completely briefed and argued at the trial court. In the case at hand, the trial court has barely started hearing arguments. Appellant has not been given adequate opportunity to object and be heard, much less the opportunity to correct any pleading deficiencies in his Amended Complaint.

Yet Respondents are asking this Court of Appeals to take a first look at their respective Motions to Dismiss, while at the same time Appellant has not had the opportunity to argue / defend these motions to dismiss, amend his complaint, supplement information for the trial court specifically related to these Motions to Dismiss, or secure a trial court ruling on the issue. Respondents all seem to generally argue that each of their clients were not specifically named a

[5]. Even if Appellant's Complaint was deficient as to the newly named defendants, which Appellant does not concede, Appellant should be given an opportunity to amend his Complaint, not dismissed with prejudice. It is standard that such opportunities to correct should be granted liberally, especially for a *pro se* litigant.

sufficient number of times in the Amended Complaint, which is irrelevant as to the cited causes of action, specifically conspiracy, which relates to all citations of "Defendants".

The Honorable Jean Toal's "Appellate Practice in South Carolina" is also cited with *I'on* by Respondents Cato / Rich as if this was additional support for Respondents ... specifically quoting that the "appellate court may review respondent's additional reasons and, if convinced it is proper and fair to do so, rely on them or any other reason appearing in the record to affirm the lower court's judgment." See Cato / Rich Return, page 4 (stamped filed 3/19/2020).

This is very broad discretion ... with one caveat ... **"if convinced it is proper and fair to do so"**. There is no argument presented by Respondents that would allow such discretion due to "fairness" in this case. In fact, it is precisely the opposite. "Fairness" dictates that Appellant be given the opportunity to pursue his case. The trial court has already ruled in Appellant's favor (ROA, page 6) with respect to the initial Motion to Dismiss (pre the newly named defendants). **Defamation, invasion of privacy through publicity, negligence, intentional infliction of emotional distress, piercing the corporate veil and civil conspiracy causes of action *have already survived a 12(b)(6) Motion to Dismiss* by the initial defendants (Respondents Ellen Weaver & Palmetto Promise Institute).** Those causes of action continue against the initial defendants, and there is no reason to presume that if heard by the trial court those same causes of action will not survive a motion to dismiss from the newly named defendants which all work in close alliance with Respondents Ellen Weaver & Palmetto Promise Institute).

**THE FATAL PROBLEM WITH "ADDITIONAL SUSTAINING GROUNDS" IN THIS CASE**: When and where does Appellant get to present his evidence in defense of Respondents' Motions to Dismiss if such motions are never heard nor briefed at the trial court level? When and where does Appellant get to introduce the conspiracy of a self-serving FINANCIAL AGENDA Respondents have that has damaged Appellant and is causing the

suffering of K-12 "special needs" children in South Carolina? Respondents are asking this Court of Appeals to let them include a "half-record", their side. The last thing Respondents want is for Appellant to introduce his evidence to the trial court and a jury as to the MONIED AGENDA behind private school choice "paid" advocacy that has so many of them living comfortably with their six figure salaries and expense accounts while our most vulnerable children with "special needs" suffer needlessly. This is especially true here in South Carolina which has objectively the worst (*and most corrupt*) private school choice program in the nation. **#FollowTheMoney.**

No, in this case "additional sustaining grounds" is by no means "fair" to Appellant or the children of South Carolina as is required for this Court of Appeals to exercise its broad discretion.

## XI. Order, Motion to Reconsider, and Notice of Appeal do not address issues raised in Respondents' Motions to Dismiss or respective Memorandum.

Just to restate as none of the Respondents addressed this obvious issue, but Judge Early's Order did not address any of the issues raised in Respondents' Motions to Dismiss or Memorandum, nor did Appellant's Motion to Reconsider or his Notice of Appeal.

- ***As such*, any and all documents designated that do not discuss the 15-day service issue, including all the Respondents' Answers, Motions to Dismiss and Memorandum should be stricken.**

## CONCLUSION

We have a very simple issue that SOLELY deals with the interpretation of the following conclusion in Judge Benjamin's October 30, 2018 Order:

> **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

**October 30, 2018 Order - Judge Benjamin (Record on Appeal, Page 8)**

The October 1, 2018 trial court hearing transcript make no reference to an expedited 15-day service deadline. (ROA, page 378.) If Judge Benjamin had intended to order Appellant to amend and serve within 15-days, she would have said so.

Judge Benjamin only ordered that the **"court allows the plaintiff 15 days to appropriately amend the pleadings"**, which he timely filed. "[A]ppropriately amend the pleadings" does not also mean "serve". Judge Benjamin said nothing about a 15-day deadline to serve, during the hearing or in her Order. She was only being kind to remind the *pro se* Appellant of the need to formally serve the Amended Complaint, in case he was not aware, but she did not direct Appellant to and expedited deadline for such service. The issue on appeal is no more complicated than that, yet Respondents have sought to greatly expand this appeal (or

confuse the docket and this Court of Appeals) with issues not heard or briefed at the trial court level and take advantage of a *pro se* litigants' inexperience.

As such, Appellant would ask this honorable Court of Appeals to grant his Motion to Strike and grant the relief requested in his Motion to Strike (page 6).

Respectfully submitted,

Date: May 4, 2020

Jefferson Davis, Jr.
403 McCarter Avenue
Greenville, SC 29615
843-901-8036 (cell)
*jeff@apogeetax.com*
*Appellant*

RECEIVED
MAY 14 2020
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

---

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Hon. Doyet A. Early, Circuit Court Judge

---

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) 1–40 .....Respondents.

---

PROOF OF SERVICE

---

I certify that I have served the **APPELLANT'S REPLY TO RESPONDENT'S RETURN TO APPELLANT'S MOTION TO STRIKE** on the below named parties at the email addresses noted on May 4, 2020. Due to the current COVID-19 crisis, no hard copies were mailed.

Geoffrey Kelly Chambers, Esq.
CPER Law Group LLC
411 Walnut Street No. 10646
Green Cove Springs FL 32043-3443
*g.k.chambers@gmail.com*
*geoffrey@cperlgroup.com*
**ECENC Fund & Randy Page**

M. Dawes Cooke, Jr. &
Justin Paul Novak
Barnwell Whaley
P.O. Drawer H
Charleston SC 29402
*mdc@barnwell-whaley.com*
*jnovak@barnwell-whaley.com*
**ECENC Fund**

J. Kenneth Carter, Jr. & Ross Durant
Turner Padgett
PO Box 1473
Columbia, SC 29202
*kcarter@turnerpadget.com*
*rdurant@turnerpadget.com*
*RBurckhalter@turnerpadget.com*
**Ellen Weaver, Oran Smith, Jim DeMint & PPI**

Douglas Walker MacKelcan, III &
Skyler C. Wilson
Carlock, Copeland & Stair, LLP
40 Calhoun St., Ste. 400
Charleston SC 29401
*dmackelcan@cskl.law*
*swilson@cskl.law*
**Stephen D. Kirkland, CPA, CMA**

Jason Luther
SC Department of Revenue
PO Box 12265
Columbia, SC 29211-9979
*jason.luther@dor.sc.gov*
**SC Department of Revenue**

William H. Davidson, II &
Michael Brian Wren
Davidson, Wren & Plyler, P.A
PO Box 8568
Columbia SC 29202-8568
*wdavidson@dml-law.com*
*mwren@dml-law.com*
*nbouknight@dml-law.com*
**SC Department of Revenue & Rick Reames**

Kenneth Davis & Tierney Dukes
Boykin & Davis, LLC
PO Box 11844
Columbia SC 29211
*kdavis@boykinlawsc.com*
*tdukes@boykinlawsc.com*
*tjboykin@boykinlawsc.com*
*cjboykin@boykinlawsc.com*
**EOC & Melanie Barton**

Andrew E. Haselden, Esq.
Howser, Newman & Besley, LLC
215 East Bay Street, Suite 303
Charleston, SC 29401
*ahaselden@hnblaw.com*
**LLR & Doris Cubitt**

James H. "Jamey" Goldin
Nelson Mullins
PO Box 11070
Columbia SC 29211
*jamey.goldin@nelsonmullins.com*
**AOSC**

Christopher J. Daniels, Esq.
Nelson Mullins
PO Box 11070
Columbia SC 29211
*chris.daniels@nelsonmullins.com*
*linda.silvey@nelsonmullins.com*
**EdChoice**

Joseph C. Chapelle, Esq.
Barnes & Thornburg, LLP
11 South Meridian Street
Indianapolis, IN 46204
*joe.chapelle@btlaw.com*
*jchapelle@btlaw.com*
**EdChoice – *pro hac vice***

Miles Edward Coleman, Esq.
Nelson Mullins
2 W. Washington Street, Suite 400
Greenville SC 29601
*miles.coleman@nelsonmullins.com*
**Howard Rich & Cato Institute**

Jennifer Foulk Nutter, Esq.
Hood Law Firm, LLC
PO Box 1508
Charleston SC 29402-1508
*jennifer.nutter@hoodlaw.com*
*josh.stark@hoodlaw.com*
*melinda.accardo@hoodlaw.com*
*stephanie.chickey@hoodlaw.com*
**IMCUSA**

Mark Gende & Brandon Rottschall
Sweeny, Wingate & Barrow, P.A.
PO Box 12129
1515 Lady Street
Columbia SC 29211
*mvg@swblaw.com*
*brg@swblaw.com*
**Phillip Cease & SCRG**

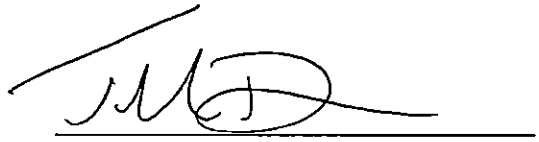
Mark Steven Barrow
Sweeny, Wingate & Barrow, P.A.
PO Box 12129
1515 Lady Street
Columbia SC 29211
*msb@swblaw.com*
**PFC & PFA**

Martin S. Driggers, Jr.
Sweeny, Wingate & Barrow, P.A
Pee Dee Regional Office
115 Cargill Way, Ste. B
Hartsville SC 29550
*msd@swblaw.com*
**PFC & PFA**

Joseph M. McCulloch, Jr.
& Kathy R. Schillaci
McCulloch & Schillaci
PO Box 11623
Columbia SC 29211
*joe@mccullochlaw.com*
*kathy@mccullochlaw.com*
**First Tuesday Strategies, LLC**

Benjamin P. Mustian, Esq.
BPM Law, LLC
141 Pelham Drive, Suite F #108
Columbia, SC 29209
*bpmlawsc@gmail.com*
**First Impressions, d/b/a**
**Richard Quinn & Associates**

R. Hawthorne Barrett, Esq.
Turner Padgett
PO Box 1473
Columbia, SC 29202
*tbarrett@turnerpadget.com*
**Tony Denny**



Jefferson Davis, Jr.
403 McCarter Avenue
Greenville, SC 29615
843-901-8036 (cell)
*jeff@apogeetax.com*
Appellant

Gmail by Google

Jeff Davis <jeff@apogeetax.com>

# RE: Davis v. Weaver, PPI, et al [2018-CP-40-2425] - APPEAL FILING

1 message

**Jeff Davis** <jeff@apogeetax.com> Mon, May 4, 2020 at 5:52 PM
To: Jeff Davis <jeff@apogeetax.com>
Bcc: msb@swblaw.com, msd@swblaw.com, dmackelcan@cskl.law, swilson@cskl.law, jason.luther@dor.sc.gov, mwren@dml-law.com, nbouknight@dml-law.com, wdavidson@dml-law.com, cjboykin@boykinlawsc.com, kdavis@boykinlawsc.com, tjboykin@boykinlawsc.com, tdukes@boykinlawsc.com, jennifer.nutter@hoodlaw.com, josh.stark@hoodlaw.com, melinda.accardo@hoodlaw.com, stephanie.chickey@hoodlaw.com, kcarter@turnerpadget.com, rdurant@turnerpadget.com, kbates@turnerpadget.com, RBurckhalter@turnerpadget.com, chris.daniels@nelsonmullins.com, linda.silvey@nelsonmullins.com, joe.chapelle@btlaw.com, jchapelle@btlaw.com, g.k.chambers@gmail.com, geoffrey@cperlgroup.com, jnovak@barnwell-whaley.com, mdc@barnwell-whaley.com, joe@mccullochlaw.com, kathy@mccullochlaw.com, miles.coleman@nelsonmullins.com, mvg@swblaw.com, brg@swblaw.com, bpmlawsc@gmail.com, ahaselden@hnblaw.com, tbarrett@turnerpadget.com, jamey.goldin@nelsonmullins.com

**RE: Davis v. Weaver, PPI, et al [2018-CP-40-2425]**
**Appellate Case No. 2019-000648**
**> Reply re Motion to Strike)**

Dear Counsel for Respondents,

Please find attached a filing today (May 4th, 2020) in the above referenced appellate case.

If you have any questions or concerns, please do not hesitate to contact me.

Hard copies are not being mailed due to recent directions from the Court related to the Coronavirus Emergency.

Best,

Jeff Davis
843-901-8036 (cell)

---

**Jeff Davis,** JD, MBA
**403 McCarter Avenue | Greenville, SC 29615**
**843-901-8036 (cell) | *jeff@apogeetax.com***



---

**2020-05-04 - Reply re Motion to Strike v Reduced.pdf**
2690K

May 4, 2020

*VIA US MAIL & FAX (803-734-1839)*



The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

**RE:** ***Jefferson Davis Jr. Appellant vs. Ellen Weaver, Et al. Respondents***
**Appellate Case No.: 2019-000648**
**C.A. NO. 2018-CP-40-02425**

Dear Ms. Kitchings:

Please find enclosed the original of the following for the above referenced matter. Only one copy is enclosed per recent directions from the Court.

1. **APPELLANT'S REPLY TO RESPONDENT'S RETURN TO APPELLANT'S MOTION TO STRIKE**
2. Proof of Service
3. Copy of the email used to send this filing to Respondents.

I have also served this filing on Respondents only via email for safety reasons. Pursuant to recent Orders from the Supreme Court of South Carolina, it appears service by email is preferred due to the current Coronavirus Emergency.

Thank you for your assistance. If you have any questions, please feel free to email me at *jeff@apogeetax.com* or give me a call at 843-901-8036 (cell).

Sincerely,

Jeff Davis, *JD, MBA*
Appellant
403 McCarter Avenue
Greenville, SC 29615
843-901-8036 (cell)
*jeff@apogeetax.com*

Jeff Davis, *JD, MBA*
403 McCarter Avenue
Greenville, SC 29615

RECEIVED

MAY 14 2020

SC Court of Appeals

**The Honorable Jenny Abbott Kitchings**
**Clerk, South Carolina Court of Appeals**
**P.O. Box 11629**
**Columbia, SC 29211**

2020-05-04 – Reply (re Strike)

29211-162629