

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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

RECEIVED
Sep 08 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

Respondents.

Consultants USA & John Doe(s) 1-40

SECOND SUPPLEMENTAL RECORD ON APPEAL

Mark S. Barrow
Martin S. Driggers, Jr.
Sweeny, Wingate & Barrow, P.A.
Post Office Box 12129
Columbia, SC 29211
(803) 256-2233
Attorneys for Respondents Palmetto Family
Council and Palmetto Family Alliance

Cc:

Jefferson Davis, Jr., Pro Se
jeff@apogeetax.com

Geoffrey K. Chambers, Esquire
g.k.chambers@gmail.com

Christopher S. Elliott, Esquire
celliott@boykinlawsc.com

Michael B. Wren, Esquire
mwren@dm14aw.com

Williams J. Farley III, Esquire
wfarley@carlockcopeland.com

Douglas W. MacKelcan, Esquire
dmackelcan@carlockcopeland.com

James H. Goldin, Esquire
jgoldin@turnerpadget.com

Ross C. DuRant, Esquire
rdurant@turnerpadget.com

Joseph K. Carter, Jr., Esquire
kcarter@turnerpadget.com

Dawes M. Cooke, Esquire
mdc@barnwell-whaley.com

Justin P. Novak, Esquire
jnovak@barnwell-whaley.com

Jason P. Luther, Esquire
Jason.luther@dor.sc.gov

Kathy R. Schillaci, Esquire
kathy@mccullochlaw.com

Benjamin P. Mustian, Esquire
bmustian@willoughbyhoefer.com

Williams H. Davidson, Esquire
wdavidson@dml-law.com

Kelley S. Cannon, Esquire
kcannon@hnblaw.com

Joseph M. McCulloch, Esquire
joe@mccullochlaw.com

Williams H. Jordan, Esquire
wjordan@sowellgray.com

Jennifer F. Nutter, Esquire
jennifer.nutter@hoodlaw.com

Miles E. Coleman, Esquire
miles.coleman@nelsonmullins.com

Christopher J. Daniels, Esquire
chris.daniels@nelsonmullins.com

Alan G. Jones, Esquire
agjones@turnerpadgt.com

INDEX

1. Record On Appeal, Items 1-61, R. 1-523, filed separately by Appellant on February 27, 2020, is incorporated here by reference only.
2. Supplemental Record On Appeal, Items 1-2, Supp. R. 1-18, filed separately by Stephen D. Kirkland on June 16, 2020, is incorporated here by reference only.
3. Palmetto Family Council and Palmetto Family Alliance’s Joint Memorandum in Support of their Motion to Dismiss 1

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT
CASE NO. 2018-CP-40-02425

Jefferson Davis, Jr.,)
Plaintiff,)
vs.)
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, and)
John Doe(s) 1-40,)
Defendants.)

**MEMORANDUM IN SUPPORT OF
MOTION TO DISMISS BY DEFENDANTS
PALMETTO FAMILY COUNCIL AND
PALMETTO FAMILY ALLIANCE**

TO: JEFFERSON DAVIS, Jr., *Pro Se*:

The Defendants Palmetto Family Council and Palmetto Family Alliance (hereinafter “Defendants”), by and through their attorneys, respectfully submit this Memorandum in Support of their Motion to Dismiss the Plaintiff’s Amended Complaint, pursuant to South Carolina Rule of Civil Procedure 12(b)(6). The basis for this motion is that the Plaintiff failed to set forth facts sufficient to state any cause of action upon which relief can be granted, and the Plaintiff’s failure to timely amend the pleadings per court orders.

PROCEDURAL AND FACTUAL BACKGROUND

The Plaintiff filed the original Complain in this Court on May 3, 2018. The Plaintiff did not name Defendants in the original Complaint. On October 18, 2018, this Court partially granted the Defendants’

Motion to Dismiss the original Complaint. In that Order, the Court instructed the Plaintiff to name and serve each John Doe and afforded the Plaintiff fifteen (15) day to do so. Eleven (11) days later, on October 29, 2018, this Court issued an Amended Order providing substantively the same. However, the Plaintiff was afforded fifteen (15) days from that date to amend the pleadings appropriately and to name each John Doe specifically.

On November 19, 2018 – almost a full week after the Court’s deadline to amend the pleadings – Plaintiff filed the Amended Complaint, and in doing so named these Defendants, as parties to this action. The relevant facts as to these Defendants, as alleged in the Plaintiff’s Amended Complaint, are as follows:

The Plaintiff’s Amended Complaint asserts the following nine (9) causes of action against all Defendants: (1) Defamation *Per Se & Per Quod*; (2) Defamation by *innuendo*; (3) Invasion of Privacy; (4) Negligence; (5) Intentional Infliction of Emotional Distress; (6) Tortious Interference with Prospective Contractual Relations; (7) Unfair Trade Practices; (8) Pierce the Corporate Veil; and (9) Conspiracy.

LEGAL STANDARD

According to Rule 12(b)(6) of the South Carolina Rules of Civil Procedure, a Defendant may move to dismiss for failure to state facts sufficient to state a claim upon which relief can be granted. “A trial judge in the civil setting may dismiss a claim when the Defendant demonstrates the Plaintiff has failed to state facts sufficient to constitute a cause of action in the pleadings filed with the court.” Flateau v. Harrelson, 355 S.C. 197, 201, 584 S.E.2d 413, 415 (Ct. App. 2003). A motion to dismiss under Rule 12(b)(6) must be based solely upon the well-pled allegations set forth on the fact of the Plaintiff’s complaint. Furthermore, causes of action based on conclusory allegations without supporting facts are subject to dismissal under Rule 12(b)(6). Jones vs. Gilstrap, 288 S.C. 525, 528, 343 S.E.2d 646, 648 (Ct. App. 1986).

LEGAL ARGUMENT

Plaintiff’s Amended Complaint should be dismissed as to these Defendants because it fails to state facts sufficient to constitute a cause of action. This memorandum in support of these Defendants’ Motion to Dismiss will address each of the nine causes of action asserted.

A. THE COURT SHOULD DISMISS THE PLAINTIFF’S FIRST CAUSE OF ACTION FOR DEFAMATION PER SE & PER QUOD AND SECOND CAUSE OF ACTION FOR DEFAMATION AND INNUENDO BECAUSE PLAINTIFF FAILED TO ALLEGE FACTS TO SUPPORT THE CAUSES OF ACTION.

In Plaintiff's First Cause of Action, he asserts Defamation Per Se & Per Quod, while in the Second Cause of Action, he asserts Defamation by Innuendo. The Court should dismiss both claims as they fail to allege anything to support the causes of action.

In South Carolina, the tort of defamation requires, at the very least, that the Defendant communicate a false, defamatory message about the Plaintiff to someone else. See Holtzscheiter v. Thomson Newspapers, 332 S.C. 502, 506 S.E.2d 497, 506 (1998). "The defamatory meaning of a message or statement may be obvious on the face of the statement, in which case the statement is defamatory per se." Id. at, 332 S.C. 502, 508-09, 506 S.C.2d 497, 501 (1998). "If the defamatory meaning is not clear unless the hearer knows facts or circumstances not contained in the statement itself, then the statement is defamatory per quod." Id. In cases involving defamation Per quod. The Plaintiff must introduce facts extrinsic to the statement itself to prove a defamatory meaning. Id.

In this case, the Plaintiff failed to allege any statements made by Defendants. In reality, the Plaintiff's allegations toward Defendants rest on an ethics complaint filed against Defendants. If the Court is to take the allegations in the Plaintiff's Amended Complaint as true, which these Defendants summarily deny, the cause of action against Defendants must still be dismissed because the Plaintiff failed to allege any facts that Defendants communicated any false statements or any statements at all. Therefore, because the Plaintiff has not alleged facts sufficient to state a cause of action for defendant of any kind against these Defendants, Plaintiff's First and Second Causes of Action must be dismissed.

B. THE COURT SHOULD DISMISS THE PLAINTIFF'S THIRD CAUSE OF ACTION FOR INVASION OF PRIVACY BECAUSE HE FAILED TO TIMELY FILE HIS AMENDED COMPLAINT AND FAILED TO AMEND THE PLEADINGS TO ALLEGE FACTS SUPPORTING THE CAUSE OF ACTION.

Plaintiff's Third Cause of Action asserts an invasion of privacy against all Defendants. It is not clear, however, whether Plaintiff alleges invasion of privacy by publicity or invasion of privacy for wrongful intrusion into private affairs; regardless, Plaintiff failed to plead facts sufficient to state a cause of action for either.

In South Carolina, the Plaintiff must show that Defendants: (1) publicized; (2) without waiver or privilege; (3) private matters to which the public has no concern; and (4) to bring shame or humiliation to a person of ordinary sensibilities. Swinton Creek Nursery v. Edisto Farm Credit, ACA, 334 S.C. 469, 477-78, 514 S.E.2d 126, 130 (1990). In this case, the Plaintiff alleges no facts that suggest these Defendants publicized any information. The Plaintiff's grievance against these Defendants seems to be that these Defendants refused to disclose or provide *any* information. As such, the Plaintiff failed to plead facts sufficient to state a claim for invasion of privacy by publicity.

Further, in South Carolina, in an action for invasion of privacy for wrongful intrusion into private affairs, the following four elements must be pled: “(1) An intrusion; (2) into that which is private; (3) that is substantial and unreasonable enough to be legally cognizable; and (4) that is intentional.” Snakenberg v. Hartford Casualty Ins. Co., 299 S.C. 164, 171, 383 S.E.2d 2, 6 (Ct. App. 1989). In this case, the Plaintiff alleges no facts that suggest these Defendants intentionally intruded into his privacy. As such, the Plaintiff has failed to state facts sufficient to allege an invasion of privacy against these Defendants.

Additionally, in this Court’s Amended Order dated October 29, 2018, the Court addressed a Motion to Dismiss the Third Cause of Action of the original Complaint. The Third cause of Action of the original Complaint was also for Invasion of Privacy. The Court provided that “Plaintiff has not pled facts sufficient to constitute any cause of action for invasions of privacy because [the] Plaintiff failed to allege that the information was publicized in any way. The Court will allow Plaintiff the opportunity to amend the Complaint [with 15 days] to detail the elements of publicity, and if [the] Plaintiff is unable to do so, this motion to dismiss will be granted.” (Am. Order) (emphasis added). Not only did the Plaintiff not follow this Court’s instruction to detail the claim of invasion of privacy, but the Plaintiff also failed to amend the Third Cause of Action whatsoever. Lastly, the Plaintiff was unwilling to follow the Court’s instruction to file his Amended Complaint within 15 days. For the reasons mentioned, the Plaintiff once again failed to plead facts sufficient to state a cause of action for invasion of privacy. Therefore, the Court must dismiss the Plaintiff’s Third Cause of Action.

C. THE COURT SHOULD DISMISS THE PLAINTIFF’S FOURTH CAUSE OF ACTION FOR NEGLIGENCE BECAUSE HE FAILS TO ALLEGE FACTS TO SUPPORT THE CAUSE OF ACTION.

The Plaintiff’s Fourth Cause of Action is for negligence against all Defendants. The Court should dismiss the Plaintiff’s cause of action for negligence because he fails to point to any facts that support the claim.

To establish a cause of action for negligence, the Plaintiff must plead the following essential elements: “(1) a duty of care owed by the Defendant to Plaintiff; (2) a breach of that duty by negligent act or omission; and (3) damage proximately resulting from the breach of duty.” Bishop v. S.C. Dep’t of Mental Health, 331 S.C. 79, 88, 502 S.E.2d 78, 82 (1998). While the Plaintiff alleges a duty of care owed by these Defendants to Plaintiff, he does not allege any damages as a proximate result of the breach of those duties. Additionally, the duty Plaintiff alleges is that the Defendants had a duty to ensure the truthfulness of their statements before communicating them. However, the Plaintiff does not allege what false statements these Defendants made and failed to content that these Defendants made any comments

whatsoever. Therefore, because the Plaintiff failed to plead facts sufficient to state a claim for negligence, his Fourth Cause of Action must be dismissed.

D. THE COURT SHOULD DISMISS THE PLAINTIFF'S FIFTH CAUSE OF ACTION FOR INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS BECAUSE THE PLAINTIFF FAILED TO ALLEGE FACTS TO SUPPORT THE CAUSE OF ACTION.

Plaintiff asserted a Fifth Cause of Action for Intentional Infliction of Emotional Distress against all Defendants. The Court should dismiss the Plaintiff's Fifth Cause of Action because the Plaintiff failed to support his conclusory allegations with any facts.

For the tort of intentional infliction of emotional distress, a Plaintiff must show that "(1) the Defendant intentionally or recklessly inflicted severe emotional distress ...; (2) the conduct was so 'extreme and outrageous' as to exceed 'all possible bounds of decency' ...; (3) the actions of the Defendant caused the Plaintiff emotional distress; and (4) the emotional distress suffered by the Plaintiff was 'severe' so that 'no reasonable man could be expected to endure it.'" Ford v. Hutson, 276 S.C. 157, 162, 276 S.E.2d 776, 778 (1981).

In this case, the Plaintiff's made no *factual* allegations against these Defendants. Therefore, the Court must dismiss the Plaintiff's Fifth Cause of Action for intentional infliction of emotional distress.

E. THE COURT SHOULD DISMISS THE PLAINTIFF'S SIXTH CAUSE OF ACTION FOR TORTIOUS INTERFERENCE WITH PROSPECTIVE CONTRACTUAL RELATIONS BECAUSE THE PLAINTIFF FAILED TO ALLEGE A REASONABLE EXPECTATION OF BENEFITS FROM A CONTRACT.

Plaintiff's Sixth Cause of Action is for tortious interference with prospective contractual relations and is asserted against all Defendants. The Plaintiff failed to state facts sufficient to establish a cause of action for the tort.

"The elements of [tortious interference with prospective contractual relations] are, (1) the intentional interference with the Plaintiff's potential contractual relations, (2) for an improper purpose or by improper methods, and (3) causing injury to the Plaintiff." United Educ. Distrib., LLC v. Educ. Testing Serv., 350 S.C. 7, 14, 564 S.E.2d 324, 328 (Ct. App. 2002); Brown v. Stewart, 348 S.C. 33, 557 S.E.2d 676 (Ct. App. 2001); Love v. Gamble, 316 S.C. 203, 448 S.E.2d 876 (Ct. App. 1994).

To succeed on this cause of action, "[t]he Plaintiff must actually demonstrate, at the outset, that he had a truly prospective ... contract with a third party." United Educ. Distribs., 348 S.C. 15. The Court in United Educational Distributors held that, based on South Carolina precedent, a cause of action for intentional interference with prospective contractual relations will only stand following the loss of an

“identifiable contract or expectation.” *Id.* At 14; See Crandall Corp. v. Navistar Int’l Transp. Corp., 302 S.C. 265, 395 S.E.2d 179 (1990) (involving the interference with a verbal parts and labor supply contract); See also Love, 316 S.C. 205-07 (involving interference with a pickle supply contract); Williams vs. Riedman, 339 S.D. 251, 529 S.E.2d 28 (Ct. App. 2000) (involving a wrongful termination claim in which the former employee allegedly solicited the employer’s current clients).

While South Carolina precedent does not require a Plaintiff to prove intentional interference with prospective contractual relations in the pleadings, “the allegations must present facts that give rise to some reasonable expectation of benefits from the alleged lost contracts.” United Educ. Distributions, 348 S.C. 15.

In this case, the Plaintiff asserts no facts against these Defendant that could give rise to any expectation of benefits from any lost contracts. Furthermore, the allegations contained within the Sixth Cause of Action fail to identify “a truly prospective ... contract,” or a loss of any “identifiable contract or expectation,” *Id.* At 14-15.

Additionally, in this Court’s Amended Order dated October 29, 2018, the Court addressed a Motion to Dismiss the Sixth Cause of Action of the original Complaint. The Sixth Cause of Action of the original Complaint was also for Tortious Interference with Prospective Contractual Relations. The allegations contained within the Plaintiff’s Amended Complaint as to the Sixth Cause of Action are the same as included within the Plaintiff’s original Complaint. In this Court’s Amended Order, the Court granted the Defendants’ Motion to Dismiss.

As noted above, in the Amended Complaint, the Plaintiff once failed to plead facts sufficient to state a cause of action for tortious interference with prospective contractual relations. Therefore, the Court should dismiss the Plaintiff’s Sixth Cause of Action.

F. THE COURT SHOULD DISMISS THE PLAINTIFF’S SEVENTH CAUSE OF ACTION FOR VIOLATION OF THE SOUTH CAROLINA UNFAIR TRADE PRACTICES ACT BECAUSE HE FAILED TO ALLEGE ANY FACTS THAT WOULD INVOKE THE STATUTE.

The Plaintiff brought the Seventh Cause of Action under the South Carolina Unfair Trade Practices Act (“SCUTPA”), S.C. Code Ann. § 39-5-10 *et seq.*, and has asserted it against all Defendants. The Plaintiff failed to allege that these Defendants partook in any unfair or deceptive act, and was unable to point to any actionable trade practice.

SCUTPA provides that “... unfair or deceptive acts or practices in the conduct of any *trade or commerce* are ... unlawful.” S.C. Code Ann. § 39-5-20(a) (emphasis added). The same act defines “trade” or “commerce” as “includ[ing] the advertising, offering for sale, sale or distribution of any services and any property, ... and any other article, commodity or thing of value wherever situate, ...” S.C. Code Ann. §

39-5-10(b). “To recover in an action under [SCUTPA], the Plaintiff must show: (1) the defendant engaged in an unfair or deceptive act in the conduct of trade or commerce; ...” Maybank v. BB&T Corp., 416 S.C. 541, 569, 787 S.E.2d 498, 512 (2016) (citing RFT Mgmt. Co. v. Tinsley & Adams, LLP, 399 S.E. 322, 337, 732 S.E.2d 166, 174 (2012)).

In this case, not only does the Plaintiff not allege that these Defendants engaged in any unfair or deceptive act, the Plaintiff does not even allege these Defendants to have participated in any trade or commerce actionable under SCUTPA. Furthermore, these Defendants do not engage in any trade or commerce as defined by SCUTPA. Therefore, because Plaintiff has failed to plead facts sufficient to state a claim under SCUTPA, the Seventh Cause of Action must be dismissed.

Additionally, in this Court’s Amended Order dated October 29, 2018, the Court addressed a Motion to Dismiss the Seventh Cause of Action of the original Complaint. The Seventh Cause of Action of the original Complaint was also for Unfair Trade Practices. Further, the allegations contained within the Plaintiff’s Amended Complaint as to the Seventh Cause of Action are the same as the claims included within the Plaintiff’s original Complaint. In this Court’s Amended Order, the Court provided that “this matter does not involve trade or commerce under the South Carolina Unfair Trade Practices Act;” as such, the Court granted the Motion to Dismiss the Seventh Cause of Action.

As noted above, the Plaintiff once again failed to plead facts sufficient to state a cause of action according to the South Carolina Unfair Trade Practices Act. Therefore, the Court should dismiss the Seventh Cause of Action, again.

G. THE COURT SHOULD DISMISS THE PLAINTIFF’S EIGHTH CAUSE OF ACTION TO PIERCE THE CORPORATE VEIL BECAUSE HE FAILED TO PLEAD ALLEGATIONS IN ACCORDANCE WITH SOUTH CAROLINA LAW.

Plaintiff’s Eighth Cause of Action is to Pierce the Corporate Veil. The Plaintiff failed to allege facts sufficient to pierce the corporate veil. Additionally, the Plaintiff’s request to pierce the corporate veil is premature as no Defendant-corporation, in this case, has been found liable for anything.

In South Carolina, Courts use the two-pronged Sturkie test to determine whether piercing the corporate veil is appropriate. See Mid-S. Mgmt. Co. v. Sherwood Dev. Corp., 374 S.C. 588, 649 S.E.2d 135 (Ct. App. 2007); see also Hunting v. Elders, 359 S.C. 217, 597 S.E.2d 803 (Ct. App. 2004). The first part of the test consists of an eight-factor analysis, while the “second part requires ... there be an element of injustice or fundamental unfairness.” Sturkie v. Sifly, 280 S.C. 453, 457, 313 S.E.2d 316, 318 (Ct. App. 1984). Additionally, the burden of proving the second part of the test requires the Plaintiff show (1) that the Defendant was aware of the Plaintiff’s claim against the corporation, and (2) thereafter, the Defendant

acted in a self-serving manner with regard to the property of the corporation and in disregard of the Plaintiff's claim in the property."

In this case, the Plaintiff's Eighth Cause of Action is devoid of any conclusory allegation relating to any portion of the second prong of the Sturkie test – that there has been any fundamental fairness. Furthermore, the Plaintiff failed to allege any facts in the Amended Complaint, as to these Defendants, that would reasonably support any prong of the Sturkie test.

For the reasons as mentioned above, as well as because the request to pierce the corporate veil is premature, the Court should dismiss the Plaintiff's Eighth Cause of Action.

H. THE COURT SHOULD DISMISS THE PLAINTIFF'S NINTH CAUSE OF ACTION FOR CIVIL CONSPIRACY BECAUSE HE FAILED TO ALLEGE ANY FACTS TO SUPPORT THE CAUSE OF ACTION.

Plaintiff's Ninth Cause of Action is for civil conspiracy and should be dismissed because the Plaintiff failed to allege any facts to support his merely conclusory allegations.

In South Carolina, civil conspiracy requires "(1) the combination of two or more people, (2) for the purpose of injuring the Plaintiff, (3) which causes special damages." Pye v. Estate of Fox, 369 S.C. 555, 566-67, 633 S.E.2d 505, 511 (2006) (citing LaMotte v. Punch Line of Columbia, Inc., 296 S.C. 66, 370 S.E.2d 711 (1988)). Furthermore, the Plaintiff must plead "additional acts in furtherance of the conspiracy," rather than simply incorporating allegations from elsewhere in the Complaint and then alleging a civil conspiracy. Todd v. S.C. Farm Bureau Mut. Ins. Co., 276 S.C. 284, 293, 278 S.E.2d 607, 611 (1981) *rev'd on other grounds*, 283 S.C. 155, 321 S.E.2d 602 (1984) *quashed in part on other grounds*, 287 S.C. 190, 336, S.E.2d 472 (1985).

The Plaintiff satisfied the first element by bringing this claim for civil conspiracy against over thirty (30) named Defendants and anywhere between one and forty John Doe(s). However, the Plaintiff has otherwise failed to allege facts to support any conclusory allegation contained within the Ninth Cause of Action. Specifically, the Plaintiff did not allege any additional acts in furtherance of the conspiracy, as required. He attempts to merely "repeat and re-allege each allegation ... already stated" elsewhere in the Amended Complaint (Am. Comp. ¶ 249). Therefore, the Court should dismiss the Plaintiff's Ninth Cause of Action for civil conspiracy.

Additionally, in this Court's Amended Order dated October 29, 2018, the Court addressed a Motion to Dismiss the Ninth Cause of Action of the original Complaint. The Ninth Cause of Action of the original Complaint was also for Civil Conspiracy. In this Court's Amended Order, the Court provided that "Plaintiff has not pled facts sufficient to constitute a cause of action of civil conspiracy" because the Plaintiff failed to plead special damages. The Court afforded the Plaintiff a chance to amend the Complaint within 15 days

to plead special damages. However, as noted above, the Plaintiff failed to timely file the Amended Complaint. As such, the Plaintiff's amendment pleading special damages should be disregarded, at the very best.

For the reasons stated above, the Plaintiff once again failed to plead facts sufficient to state a cause of action for civil conspiracy. Therefore, the Court should dismiss the Ninth Cause of Action.

CONCLUSION

In conclusion, the Plaintiff has pled no facts sufficient to state a claim upon which relief can be granted for any of his nine asserted causes of action. Additionally, the Plaintiff repeatedly failed to adhere to the Court's order by not timely filing his Amended Complaint and including previously dismissed causes of action verbatim. While the courts ordinarily give *pro se* Plaintiff's flexibility when it comes to pleadings, it is important to note that the Plaintiff is an educated attorney who, according to his Amended Complaint, is in good standing with the State of Georgia. The Plaintiff's conscious and continuance disregard for the Court's orders should forego any additional leeway. For all of the reasons as mentioned earlier, these Defendants ask the Court to dismiss the Plaintiff's Amended Complaint.

This 11th day of February, 2019.

Respectfully submitted,

SWEENEY, WINGATE & BARROW, PA

s/Martin S. Driggers, Jr.

Martin S. Driggers, Jr., SC Bar No. 13668

115 Cargill Way, Suite B

Hartsville, SC 29550

P: (843) 878-0390

F: (843) 878-0393

**ATTORNEYS FOR DEFENDANTS
PALMETTO FAMILY COUNCIL
AND PALMETTO FAMILY ALLIANCE**

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Cease, Melanie Barton, Doris Cubitt, Susan)
Thomas, John McCormick, Nate Leupp,)
Institute of Management Consultants USA, and)
John Doe(s) 1-40,)
Defendants.)

CERTIFICATE OF MAILING

I, the undersigned, Lynn G. Bottenus, Paralegal to Martin S. Driggers, Jr., Sweeny, Wingate & Barrow, P.A., do hereby certify that the document hereinbelow specified has this day been served upon opposing counsel and all interested parties in this action by depositing same in the United States mail, postage prepaid, this 11th day of February, 2019, addressed as follows:

DOCUMENT: MEMORANDUM IN SUPPORT OF DEFENDANTS PALMETTO FAMILY COUNCIL AND PALMETTO FAMILY ALLIANCE

COPY TO: JEFFERSON DAVIS, JR.
403 MCCARTER AVENUE
GREENVILLE, SC 29615
PLAINTIFF, *PRO SE*

s/Lynn G. Bottenus
Lynn G. Bottenus
Paralegal to Martin S. Driggers, Jr.

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Respondents.

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PROOF OF SERVICE

I certify that I have served a copy of Respondents Palmetto Family Council and Palmetto Family Alliance’s Second Supplemental Record on Appeal upon all parties and counsel of record, by depositing a copy of the same on September 8, 2020, as addressed below:

Jefferson Davis, Jr.
403 McCarter Avenue
Greenville, SC 29615
jdavis@apogeetax.com
Pro se Plaintiff
VIA EMAIL and REGULAR MAIL

VIA EMAIL ONLY:

Geoffrey K. Chambers, Esquire
g.k.chambers@gmail.com

Christopher S. Elliott, Esquire
celliott@boykinlawsc.com

Michael B. Wren, Esquire
mwren@dml4aw.com

Williams J. Farley, III, Esquire
wfarley@carlockcopeland.com

Douglas 'W. MacKelcan, Esquire
dmackelcan@carlockcopeland.com

James H. Goldin, Esquire
jgoldin@turnerpadget.com

Ross C. DuRant, Esquire
rdurant@turnerpadget.com

Joseph K. Carter, Jr., Esquire
kcarter@turnerpadget.com

Dawes M. Cooke, Esquire
mdc@barnwell-whaley.com

Justin P. Novak, Esquire
jnovak@barnwell-whaley.com

Jason P. Luther, Esquire
Jason.luther@dor.sc.gov

Kathy R. Schillaci, Esquire
kathy@mccullochlaw.com

Benjamin P. Mustian, Esquire
bmustian@willoughbyhoefer.com

Williams H. Davidson, Esquire
wdavidson@dml-law.com

Kelley S. Cannon, Esquire
kcannon@hnblaw.com

Joseph M. McCulloch, Esquire
joe@mccullochlaw.com

Williams H. Jordan, Esquire
wjordan@sowellgray.com

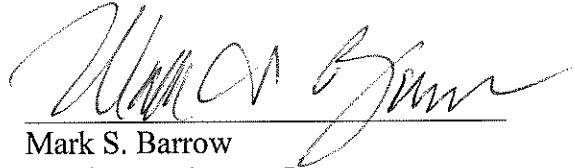
Jennifer F. Nutter, Esquire
jennifer.nutter@hoodlaw.com

Miles E. Coleman, Esquire
miles.coleman@nelsonmullins.com

Christopher J. Daniels, Esquire
chris.daniels@nelsonmullins.com

Alan G. Jones, Esquire
agjones@turnerpadgt.com

September 8, 2020



Mark S. Barrow
Martin S. Driggers, Jr.
Sweeny, Wingate & Barrow, P.A.
Post Office Box 12129
Columbia, SC 29211
(803) 256-2233
Attorneys for Respondents Palmetto Family
Council and Palmetto Family Action