

RECEIVED

Apr 09 2021

SC Court of Appeals

Exhibit A

STATE OF SOUTH CAROLINA)
)
COUNTY OF CHARLESTON)

IN THE COURT OF COMMON PLEAS

Travis J. McCory and Alicia S. McCory,)
)
Plaintiffs,)

C.A. No. 2018-CP-10-04127

SUGGESTION OF MOOTNESS

vs.)

Charleston County School District Board)
of Trustees, Dr. Gerrita Postlewait, in her)
Capacity as Superintendent of Charleston)
County School District, Kim Jackson, in)
her capacity as Principal of Mt. Pleasant)
Academy,)

Defendants.)

FILED
2018 SEP 10 PM 2:52
JULIE J. ARMSTRONG
CLERK OF COURT

Defendants, Charleston County School District Board of Trustees, Dr. Gerrita Postlewait, and Kim Jackson, hereby submit that this case has become moot for the following reasons:

1. Plaintiff parents applied for a transfer of the minor student from the attendance area where she resides with her parents to the attendance area for Mount Pleasant Academy (MPA) through the School District's transfer policy;
2. The transfer was granted by the local constituent board for MPA and the minor student was placed as number 4 on the waiting list;
3. While the minor student was on the waiting list and after the 2018-2019 school year started, Plaintiff parents filed this declaratory judgment action alleging that the minor student was entitled to attend MPA by virtue of S.C. Code Ann. § 59-63-30(c) because the minor held a sufficient interest in real property in her name in the MPA attendance area;
4. As a result of the School District's 10-day attendance review, students 1 through 4 on the waiting list, including the minor, have now been admitted to MPA via their transfer requests and if enrolled, will be permitted to attend MPA through fifth grade (assuming they have not been expelled pursuant to discipline policies of the School District);

5. The Court has not signed a final Order granting Plaintiffs' request for declaratory judgment;

6. The minor's enrollment in MPA from the waiting list through the School District's transfer policy makes the claim that she is entitled to attend MPA by way of § 59-63-30(c) moot; and

7. The Court should dismiss this case as moot.

Pursuant to Rule 11, S.C. R. Civ. P., the undersigned confirms that he has communicated with counsel for Plaintiffs in good faith in an attempt to resolve the matter contained in this motion, and Plaintiffs' counsel does not consent to the relief requested herein.

Respectfully submitted,

HALLIGAN MAHONEY WILLIAMS SMITH
FAWLEY & REAGLE, PA

By: 

Dwayne T. Mazyck, S.C. Bar No. 70240
dmazyck@hmwlegal.com

Thomas K. Barlow, S.C. Bar No. 8995
tbarlow@hmwlegal.com

P.O. Box 11367
Columbia, South Carolina 29211
(803) 254-4035

Attorneys for Defendants

September 5, 2018

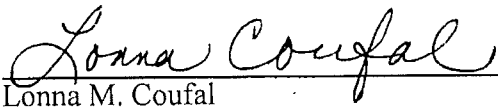
Columbia, South Carolina

2018-CP-10-4127

CERTIFICATE OF SERVICE BY MAIL

The undersigned of Halligan Mahoney Williams Smith Fawley & Reagle, PA, hereby certifies that she has served the following counsel of record with the foregoing **SUGGESTION OF MOOTNESS** by mailing a copy of same, postage prepaid and return address clearly indicated, to the following on this 5th day of September, 2018:

Randolph W. Cooper, Esq.
Cooper Law Firm, LLC
109 River Landing, Suite 100-B
Charleston, SC 29492



Lonna M. Coufal

FILED
2018 SEP 10 PM 2:52
JULIE J. ARMSTRONG
CLERK OF COURT
BY _____



HALLIGAN MAHONEY
& WILLIAMS

HALLIGAN MAHONEY WILLIAMS
SMITH FAWLEY & REAGLE, PA

THE TOWER AT 1301 GERVAIS STREET, SUITE 1400
PO BOX 11367 | COLUMBIA, SC 29211
PH 803.254.4035

HMWLEGAL.COM

WILLIAM F. [BICK] HALLIGAN
KATHRYN LONG MAHONEY
ALLEN D. SMITH *
SHIRLEY M. FAWLEY ◊
JOHN M. REAGLE ◊
VERNIE L. WILLIAMS
THOMAS K. BARLOW ◊◊

ALLISON AIKEN HANNA
CONNIE P. JACKSON
KIMBERLY KELLEY BLACKBURN
JASMINE ROGERS DRAIN ◻
DWAYNE T. MAZYCK
SHENEKA S. LODENQUAI ◻

September 5, 2018

The Honorable Julie J. Armstrong
Clerk of Court, Charleston County
100 Broad Street, Suite 106
Charleston, South Carolina 29401-2258

Re: Travis J. McCory and Alicia S. McCory v. Charleston County School District Board of Trustees, Dr. Gerrita Postlewait, in her Capacity as Superintendent of Charleston County School District, Kim Jackson, in her capacity as Principal of Mt. Pleasant Academy
C.A. No. 2018-CP-10-04127

Dear Ms. Armstrong:

Our firm represents the Defendants in the above-referenced action. Enclosed for filing are an original and one copy of Defendants' Suggestion of Mootness. Also enclosed are a completed Motion and Order Information Form and Cover Sheet and a check in the amount of \$25.00 for the filing fee. Please return the extra file-stamped copy of this filing to our office in the enclosed self-addressed envelope. By copy of this letter we are serving a copy of this filing on Randolph W. Cooper, counsel for Plaintiffs.

Thank you for your assistance, and please let us know if you have any questions.

Sincerely yours,



Thomas K. Barlow
tbarlow@hmwlegal.com

/lmc
Enclosures

c: Randolph W. Cooper, Esq.
Dwayne T. Mazyck, Esq.

Exhibit B

John M. Reagle

From: Thomas K. Barlow
Sent: Wednesday, September 5, 2018 4:20 PM
To: jmccoyj@sccourts.org; 'jmccoyle@sccourts.org'
Cc: 'randy@rcooperlaw.org'; kristi@rcooperlaw.org; Dwayne T. Mazyck
Subject: McCory v. Charleston Co. Sch. Dist., et al./C.A. No. 2018-CP-10-04127
Attachments: Suggestion of Mootness.pdf

Dear Judge McCoy:

As Mr. Cooper informed you yesterday, the minor Plaintiff was admitted via transfer from the waiting list pursuant to the School District's 10 day attendance review. This secures Plaintiffs the relief they were seeking, and as such, we believe this case is now moot and it is no longer necessary for the Court to issue a final order interpreting the statute at issue in this matter. As such, we are filing the attached Suggestion of Mootness with the clerk's office by mail today.

We appreciate the Court's consideration of our position in this matter. If Your Honor has any questions or would like any clarification of this issue, please do not hesitate to contact us.

Respectfully,



HALLIGAN MAHONEY & WILLIAMS

THOMAS K. BARLOW PARTNER

THE TOWER AT 1301 GERVAIS STREET, SUITE 1400
PO BOX 11367 | COLUMBIA, SC 29211
PH 803.254.4035 HMWLEGAL.COM
VCARD

NOTICE: This e-mail may contain information that is personal and confidential, non-disclosable and protected by attorney/client privilege. If you have received this e-mail in error, this does not constitute permission to examine, copy or distribute the accompanying material. If you receive this message in error, please notify us by telephone as listed above immediately.

Exhibit C

John M. Reagle

From: Randy Cooper <randy@rcooperlaw.org>
Sent: Tuesday, September 4, 2018 12:40 PM
To: jmccoyj@sccourts.org; 'McCoy, Jennifer Law Clerk (Alexandra Heaton)'
Cc: Thomas K. Barlow; 'Michael Cooper'; kristi@rcooperlaw.org
Subject: Update re: Case No. 2018-CP-10-04127

Judge McCoy,

I have been informed by opposing counsel that my clients' daughter has been admitted as a transfer student. This decision however has come subsequent to your Honor's ruling. My client is considering a request of Defendants' counsel to withdraw the case so as to avoid the case proceeding to a possible appeal. While, it is my deepest conviction that your Honor has correctly decided the issue before to court, I have presented the option to my clients for their considerations.

Begging this Court's indulgence, if you could delay signing the Order to give my clients a reasonable period of time to consider the Defendant's request, it would be most appreciated.

With kind regards,

Randy Cooper

Randolph W. Cooper
Cooper Law Firm, LLC
109 River Landing Drive, Suite 100-B
Daniel Island, SC 29492
Phone: (843) 881-5413
Fax: (843) 881-8366

Exhibit D

John M. Reagle

From: Randy Cooper <randy@rcooperlaw.org>
Sent: Wednesday, September 5, 2018 2:54 PM
To: Thomas K. Barlow
Cc: kristi@rcooperlaw.org; Dwayne T. Mazyck
Subject: RE: Settlement terms

Reject

Randolph W. Cooper
Cooper Law Firm, LLC
109 River Landing Drive, Suite 100-B
Daniel Island, SC 29492
Phone: (843) 881-5413
Fax: (843) 881-8366

From: Thomas K. Barlow [mailto:tbarlow@hmwlegal.com]
Sent: Wednesday, September 05, 2018 2:29 PM
To: Randy Cooper <randy@rcooperlaw.org>
Cc: kristi@rcooperlaw.org; Dwayne T. Mazyck <dmazyck@hmwlegal.com>
Subject: RE: Settlement terms

Randy, the School District respectfully rejects your offer to pay your fees. However, we would be happy to supply your client with a letter insuring their children's eligibility to enroll MPA through fifth grade without charge if that will resolve this matter.

Also, we are going to file a suggestion of mootness with the Court before the end of the day based on the enrollment from the waiting list and forward to it to the judge, and we are satisfying our Rule 11 obligation to consult first. Please let me know if you consent or object. Thanks.

Tom



**HALLIGAN MAHONEY
& WILLIAMS**

THOMAS K. BARLOW PARTNER

THE TOWER AT 1301 GERVAIS STREET, SUITE 900
PO BOX 11367 | COLUMBIA, SC 29211
PH 803.254.4035 HMWLEGAL.COM
VCARD

NOTICE: This e-mail may contain information that is personal and confidential, non-disclosable and protected by attorney/client privilege. If you have received this e-mail in error, this does not constitute permission to examine, copy or distribute the accompanying material. If you receive this message in error, please notify us by telephone as listed above immediately.

Exhibit E

John M. Reagle

From: Randy Cooper <randy@rcooperlaw.org>
Sent: Thursday, September 6, 2018 2:37 PM
To: jmccoyj@sccourts.org
Cc: jmccoyj@sccourts.org; Thomas K. Barlow; Dwayne T. Mazyck; 'Natalie Ham'; 'ALICIA'; 'Travis McCory'
Subject: Case No. 2018-CP-10-4127

Judge McCoy,

It is my clients desire that this case be memorialized by your signing of the Order previously presented.

Your prompt attention to this matter is greatly appreciated. With kind regards,

Sincerely,

Randy Cooper

Randolph W. Cooper
Cooper Law Firm, LLC
109 River Landing Drive, Suite 100-B
Daniel Island, SC 29492
Phone: (843) 881-5413
Fax: (843) 881-8366