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SC Court of Appeals

**THE STATE OF SOUTH CAROLINA**
**In The Court of Appeals**

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**APPEAL FROM CHARLESTON COUNTY**
**Court of Common Pleas**

**Honorable Jennifer McCoy, Circuit Court Judge**

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**Appellate Case No. 2018-001784**

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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 ……Appellants

v.

Travis J. McCory and Alicia S. McCory ……Respondents

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# RESPONDENT'S MEMORANDUM REGARDING MOOTNESS

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## TABLE OF CONTENTS

**PAGES**

## TABLE OF AUTHORITIES

**PAGES**

**CASES**



**STATUTES**

## I. BACKGROUND

At the direction of the Court dated March 23, 2021, the Respondents respectfully submit this memorandum addressing whether this matter is moot. The question of mootness arises because on September 4, 2018, the Charleston County School District admitted Respondents' daughter to Mt. Pleasant Academy even though the substantive relief sought by Respondents, the admission of their daughter to Mt. Pleasant Academy pursuant to S.C. Code of Laws § 59-63-30(c), was granted at a Hearing before the Honorable Jennifer McCoy on the 27th day of August, 2018 (see Exhibit A hereto).

## II. LEGAL ANALYSIS

As recently noted by this Court "[a] case becomes moot when judgment, if rendered, will have no practical legal effect upon the existing controversy." *Wayne's Automotive Center, Inc. v. South Carolina Department of Public Safety*, 431 S.C. 465, 475-76, 848 S.E.2d 56, 62 (Ct. App. 2020) quoting *Sloan v. Greenville County*, 380 S.C. 528, 535, 670 S.E.2d 663, 667 (Ct. App. 2009). Here, under the current facts, any judgment rendered by this Court would not have any practical effect concerning Respondents' daughter's admission or attendance at Mt. Pleasant Academy, since their daughter would continue to be eligible to attend Mt. Pleasant Academy regardless of whether the District's admission policy is consistent with § 59-63-30(c) as, subsequent to the issuance of the lower court's Order, the child was subsequently admitted as a student from a waiting list established by the District. In other words, the District's admission of Respondents' daughter to Mt. Pleasant Academy pursuant to the District's voluntary student transfer policy now makes it impossible for the Court to grant effectual relief. *Id.* It should be noted that Judge McCoy, on hearing that the child was on a waiting list, offered to Appellants the opportunity to have the

District declare the child as being admitted from a waiting list established by the District. However, Appellants' counsel declined the invitation of Judge McCoy and specifically requested that Judge McCoy issue her ruling on the date of the Hearing even though there existed a possibility that the child would be subsequently admitted from the waiting list, thereby rendering the decision of Judge McCoy as moot. Subsequent to Judge McCoy's issuance of her Order, the District notified the Respondents that the Respondents' daughter was admitted for the school year 2018-2019. It was the action of the District that made the ruling of Judge McCoy moot. Therefore, by the action of the Appellants, the Ruling of the lower court should not be disturbed.

## III. CONCLUSION

For the foregoing reasons, the Respondents respectfully request that this Court dismiss this Appeal as being moot.

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