

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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Jun 29 2021

SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Honorable Jennifer McCoy, Circuit Court Judge

Appellate Case No. 2018-001784

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.

APPELLANTS' PETITION AND MEMORANDUM FOR REHEARING

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The Appellants respectfully petition the Court for rehearing pursuant to Rules 221 and 240, SCACR. On June 16, 2021, the Court issued its Opinion in this case, dismissing the appeal as moot. In its Opinion, the Court found that: “[f]ollowing the filing of this appeal, MPA [Mount Pleasant Academy] admitted Daughter off of the waitlist, eliminating any justiciable controversy between the parties.” Unpublished Opinion No. 2021-UP-224, Filed June 16, 2021. However, the record in the case unequivocally shows the Daughter was admitted to MPA off of the waitlist by September 4, 2018, before the appeal was filed and even before the circuit court issued its order in this case from which the appeal was taken. See Appellants’ Memorandum Regarding Mootness, Exhibit B; Circuit Court Order; Record on Appeal, pp. 1-2. Since, as found by this Court, admission of Daughter to MPA off of the waitlist eliminated any justiciable controversy between the parties, the case was moot not only before this appeal but before the circuit court entered its final order in the case. Consequently, vacatur of the circuit court’s order is appropriate. *Sloan v. Greenville County*, 380 S.C. 528, 538, 670 S.E.2d 663, 668 (Ct. App. 2009); *Hunt v. Avondale Mills, Inc.*, 385 S.C. 616, 686 S.E.2d 190 (2009) (order entered without jurisdiction should be vacated).

Accordingly, the Appellants respectfully ask the Court to correct the finding in its Opinion that Daughter was admitted to MPA off of the waitlist after this appeal was filed to reflect that it occurred not only before the filing of the appeal, but in fact before the circuit court issued its final order in this matter, and further order that the circuit court’s order be vacated.

HALLIGAN MAHONEY WILLIAMS SMITH
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s/John M. Reagle

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PROOF OF SERVICE

I certify that I have served Appellants' Petition and Memorandum For Rehearing by e-mail, on June 29, 2021, to Randolph W. Cooper, Esq., Cooper Law Firm, LLC, 109 River Landing, Suite 100-B, Charleston, SC 29492 at his listed email address of randy@rcooperlaw.org.

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