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SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
In The 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 AcademyAppellants

v.

Travis J. McCory and Alicia S. McCoryRespondents

RESPONDENT’S RESPONSE TO REQUEST FOR REHEARING

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The Respondents respectfully request the Court to deny Appellants' request for a rehearing. The pertinent facts are set forth herein. The Appellants' daughter was denied admittance to Mt. Pleasant Academy. The Appellants filed an action to force Charleston County School Board to admit the Appellants' daughter. A Hearing was held before the Honorable Jennifer McCoy on the 27th day of August 2018. At the Hearing, it was noted by the Appellant that the Respondents' daughter was currently on a waiting list. Judge McCoy inquired of the Appellants as to whether the Charleston County School Board would be willing to admit the child prior to her ruling. The Appellant responded that it would not make the decision as to who would be admitted from the list until a date subsequent to the Hearing and that there was a possibility that the child would not be admitted. Given the response of the Appellant, Judge McCoy ruled in favor of the Respondents' Petition that the child should be admitted, which Ruling was immediately effective as of August 27, 2018. On September 4, 2021, the Charleston County School Board notified the Respondents that their daughter was admitted from the waiting list as of that date. The action of the Appellants was on its own volition. The moment the Appellants issued its decision to admit the child, the Ruling of Judge McCoy became moot. These facts are not in dispute. The law addressing the issue of mootness is clear. "The function of appellate courts is not to give opinions on merely abstract or theoretical matters, but only to decide actual controversies injuriously affecting the rights of some party to the litigation". *Wallace v. City of York*, 276 S.C. 693, 694, 281 S.E.2d 487, 488 (1981).

For the foregoing reasons, the Respondents respectfully request that this Court deny Appellants' request for a rehearing.

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PROOF OF SERVICE

I certify that I have served Respondents' Response to Request for Rehearing by e-mail, on August 10, 2021 to John M. Reagle, Thomas K. Barlow and David T. Mazyck, all with the laws firm of Halligan Mahoney Williams Smith Fawley & Reagle, PA, 1301 Gervais Street, Suite 1400, Columbia, S.C. 29201 at their respective email address.

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