

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

Doyet A. Early, III, Circuit Court Judge  
Case No.: 2018-cp-40-02425

**RECEIVED**

**Mar 31 2022**

**SC Court of Appeals**

---

Appellate Case No. 2019-000648

---

Jefferson Davis, Jr., .....Appellant,

v.

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 Regulations, 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 & John Doe(s) 1-40, .....Respondents.

---

**Respondent Stephen D. Kirkland's Motion for Costs**

---

Pursuant to Rule 222(b) of the South Carolina Appellate Court Rules, Respondent Stephen D. Kirkland requests this Court for an Order awarding him the \$2,500.00 attorney's fee authorized by the January 17, 2018 Order of the Supreme Court of South Carolina, as identified in the enclosed Itemized Statement of Costs.

40 Calhoun Street, Suite 400  
Charleston, SC 29401  
*dmackelcan@csvl.law*  
*swilson@csvl.law*  
Ph: 843-727-0307

COPELAND, STAIR, VALZ & LOVELL, LLP

By:



DOUGLAS W. MACKELCAN

State Bar No.: 76332

SKYLER C. WILSON

State Bar No.: 102865

*Attorneys for Respondent Stephen D. Kirkland*

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

Doyet A. Early, III, Circuit Court Judge  
Case No.: 2018-cp-40-02425

**RECEIVED**  
**Mar 31 2022**  
**SC Court of Appeals**

---

Appellate Case No. 2019-000648

---

Jefferson Davis, Jr., .....Appellant

v.

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 Regulations, 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 & John Doe(s) 1-40, .....Respondents

---

**PROOF OF SERVICE**

---

I certify that I have served **Respondent Stephen D. Kirkland's Motion for Costs** upon the parties below by depositing a copy of it in the United States Mail, postage prepaid and/or via electronic mail, on March 31, 2022, addressed as follows:

James Harold Goldin, Esq.  
203 Broad Street  
Charleston, SC 29401  
[jameygoldin@google.com](mailto:jameygoldin@google.com)  
*Counsel for Appellant*

Mark S. Barrow, Esq.  
Martin S. Driggers, Jr., Esq.  
Sweeny, Wingate & Barrow, PA  
115 Cargill Way, Suite B  
Hartsville, SC 29550  
[msb@swblaw.com](mailto:msb@swblaw.com)  
[msd@swblaw.com](mailto:msd@swblaw.com)

*Counsel for Respondents Palmetto Family  
Council; Palmetto Family Alliance; and  
Palmetto Family Action*

Miles E. Coleman, Esq.  
Nelson Mullins Riley & Scarborough, LLP  
P.O. Box 10084  
Greenville, SC 29603  
[Miles.coleman@nelsonmullins.com](mailto:Miles.coleman@nelsonmullins.com)  
*Counsel for Respondents SCRG Foundation n/k/a  
Enriching Students' Knowledge; Cato Institute;  
and Howard S. Rich*

Geoffrey K. Chambers, Esq.  
411 Walnut Street No. 10646  
Green Cove Springs, FL 32043  
[g.k.chambers@gmail.com](mailto:g.k.chambers@gmail.com)  
*Counsel for Respondents. South Carolina  
Educational Credit for Exceptional Needs  
Childrens Fund; and Randy Page*

M. Dawes Cooke, Jr., Esq.  
Justin Paul Novak, Esq.  
Barnwell Whaley Patterson and Helms, LLC  
P.O. Drawer H  
Charleston, SC 29402  
[mdc@barnwell-whaley.com](mailto:mdc@barnwell-whaley.com)  
[jnovak@barnwell-whaley.com](mailto:jnovak@barnwell-whaley.com)  
*Counsel Respondent South Carolina Educational  
Credit for Exceptional Needs Childrens Fund*

Michael B. Wren, Esq.  
William H. Davidson, II, Esq.  
P.O. Box 8568  
Columbia, SC 20202  
[mwren@dml-law.com](mailto:mwren@dml-law.com)  
[w davidson@dml-law.com](mailto:w davidson@dml-law.com)  
*Counsel for Respondents South Carolina Dept. of  
Revenue; and Rick Reames*

Jason P. Luther, Esq.  
General Counsel  
South Carolina Dept. of Revenue  
P.O. Box 12265  
Columbia, SC 29211  
[jason.luther@dor.sc.gov](mailto:jason.luther@dor.sc.gov)  
*Counsel for Respondent South Carolina Dept. of  
Revenue*

Benjamin Parker Mustian, Esq.  
141 Pelham Drive, Suite F #108  
Columbia, SC 29209  
[bpmlawsc@gmail.com](mailto:bpmlawsc@gmail.com)  
*Counsel for Respondent First Impressions, Inc.  
d/b/a Richard Quinn & Associates*

Andrew Haselden, Esq.  
Houser, Newman & Besley, LLC  
P.O. Box 120009  
Columbia, SC 29211  
[ahaselden@hnblaw.com](mailto:ahaselden@hnblaw.com)  
*Counsel for Respondents South Carolina Dept. of  
LLR and Doris Cubitt*

Joseph M. McCulloch, Esq.  
Kathy R. Schillaci, Esq.  
McCulloch & Schillaci, Attorneys at Law  
P.O. Box 11623  
Columbia, SC 20201  
[joe@mccullochlaw.com](mailto:joe@mccullochlaw.com)  
[kathy@mccullochlaw.com](mailto:kathy@mccullochlaw.com)  
*Counsel for Respondent First Tuesday Strategies,  
LLC*

Mark V. Gende, Esq.  
Brandon R. Gottschall, Esq.  
Sweeney, Wingate and Barrow, P.A.  
P.O. Box 12129  
Columbia, SC 29211  
[mvg@swblaw.com](mailto:mvg@swblaw.com)  
[brg@swblaw.com](mailto:brg@swblaw.com)

***Counsel for Respondents Phillip Cease; and  
South Carolinians for Responsible Government***

Joseph C. Chapelle, Esq.  
Barnes & Thornburg, LLP  
11 S. Meridian Street  
Indianapolis, IN 46204  
***Counsel for Respondent  
EdChoice, Inc. (formerly and incorrectly  
identified as Friedman Foundation for  
Educational Choice, Inc.)  
Admitted pro hac vice***

J. Kenneth Carter, Jr., Esq.  
Ross C. DuRant, Esq.  
Turner, Padget, Graham & Laney, PA  
P.O. Box 1473  
Columbia, SC 29201  
[kcarter@turnerpadget.com](mailto:kcarter@turnerpadget.com)  
[rdurant@turnerpadget.com](mailto:rdurant@turnerpadget.com)  
***Counsel for Respondents Palmetto Promise  
Institute; Jim DeMint; and Oran P. Smith; and  
Ellen Weaver***

Alan G. Jones, Esq.  
Turner Padget Graham & Laney, P.A.  
P.O. Box 1509  
Greenville, SC 29602  
[agjones@turnerpadget.com](mailto:agjones@turnerpadget.com)  
***Counsel for Respondent Tony Denny***

John McCormick  
12 Vaughns Mill Court  
Simpsonville, SC 29681  
***Self-Represented Respondent***

Jefferson Davis, Jr.  
403 McCarter Avenue  
Greenville, SC 29615  
[jdavis@apogeetax.com](mailto:jdavis@apogeetax.com)  
***Appellant***

Christopher J. Daniels, Esq.  
Nelson Mullins Riley & Scarborough, LLP  
P.O. Box 11070  
Columbia, SC 29211

[Chris.daniels@nelsonmullins.com](mailto:Chris.daniels@nelsonmullins.com)  
***Counsel for Respondent  
EdChoice, Inc. (formerly and incorrectly  
identified as Friedman Foundation for  
Educational Choice, Inc.)***

Jennifer F. Nutter, Esq.  
Hood Law Firm, LLC  
P.O. Box 1508  
Charleston, SC 29402  
[jennifer.nutter@hoodlaw.com](mailto:jennifer.nutter@hoodlaw.com)  
***Counsel for Respondent Institute of Management  
Consultants, USA***

James H. Goldin, Esq.  
Nelson Mullins Riley & Scarborough, LLP  
1320 Main Street, 17<sup>th</sup> Floor  
Columbia, SC 29202  
[jamey.goldin@nelsonmullins.com](mailto:jamey.goldin@nelsonmullins.com)  
***Counsel for Respondent Access Opportunity  
South Carolina***

Chad Connelly  
107 Connelly Drive  
Prosperity, SC 29217  
***Self-Represented Respondent***

Nate Leupp  
114 Oak Drive  
Greer, SC 29650  
***Self-Represented Respondent***

[SIGNATURE PAGE TO FOLLOW]

This 31<sup>st</sup> day of March, 2022.

40 Calhoun Street, Suite 400  
Charleston, SC 29401  
*dmackelcan@csvl.law*  
*swilson@csvl.law*  
Ph: 843-727-0307

COPELAND, STAIR, VALZ & LOVELL, LLP

By: 

DOUGLAS W. MACKELCAN

State Bar No.: 76332

SKYLER C. WILSON

State Bar No.: 102865

*Attorneys for Respondent Stephen D. Kirkland*

**FORM 17  
ITEMIZED STATEMENT OF COSTS**

**RECEIVED**

**Mar 31 2022**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

Doyet A. Early, III, Circuit Court Judge  
Case No.: 2018-cp-40-02425

Appellate Case No. 2019-000648

Jefferson Davis, Jr., .....Appellant,

v.

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 Regulations, 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 & John Doe(s) 1-40, .....Respondents.

The Appellate Court is requested to tax the following costs against

Appellant Jefferson Davis, Jr.

(Name of Party)


| COSTS TAXABLE UNDER<br>RULE 222, SCACR           | NO. OF<br>PAGES | RATE | REQUESTED | ALLOWED<br>(For Court<br>Use Only) |
|--|-----------------|------|-----------|------------------------------------|
| Cost of Printing or Copying<br>Final Brief       |                 |      | \$0.00    |                                    |
| Cost of Printing or Copying<br>Final Reply Brief |                 |      | \$0.00    |                                    |
| Cost of Printing or Copying<br>Record on Appeal  |                 |      | \$0.00    |                                    |

|   |  |       |            |  |
|---|--|-------|------------|--|
| Filing Fee Paid Under Rule 203(d), SCACR      |  |       | \$0.00     |  |
| Cost of Court Reporter's Transcript           |  |       | \$0.00     |  |
| Attorney's Fee Provided By Rule 222(b), SCACR |  |       | \$2,500.00 |  |
| Other (specify and explain):                  |  |       |            |  |
|   |  | TOTAL | \$2,500.00 |  |


I, Skyler C. Wilson, do swear or affirm that the foregoing costs are correct and were necessarily incurred in this action. A copy of this statement was (mailed to/served upon) *pro se* Appellant Jefferson Davis, Jr.

COPELAND, STAIR, VALZ & LOVELL, LLP

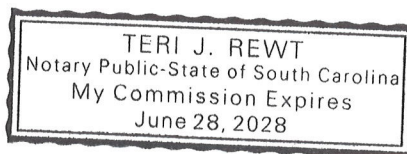
40 Calhoun Street, Suite 400  
 Charleston, SC 29401  
dmackelcan@csvl.law  
swilson@csvl.law  
 Ph: 843-727-0307

By:   
 DOUGLAS W. MACKELCAN  
 State Bar No.: 76332  
 SKYLER C. WILSON  
 State Bar No.: 102865  
 Attorneys for Respondent Stephen D. Kirkland

SWORN TO and subscribed before me,  
 this 31st day of March, 2022.

  
 Notary Public for the State of South Carolina  
 My Commission Expires: June 28, 2028

(SEAL)



LAW OFFICES

# COPELAND, STAIR, VALZ & LOVELL, LLP

DOUGLAS W. MACKELCAN  
Partner  
SKYLER C. WILSON

DIRECT DIAL NUMBERS  
(843) 266-8228  
(843) 266-8221

E-MAIL ADDRESSES  
[dmackelcan@csvl.law](mailto:dmackelcan@csvl.law)  
[swilson@csvl.law](mailto:swilson@csvl.law)

40 Calhoun Street, Suite 400  
CHARLESTON, SC 29401

TELEPHONE (843) 727-0307  
FAX (843) 727-2995

[www.csvl.law](http://www.csvl.law)

ATLANTA OFFICE

191 Peachtree Street, N.E.  
Suite 3600  
Atlanta, Georgia 30303-1740  
(404) 522-8220

REPLY TO SC OFFICE

March 31, 2022

VIA EMAIL AND REGULAR MAIL

Jenny Abbott Kitchings, Clerk  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211  
[ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)

**RECEIVED**

**Mar 31 2022**


**SC Court of Appeals**

Re: Jefferson Davis, Jr., v. Ellen Weaver, *et al.*  
Appellate Court Case No.: 2019-000648  
Richland County Case No.: 2018-CP-40-02425  
CSVL File No.: 01834-58192

Dear Ms. Kitchings:

Enclosed please find Respondent Stephen D. Kirkland's Motion for Costs and Statement of Costs in this case, together with the \$50.00 filing fee. If anything further is required from Respondent Kirkland at this time, please advise.

Sincerely,

  
DOUGLAS W. MACKELCAN  
SKYLER C. WILSON

SCW:tjr

Enclosures

cc: via email and/or regular mail

James Harold Goldin, Esq.  
203 Broad Street  
Charleston, SC 29401  
[jameygoldin@google.com](mailto:jameygoldin@google.com)  
*Counsel for Appellant*

Mark S. Barrow, Esq.  
Martin S. Driggers, Jr., Esq.  
Sweeny, Wingate & Barrow, PA  
115 Cargill Way, Suite B  
Hartsville, SC 29550  
[msb@swblaw.com](mailto:msb@swblaw.com)  
[msd@swblaw.com](mailto:msd@swblaw.com)  
*Counsel for Respondents Palmetto Family Council;  
Palmetto Family Alliance; and  
Palmetto Family Action*

Miles E. Coleman, Esq.  
Nelson Mullins Riley & Scarborough, LLP  
P.O. Box 10084  
Greenville, SC 29603  
[Miles.coleman@nelsonmullins.com](mailto:Miles.coleman@nelsonmullins.com)  
***Counsel for Respondents SCRG Foundation n/k/a  
Enriching Students' Knowledge; Cato Institute; and  
Howard S. Rich***

M. Dawes Cooke, Jr., Esq.  
Justin Paul Novak, Esq.  
Barnwell Whaley Patterson and Helms, LLC  
P.O. Drawer H  
Charleston, SC 29402  
[mdc@barnwell-whaley.com](mailto:mdc@barnwell-whaley.com)  
[jnovak@barnwell-whaley.com](mailto:jnovak@barnwell-whaley.com)  
***Counsel Respondent South Carolina Educational  
Credit for Exceptional Needs Childrens Fund***

Jason P. Luther, Esq.  
General Counsel  
South Carolina Dept. of Revenue  
P.O. Box 12265  
Columbia, SC 29211  
[jason.luther@dor.sc.gov](mailto:jason.luther@dor.sc.gov)  
***Counsel for Respondent South Carolina Dept. of  
Revenue***

Andrew Haselden, Esq.  
Houser, Newman & Besley, LLC  
P.O. Box 120009  
Columbia, SC 29211  
[ahaselden@hnblaw.com](mailto:ahaselden@hnblaw.com)  
***Counsel for Respondents South Carolina Dept. of LLR  
and Doris Cubitt***

Mark V. Gende, Esq.  
Brandon R. Gottschall, Esq.  
Sweeney, Wingate and Barrow, P.A.  
P.O. Box 12129  
Columbia, SC 29211  
[mvg@swblaw.com](mailto:mvg@swblaw.com)  
[brg@swblaw.com](mailto:brg@swblaw.com)  
***Counsel for Respondents Phillip Cease; and  
South Carolinians for Responsible Government***

Joseph C. Chapelle, Esq.  
Barnes & Thornburg, LLP  
11 S. Meridian Street  
Indianapolis, IN 46204  
***Counsel for Respondent  
EdChoice, Inc. (formerly and incorrectly identified as  
Friedman Foundation for Educational Choice, Inc.)  
Admitted pro hac vice***

J. Kenneth Carter, Jr., Esq.  
Ross C. DuRant, Esq.  
Turner, Padgett, Graham & Laney, PA  
P.O. Box 1473  
Columbia, SC 29201

Geoffrey K. Chambers, Esq.  
411 Walnut Street No. 10646  
Green Cove Springs, FL 32043  
[g.k.chambers@gmail.com](mailto:g.k.chambers@gmail.com)  
***Counsel for Respondents. South Carolina Educational  
Credit for Exceptional Needs Childrens Fund; and  
Randy Page***

Michael B. Wren, Esq.  
William H. Davidson, II, Esq.  
P.O. Box 8568  
Columbia, SC 20202  
[mwren@dml-law.com](mailto:mwren@dml-law.com)  
[wdavidson@dml-law.com](mailto:w davidson@dml-law.com)  
***Counsel for Respondents South Carolina Dept. of  
Revenue; and Rick Reames***

Benjamin Parker Mustian, Esq.  
141 Pelham Drive, Suite F #108  
Columbia, SC 29209  
[bpmlawsc@gmail.com](mailto:bpmlawsc@gmail.com)  
***Counsel for Respondent First Impressions, Inc. d/b/a  
Richard Quinn & Associates***

Joseph M. McCulloch, Esq.  
Kathy R. Schillaci, Esq.  
McCulloch & Schillaci, Attorneys at Law  
P.O. Box 11623  
Columbia, SC 20201  
[joe@mccullochlaw.com](mailto:joe@mccullochlaw.com)  
[kathy@mccullohlaw.com](mailto:kathy@mccullohlaw.com)  
***Counsel for Respondent First Tuesday Strategies, LLC***

Christopher J. Daniels, Esq.  
Nelson Mullins Riley & Scarborough, LLP  
P.O. Box 11070  
Columbia, SC 29211  
[Chris.daniels@nelsonmullins.com](mailto:Chris.daniels@nelsonmullins.com)  
***Counsel for Respondent  
EdChoice, Inc. (formerly and incorrectly identified as  
Friedman Foundation for Educational Choice, Inc.)***

Jennifer F. Nutter, Esq.  
Hood Law Firm, LLC  
P.O. Box 1508  
Charleston, SC 29402  
[jennifer.nutter@hoodlaw.com](mailto:jennifer.nutter@hoodlaw.com)  
***Counsel for Respondent Institute of Management  
Consultants, USA***

James H. Goldin, Esq.  
Nelson Mullins Riley & Scarborough, LLP  
1320 Main Street, 17<sup>th</sup> Floor  
Columbia, SC 29202  
[jamey.goldin@nelsonmullins.com](mailto:jamey.goldin@nelsonmullins.com)

[kcarter@turnerpadget.com](mailto:kcarter@turnerpadget.com)

[rdurant@turnerpadget.com](mailto:rdurant@turnerpadget.com)

**Counsel for Respondents Palmetto Promise Institute;  
Jim DeMint; and Oran P. Smith; and Ellen Weaver**

Alan G. Jones, Esq.

Turner Padget Graham & Laney, P.A.

P.O. Box 1509

Greenville, SC 29602

[agjones@turnerpadget.com](mailto:agjones@turnerpadget.com)

**Counsel for Respondent Tony Denny**

John McCormick

12 Vaughns Mill Court

Simpsonville, SC 29681

**Self-Represented Respondent**

Jefferson Davis, Jr.

403 McCarter Avenue

Greenville, SC 29615

[jdavis@apogeetax.com](mailto:jdavis@apogeetax.com)

**Appellant**

**Counsel for Respondent Access Opportunity  
South Carolina**

Chad Connelly

107 Connelly Drive

Prosperity, SC 29217

**Self-Represented Respondent**

Nate Leupp

114 Oak Drive

Greer, SC 29650

**Self-Represented Respondent**