

From: Kenneth P. Woodington <kwoodington@DML-LAW.com>
To: Pisarik, HollyHollyPisarik@gov.sc.gov
Date: 8/2/2016 9:06:17 AM
Subject: FW: Draft motion for summary judgment in Bilbro case
Attachments: MFSJ (second) (00868994xBE0C9).docx
Mem supp MFSJ (second) (00868996xBE0C9).docx
Exhibit 1 to MSJ- Aff of Dorothy Addison (05-05-16) #30-2 (00845021xBE0C9).pdf
Exhibit 2 to MSJ-Letter Haley to Kerry (05-05-16) #30-3 (00845023xBE0C9).pdf

Holly, would you have a chance to take a quick look at this today? AS regards the Governor, it's not that much different from the one I filed in April, but there is one question on p. 16 (highlighted) that you may be able to answer. (I suspect the answer is that there is nothing to cite.)

I would like to go ahead and file this, because the response to the preliminary injunction motion is due Friday, and what I want to do is primarily to incorporate this memo by reference. Also, I'll be out of town this Thursday and Friday, so as a practical matter, I'd like to file the PI response tomorrow.

I'm in the office today (806-8222) if you need to discuss this.

Thanks,

Ken

From: Kenneth P. Woodington
Sent: Thursday, July 28, 2016 11:03 AM
To: 'HollyPisarik@gov.sc.gov'; 'Catone, Tony <Tony.Catone@dss.sc.gov> (Tony.Catone@dss.sc.gov)'; 'Cassell, Bert (Bert.Cassell@sto.sc.gov)'; 'awhitsett@sled.sc.gov'; 'marcusgore@scdps.gov'; 'harlesj@dhec.sc.gov'; 'Gunn, Eddie (egunn@cg.sc.gov)'; 'Ganjehsani, Warren V. (WGanjehsani@SCDPS.GOV)'
Cc: William H. Davidson II
Subject: Draft motion for summary judgment in Bilbro case

Attached is a draft motion for summary judgment in the Bilbro case, along with the draft memo in support and the exhibits.

Pages 1 through 11 are substantially similar to the previous motion for summary judgment filed in May, when the only defendants were the Governor and DSS officials.

The remainder, pp. 11-17, goes through the Amended Complaint to show why it does not state a claim. The only specific mention of the newly-added agencies is on p. 12, where I note that “, the Amended Complaint contains virtually no specific allegations against any of those agency heads, and certainly nothing which actually alleges legal wrongdoing on the part of any of them.”

Please review and let me know if you see a need for additions or changes. I plan to file this tomorrow or Monday, and then follow up with a short memorandum opposing preliminary injunctive for the reasons stated in the attached summary judgment memo.

Ken