

From: Bob Cook <BCook@scag.gov>
To: Gossett, JeffJeffGossett@scsenate.gov
Patrick DennisPatrickDennis@schouse.gov
Ken MoffittKenMoffitt@scsenate.gov
Pisarik, HollyHollyPisarik@gov.sc.gov
Emory SmithESmith@scag.gov
Emma DeanEmmaDean@schouse.gov
Reid, Charlescharlesreid@schouse.gov
CC: 'Bobby Stepp'rstepp@sowellgray.com
Betsy GrayGraygray@sowellgray.com
'Roland Franklin'rfranklin@sowellgray.com
Date: 10/15/2015 3:41:15 PM
Subject: RE: Abbeville Motion to Vacate Draft

Since we represent the State, which, of course, cannot act independently of the Legislature and the Governor, we are fine with whatever draft you all can agree upon. Bob

From: Jeff Gossett [<mailto:JeffGossett@scsenate.gov>]
Sent: Thursday, October 15, 2015 3:32 PM
To: Bob Cook; Patrick Dennis; Ken Moffitt; 'Pisarik, Holly'; Emory Smith; Emma Dean; Charles Reid
Cc: 'Bobby Stepp'; Betsy Gray; 'Roland Franklin'
Subject: RE: Abbeville Motion to Vacate Draft

Earlier today, we sent Roland a short paragraph on the work of the Senate's Special Committee and few other fairly minor suggested edits. Overall, Senator Leatherman was happy with the current draft.

Given that this is likely to be our last opportunity to argue these points, I do not believe that it should be shortened simply for the sake of making it shorter. If there are areas that can be made more succinct and in a way that strengthens the argument, then we would be agreeable. But overall length shouldn't dictate our arguments.

The way Roland has it drafted now, the "Logistical Difficulties" section is very good and the other sections build up to a strong conclusion to the motion.

I suggest that everyone involved provide their comments to Roland and allow him to incorporate those for a final draft for everyone to review.

Jeff

From: Bob Cook [<mailto:BCook@scag.gov>]
Sent: Thursday, October 15, 2015 2:54 PM
To: Patrick Dennis; Ken Moffitt; Jeff Gossett; 'Pisarik, Holly'; Emory Smith; Emma Dean; Charles Reid
Cc: 'Bobby Stepp'; Betsy Gray; 'Roland Franklin'
Subject: RE: Abbeville Motion to Vacate Draft

I agree with Patrick we do not need a "treatise" on separation of powers. I sent one with the full expectation that it would be culled. I do think it is important to reference those cases where the Court deferred to the Legislature in coming up with a remedy.

From: Patrick Dennis [<mailto:PatrickDennis@schouse.gov>]

Sent: Thursday, October 15, 2015 2:41 PM

To: Ken Moffitt; Jeff Gossett; 'Pisarik, Holly'; Bob Cook; Emory Smith; Emma Dean; Charles Reid

Cc: 'Bobby Stepp'; Betsy Gray; 'Roland Franklin'

Subject: Abbeville Motion to Vacate Draft

All:

First, let me please say that Roland and Bobby produced a great draft in a short time and tried mightily to pull together a diverse set of viewpoints into one document.

While it is not what the House would, ideally, like to argue there are significant portions of the draft that we could agree, with the other parties, to submit to the Court. There are two primary, conceptual concerns we have:

1) The House would like to move the "logistical" argument to the front of the document with some acknowledgement that it has not been made before. We think it's important, given how many times the separation of powers argument has been dismissed and ignored (despite its validity) that we highlight the different approach in this document and that the defendants are raising a new issue. As we discussed last week, we are happy to keep questions out of that discussion and to make blanket statements that even if the logistical questions are answered, those answers do not cure the underlying constitutional issues.

2) The House would like to streamline the documents. We simply believe it is too long as it is currently drafted. While every statement, case and citation in the draft is relevant, we simply do not believe it is all necessary. As with the letter previously sent to the Court, less may have the effect of being more in this document.

If the rest of you are generally (everyone reserving their right to disagree on particulars, of course) agreeable to these concepts, Emma and I are prepared to circulate an updated draft for everyone's consideration before the end of the day.

I am, as always, available and willing to discuss any of this with any combination of you.

Thanks,

Patrick Dennis
Legal Counsel to the Speaker
Speaker of the South Carolina House of Representatives
506 Blatt Building
P.O. Box 11867
Columbia, SC 29211
(803) 734-3125 (office)
(803) 734-9488 (fax)