

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

COLUMBIA DIVISION

Rev. Dr. Thomas A. Summers, Rev. Dr.	)	Civil Action No. 3:08-2265-CMC
Robert M. Knight, Rabbi Sanford T.	)	
Marcus, Rev. Dr. Neal Jones, Hindu	)	
American Foundation, and American-Arab	)	
Anti-Discrimination Committee,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	<b><u>DEFENDANT MARCIA ADAMS'S</u></b>
	)	<b><u>RESPONSES TO PLAINTIFFS'</u></b>
	)	<b><u>SECOND SET OF REQUESTS FOR</u></b>
	)	<b><u>PRODUCTION OF DOCUMENTS</u></b>
Marcia S. Adams, in her official capacity	)	
as Director of the South Carolina	)	
Department of Motor Vehicles, and Jon	)	
Ozmint, in his official capacity as the	)	
Director of the Department of Corrections	)	
of South Carolina,	)	
	)	
Defendants.	)	
	)	

---

In accordance with the Federal Rules of Civil Procedure, Defendant Marcia S. Adams, in her official capacity as Director of the South Carolina Department of Motor Vehicles ("Defendant"), hereby responds to Plaintiffs' Second Set of Requests for Production as follows:

**GENERAL OBJECTIONS**

Defendant's search for responsive documents is continuing, and Defendant reserves the right to supplement the responses set forth herein should any responsive non-privileged documents be identified, to the extent that any such documents exist and such response can be given without undue expense and burden.

Defendant objects to any instructions on how to respond and will respond in accordance with the Federal Rules of Civil Procedure. Additionally, these responses are submitted by Defendant subject to, and without waiving, but on the contrary reserving:

A. All questions or objections as to competency, relevancy, materiality, privilege and admissibility as evidence, for any purpose, of any of the documents referred to or answers given, or the subject matter thereof, in any subsequent proceeding or in the trial of this action or in any other proceeding;

B. The right to object to other discovery procedures involving or relating to the subject matter of the requests herein responded to;

C. The right at any time to revise, correct, add to or clarify any of the responses set forth herein or documents referred to herein; and Defendant objects to these requests for production to the extent that they seek information which is protected by the attorney-client, work product, or other applicable privileges, including trial preparation materials, and will not reveal or produce such information.

D. Any and all applicable privileges in documents or materials which are inadvertently or mistakenly produced.

## **RESPONSES**

1. All applications for specialty license plates submitted to the DMV by nonprofit organizations, as well as any documents or correspondence relating or referring to such applications or to the review or approval of such applications.

**RESPONSE:** In addition to the General Objections stated above, Defendant objects to this request on the grounds that it is vague, ambiguous, and overly broad. Defendant interprets this Request to refer to those license plates requested pursuant to S.C. Code Ann. § 56-3-8000. Subject to these objections and this interpretation, please see documents Bates labeled DMV-000251 to DMV-000760. Defendant redacted tax identification numbers and nonprofit organization tax returns submitted which confirm 501(c)(3) status. Defendant further states that the search for responsive documents is ongoing and that this request will be supplemented if further responsive documents are located.

2. Any request submitted to the DMV, in any form, by any individual or organization, for creation or production of a license plate imprinted with the words "I" and "Believe," or the image of a cross, or the image of a stained-glass window, and any correspondence or other documents relating or referring to such requests.

**RESPONSE:** Defendant does not have in her possession any documents that are responsive to this Request. Defendant further states that the search for responsive documents is ongoing and that this request will be supplemented if further responsive documents are located.

3. Any correspondence or other documents provided to, received from, or produced by the joint legislative committee referenced in S.C. Code Section 56-3-8000(F), or any subcommittee thereof.

**RESPONSE:** In addition to the General Objections stated above, Defendant objects on the ground that Defendant does not have authority over the Joint Legislative Committee. Further, Defendant objects on the ground that she is under no duty to seek information that is within the knowledge or control of the Joint Legislative Committee. Defendant does not have in her possession any documents that are responsive to this Request.

4. Any legislative history materials for South Carolina General Assembly Act No. 253 of June 5, 2008, including, but not limited to, floor statements, committee and subcommittee reports, and proposed amendments.

**RESPONSE:** In addition to the General Objections stated above, Defendant objects on the ground that Defendant does not have authority over the South Carolina General Assembly. Further, Defendant objects on the ground that she is under no duty to seek information that is within the knowledge or control of the South Carolina General Assembly. Defendant does not have in her possession any documents that are responsive to this Request.

SIGNATURE PAGE ATTACHED

NELSON MULLINS RILEY & SCARBOROUGH, LLP

By: 

KEVIN S. HALL

Federal Bar No. 5375

KARL S. BOWERS, JR.

Federal Bar No. 7716

THAD H. WESTBROOK

Federal Bar No. 7561

M. TODD CARROLL

Federal Bar No. 9742

JAMES H. BURNS

Federal Bar No. 10284

1320 Main Street / 17th Floor

Post Office Box 11070 (29211)

Columbia, SC 29201

(803) 799-2000

and

HENRY D. McMASTER

Attorney General

Federal Bar No. 2887

J. EMORY SMITH

Assistant Deputy Attorney General

Federal Bar No. 3908

Post Office Box 11549

Columbia, South Carolina 29211

(803) 734-3680

Attorneys for Defendant Marcia Adams, in her official  
capacity as the Director of the South Carolina Department of  
Motor Vehicles

Columbia, South Carolina  
February 5, 2009

## **CERTIFICATE OF SERVICE**

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Defendant Marcia Adams, in her official capacity as Director of the South Carolina Department of Motor Vehicles, do hereby certify that I have served all counsel with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleading:

**DEFENDANT MARCIA ADAMS'S RESPONSES TO  
PLAINTIFFS SECOND SET OF REQUESTS FOR  
PRODUCTION OF DOCUMENTS**

Counsel:

Ayesha N. Khan, Esquire  
518 C Street, NE  
Washington, DC 20002

  
Deborah L. Johnson

February 5, 2009