

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

South Carolina Public Interest Foundation and
Edward D. Sloan, Jr., individually and on
behalf of all others similarly situated

Plaintiff(s)

vs.

Governor Nikki Haley and the South Carolina
Budget and Control Board

Defendant(s)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2016 - CP - 40 - 00386

(Please Print)
Submitted By: James G. Carpenter
Address: 819 E. North St., Suite 230
Greenville, SC 29601

SC Bar #: 1136
Telephone #: 864-235-1269
Fax #: 864-331-3083
Other:
E-mail: james.carpenter@carpenterlawfirm.net

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this cover sheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action Is Judgment/Settlement do not complete

- ☐ JURY TRIAL demanded in complaint. ☒ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Circuit Court Alternative Dispute Resolution Rules.
☐ This case is subject to MEDIATION pursuant to the Circuit Court Alternative Dispute Resolution Rules.
☒ This case is exempt from ADR (certificate attached).

NATURE OF ACTION (Check One box below)

- | | | | |
|--|---|--|--|
| Contracts
<input type="checkbox"/> Constructions (100)
<input type="checkbox"/> Debt Collection (110)
<input type="checkbox"/> Employment (120)
<input type="checkbox"/> General (130)
<input type="checkbox"/> Breach of Contract (140)
<input type="checkbox"/> Other (199) | Torts - Professional Malpractice
<input type="checkbox"/> Dental Malpractice (200)
<input type="checkbox"/> Legal Malpractice (210)
<input type="checkbox"/> Medical Malpractice (220)
<input type="checkbox"/> Other (299) | Torts - Personal Injury
<input type="checkbox"/> Assault/Slander/Label (300)
<input type="checkbox"/> Conversion (310)
<input type="checkbox"/> Motor Vehicle Accident (320)
<input type="checkbox"/> Premises Liability (330)
<input type="checkbox"/> Products Liability (340)
<input type="checkbox"/> Personal Injury (350)
<input type="checkbox"/> Other (399) | Real Property
<input type="checkbox"/> Claim & Delivery (400)
<input type="checkbox"/> Condemnation (410)
<input type="checkbox"/> Foreclosure (420)
<input type="checkbox"/> Mechanic's Lien (430)
<input type="checkbox"/> Partition (440)
<input type="checkbox"/> Possession (450)
<input type="checkbox"/> Building Code Violation (460)
<input type="checkbox"/> Other (499) |
| Inmate Petitions
<input type="checkbox"/> PCR (500)
<input type="checkbox"/> Sexual Predator (510)
<input type="checkbox"/> Mandamus (520)
<input type="checkbox"/> Habeas Corpus (530)
<input type="checkbox"/> Other (599) | Judgments/Settlements
<input type="checkbox"/> Death Settlement (700)
<input type="checkbox"/> Foreign Judgment (710)
<input type="checkbox"/> Magistrate's Judgment (720)
<input type="checkbox"/> Minor Settlement (730)
<input type="checkbox"/> Transcript Judgment (740)
<input type="checkbox"/> Lis Pendens (750)
<input type="checkbox"/> Other (799) | Administrative Law/Relief
<input type="checkbox"/> Reinstate Driver's License (800)
<input type="checkbox"/> Judicial Review (810)
<input type="checkbox"/> Relief (820)
<input type="checkbox"/> Permanent Injunction (830)
<input type="checkbox"/> Forfeiture (840)
<input type="checkbox"/> Other (899) | Appeals
<input type="checkbox"/> Arbitration (900)
<input type="checkbox"/> Magistrate-Civil (910)
<input type="checkbox"/> Magistrate-Criminal (920)
<input type="checkbox"/> Municipal (930)
<input type="checkbox"/> Probate Court (940)
<input type="checkbox"/> SCDOT (950)
<input type="checkbox"/> Worker's Comp (960)
<input type="checkbox"/> Zoning Board (970)
<input type="checkbox"/> Administrative Law Judge (980)
<input type="checkbox"/> Public Service Commission (990)
<input type="checkbox"/> Employment Security Comm (991)
<input type="checkbox"/> Other (999) |
| Special/Complex/Other
<input type="checkbox"/> Environmental (600)
<input type="checkbox"/> Automobile Arb (610)
<input type="checkbox"/> Medical (620) | <input type="checkbox"/> Pharmaceuticals (630)
<input type="checkbox"/> Unfair Trade Practices (640)
<input checked="" type="checkbox"/> Other (699)
Freedom of Information Act | | |

Submitting Party Signature: 

Date: January 14, 2016

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRPC, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

FOR MANDATED ADR COUNTIES ONLY

Florence, Horry, Lexington, Richland, Greenville**, and Anderson**

** Contact Respective County Clerk of Court for modified ADR Program Rules

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

You are required to take the following action(s):

1. The parties shall select a neutral within 210 days of filing of this action, and the Plaintiff shall file a "Stipulation of Neutral Selection" on or before the 224th day after the filing of the action. If the parties cannot agree upon the selection of the neutral within 210 days, the Plaintiff shall notify the Court by filing a written "Request for the Appointment of a Neutral" on or before the 224th day after the filing of this action. The Court shall then appoint a neutral from the Court-approved mediator/arbitrator list.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Case are exempt from ADR only upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Cases which are appellate in nature such as appeals or writs of certiorari;
 - c. Post Conviction relief matters;
 - d. Contempt of Court proceedings;
 - e. Forfeiture proceedings brought by the State;
 - f. Cases involving mortgage foreclosures; and
 - g. Cases that have been submitted to mediation with a certified mediator prior to the filing of this action.
4. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference had been concluded.

**Please Note: You must comply with the Supreme Court Rules regarding ADR.
Failure to do so may affect your case or may result in sanctions.**

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

South Carolina Public Interest)
Foundation and Edward D. Sloan, Jr.)
individually and on behalf of all others)
similarly situated,)
Plaintiff,)

v.)

Governor Nikki Haley and the South)
Carolina Budget and Control Board,)
Defendants.)

IN THE COURT OF COMMON PLEAS

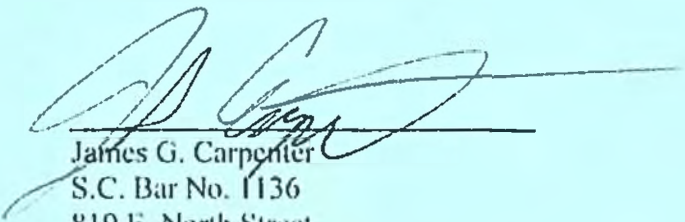
CIVIL ACTION NO. 16-CP-40-20386

Summons

TO THE DEFENDANTS:

You are hereby summoned and required to serve upon the attorney at the address below an Answer to the attached Complaint within 30 days of the date of service hereof. If you fail to do so, judgment by default will be entered against you for the relief demanded in the Complaint.

Respectfully submitted,
THE CARPENTER LAW FIRM, P.C.


James G. Carpenter
S.C. Bar No. 1136
819 E. North Street
Greenville, SC 29601
Telephone: (864) 235-1269
Facsimile: (864) 242-5500
Attorney for Plaintiffs

STATE OF SOUTH CAROLINA)

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South Carolina Public Interest)
Foundation and Edward D. Sloan, Jr.)
individually and on behalf of all others)
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Plaintiff.)

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Carolina Budget and Control Board,)
Defendants.)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION NO. 16-CP-40- 00386

Complaint for FOIA Enforcement

Plaintiffs, complaining of the Defendants, would show unto the Court:

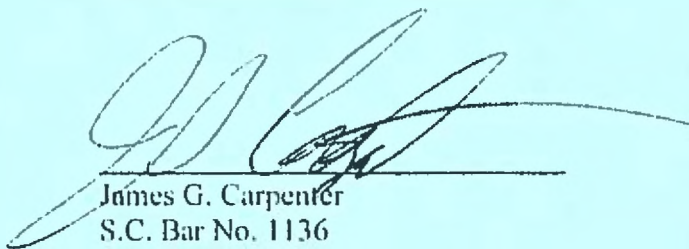
1. Plaintiff South Carolina Public Interest Foundation is a corporation not for profit, organized and existing under the laws of the State of South Carolina and dedicated to the public interest, including the proper enforcement of the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10 *et seq.* ("FOIA").
2. Plaintiff Edward D. Sloan, Jr. ("Sloan") is a citizen, resident, taxpayer, and registered elector of Greenville County, South Carolina.
3. Defendant South Carolina Budget and Control Board is a public body of the State of South Carolina whose principal place of business is in Richland County.
4. Defendant Governor Nikki Haley is the chairperson of the South Carolina Budget and Control Board and is named in her official capacity.
5. This Court has jurisdiction under FOIA.
6. Venue is properly placed in Richland County.
7. Plaintiffs served a FOIA request on the Defendants, which they received December 16 2015 (FOIA Request and Receipt attached).

8. FOIA requires a "public body," in response to a request, to "notify" the Plaintiffs "of its determination and the reasons therefor" within 15 business days. S.C. Code Ann. § 30-4-30(c) (emphasis added).
9. More than fifteen days have passed, excluding weekends and holidays, but Defendants have failed to respond to the Plaintiffs' request in violation of § 30-4-30(c).
10. As a result the foregoing failure, Plaintiff's "request must be considered approved." *Id.*

WHEREFORE, Plaintiffs pray the Court for an Order:

1. Declaring that Defendants have violated FOIA;
2. Declaring that the request is deemed approved;
3. Enjoining Defendants to provide Plaintiff a copy of all requested documents;
4. Awarding the Plaintiff attorneys' fees and costs of litigation pursuant to S.C. Code Ann. § 30-4-100(b); and
5. Granting Plaintiff's such other and further relief as the Court deems just and proper.

Respectfully submitted,
THE CARPENTER LAW FIRM, P.C.



James G. Carpenter
S.C. Bar No. 1136
819 E. North Street
Greenville, SC 29601
Telephone: (864) 235-1269
Facsimile: (864) 242-5500
Attorney for Plaintiffs

Edward D. Sloan, Jr.

Box 25999
Greenville, SC 29613

voice and fax 864 288 2032

December 14, 2015

COPY

CERTIFIED MAIL NO. 7014 2120 0003 3057 9/49

The Hon. Nikki R. Haley
1205 Pendleton Street
Columbia, SC 29201

Dear Governor Haley:

I understand that:

you are the Governor,

the Governor is Chairman of the State Budget and Control Board,

the Insurance Reserve Fund is a part of the SBCB,

during the period 2007 to 2010, there were more than 17 lawsuits against the Department of Transportation as a Defendant that the IRF defended on behalf of the DOT,

17 of these lawsuits were for damages alleging water on road surface, and

the IRF settled those 17 suits on behalf of Defendant DOT.

Pursuant to the South Carolina Freedom of Information Act, § 30-4, and 5 U.S.C. 552, I request that you mail me a copy of the following public records in your possession, custody, or control related to the above 17 lawsuits:

1. the Complaints and amended Complaints, if any,
2. the Order, judgment, stipulation of dismissal, or other public record that concluded each suit,

3. the settlement agreement, if any,

To that extent, please produce responsive public records in their entirety, including all attachments, enclosures, and exhibits. In the event you determine that a requested public record contains material or information within the statutory exemptions to mandatory disclosure, I request that you review such public record for discretionary disclosure. Similarly, in the event you determine a public record contains material or information within the statutory exemptions to mandatory disclosure, I request, in accordance with the provisions of § 30-4-40(b), you produce any and all reasonably segregable portions of such public record.

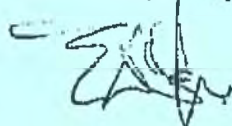
If you determine that all public records responsive to any individual requested item (or portion thereof) have not been disclosed or specifically identified and withheld under the claim of authority, I request specific written confirmation of such fact. In the event you determine you have no public record responsive to an individual request item (or portion thereof), I request specific written confirmation of that fact.

This request constitutes notice of demand for production of all described public records. If, for any reason, you determine that you will not send me any public record or portion thereof, or that this request will not, in whole or in part, be complied with, I request prompt notice of any action taken. In addition, I request such notice include complete identification of the withheld public record or portions thereof by title, author, date, nature of such material, and a thorough explanation of all legal and factual bases for your determination to deny production. I request that in responding to this request you adhere to the time limitations set forth in § 30-4-30(c).

This request for disclosure of these public records is primarily to benefit the general public; I request that you waive the fees, if any, pursuant to § 30-4-30(b).

I will pay the reasonable and direct costs of locating and reproducing the requested public records to the extent required by § 30-4-30(b). However, I request prior notice should you determine that such costs will exceed \$500.

Yours very truly,



USPS Tracking®

Tracking Number: 70142120000330579748

DATE & TIME

STATUS OF ITEM

December 16, 2015,
9:07 am

Delivered

UNITED STATES POSTAL SERVICE
COLUMBIA, SC 29201
16 DEC 2015
PM 3:11

SENDER: COMPLETE THIS SECTION:

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece or on the front if space permits.

1. Article Addressed to:

N.R. Haley
1205 Pendleton St.
Columbia, SC
29201

2. Article Number

(Transfer from service label)

7014 2120 0003 3057 9748

PS Form 3811, July 2013

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x [Signature]

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail®☒ Priority Mail Express®☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee)

☐ Yes

Richland County Common Pleas

Clerk : Jeanette W. McBride
 Richland County Judicial Center
 Columbia, SC 29201
 (803) 576-1999

Received From:	Carpenter, James G. 819 E. North St., Ste. 230 Greenville, SC 29601	Date: 1/14/2016 Receipt #: 202906 Clerk: jm232740
Paying for:	South Carolina Public Interest Fo	
Transaction Type:	Payment	Reference #: 6003
Payment Type:	Check \$150.00	Comment:
Total Paid:	\$150.00	

Total Received: \$150.00

Change Due: \$0.00

Non-Refundable

Case #	Caption	Previous Balance	Amount Paid	Balance Due	S/T
2016CP4000386	South Carolina Public Interest Foundation vs Nikki Haley	\$150.00	\$150.00	\$0.00	699

Total Cases:	1	\$150.00	\$150.00	\$0.00
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