

From: Pisarik, Holly  
To: Tony Catone - DSS <tony.catone@dss.sc.gov>  
Date: 4/6/2016 6:18:45 PM  
Subject: FW: Bilbro removal response  
Attachments: Alternative responses to motion to remand (00835350xBE0C9).docx  
Notice of Removal (03-10-16) #1 (00827036xBE0C9).pdf

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From: Kenneth P. Woodington [mailto:kwoodington@DML-LAW.com]  
Sent: Wednesday, April 06, 2016 4:31 PM  
To: Pisarik, Holly  
Cc: William H. Davidson II  
Subject: Bilbro removal response

Holly, I left you a voicemail about this, but if we don't touch base today, here's the situation. Our response to the motion to remand is due tomorrow. I'll be out of town all day tomorrow, but will file something in response tomorrow evening.

I'm attaching a document which contains drafts of two possible short responses. I'm sure that the private Defendants will file more assertive responses in favor of the federal court keeping the case. We do not need to adopt all of their arguments about the expansive federal power in this area, so Will Davidson and I propose the first approach, which simply makes general references to the law as the Supreme Court has declared it, without getting into the specifics or agreeing that federal is as broad as the private Defendants say. You can see what the cases say by looking at pp. 2-4 of the original Notice of Removal.

The second approach would simply take no position at all, but we don't recommend this.

I have to leave the office shortly, but am reachable by cell today (665-3571) and by e-mail.

I'll be at the Masters tomorrow, which means no phone and no e-mail, but will be reachable until about 9 a.m. If you can't get me, please call Will at 806-8222. Again, I'll be able to file whatever we need tomorrow evening.

Ken