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CC: Kevin A. Hall <kevin.hall@nelsonmullins.com>
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Date: 8/11/2008 1:36:27 PM
Subject: RE: Fwd: Summers v. Adams: amended complaint filed

Butch,

So we are on the same track, I am inserting Paragraph 42 below and will then comment in red. I should note that the paragraph is quoting news articles, so the articles are probably quoted accurately. But that does not mean the information was accurate at the time or that it remains accurate.

42. DMV officials already have prepared the initial design concepts for the “I Believe” plate [True] and have submitted the designs to the DMV’s license-plate vendor. [True] Alice Massimi, Lawsuit Filed Over Christian License Plate, WSAV NEWS 3, July 7, 2008, available at <http://www.wsav.com/midatlantic/sav/search.apx.-content-articles-SAV-2008-07-07-0035.html>. The license-plate vendor planned to return artwork to the DMV in July, [True] and the DMV plans to reveal the final plate design and start taking orders for the plate by late August. [Not true. DMV plans to reveal the final plate design and start taking orders for the plate by early- to mid-September.] Id.; Seanna Adcox, Group files suit over 'I Believe' plates in SC, ASSOCIATED PRESS, June 19, 2008, available at <http://www.wtop.com/?nid=104&sid=1392588>. The DMV anticipates that the “I Believe” license plate will be available as early as August 2008. [Not true, though here it depends on what they mean by ‘available.’ The design will be made public probably in September (‘available for viewing’) to take the first 400 orders, per statute. Assuming that 400 orders are received quickly, the first plates would be mailed out (‘available for distribution) about October 1.] Massimi, supra.

We do not know where Alice Massimi got her information. I am inserting below the email that went out internally to all DMV employees on June 20.

SCDMV is starting to get calls from the public (and reporters) concerning the availability of the “I Believe” license plates. Please refer reporters to the Communications Office, but for the general public, please use the explanation below, effective June 20, to outline the steps SCDMV must take before the plate is available to the public.

“We are beginning to define a process so that customers can order these plates. We have already submitted some initial design concepts to our license plate vendor based on the requirements of the law and using the plate that was designed in Florida as an example. We expect to have some artwork back within the next 3 to 4 weeks. We will then ask the vendor to create several sample plates that we can review with law enforcement/Highway Patrol and others. After the sample plates are approved, we will be able to determine the exact cost for the plates. We will also have a final design that we can share with the public. We expect the cost and final design to be nailed down in August.

We are working to design a process to accept pre-paid applications for these plates. By early September we should be able to accept applications in our field offices, on our website and through the mail.

We may be able to begin selling the plates in early October. Of course, the exact date the plates are available will

depend our receipt of the 400 pre-paid applications.”

If you are asked for information not contained in this explanation, please refer the person to the Communications Office at #803-896-8196.

Beth Parks
Communications Office
SCDMV
803-896-8196

I hope this gives you what you need.

Val

-----Original Message-----

From: Butch Bowers [mailto:Butch.Bowers@nelsonmullins.com]

Sent: Monday, August 11, 2008 4:50 AM

To: val.valenta@scdmv.net

Cc: Kevin A. Hall; Thad Westbrook; Todd Carroll

Subject: FW: Fwd: Summers v. Adams: amended complaint filed

Val - I hope you are doing well. As you know, our answer in the above case is due today, and we need some information from you re: the allegation that DMV has started getting the plate designed, as described below and in para 42 of the complaint, before we can get that answer finalized. Please let us know how you think we should respond to this allegation at your earliest convenience today. Thanks very much, and let us know if you have any questions.

Butch