

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- **386**

Complaint for FOIA Enforcement

2016 JAN 14 PM 1:46
JEANETTE M. MCBRIDE
C.C.P. & G.S.
RICHLAND COUNTY
FILED

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

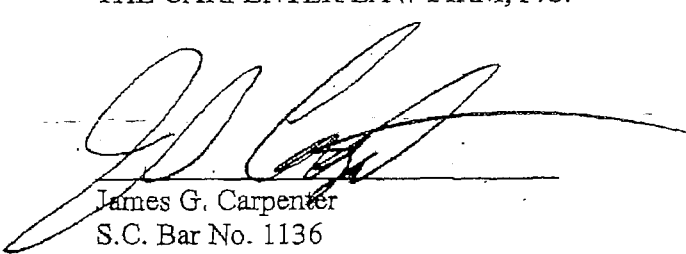
1. Plaintiff South Carolina Public Interest Foundation is a corporation not for profit, organized and existing under the laws of the State of South Carolina and dedicated to the public interest, including the proper enforcement of the South Carolina Freedom of Information Act, S.C. Code Ann. § 30-4-10 *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 Plaintiffs 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 29616

voice and fax 864 288 2032

December 14, 2015

COPY

CERTIFIED MAIL NO. 7014 2120 0003 3057 9749

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.

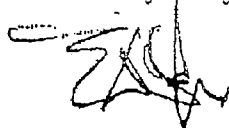
If you determine that all public records responsive to any individual requested item (or portion thereof) have not been disclosed or specifically identified and withheld under the claim of authority, I request specific written confirmation of such fact. In the event you determine you have no public record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

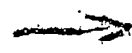


USPS Tracking®

Tracking Number: 70142120000330579749

UNITED STATES POSTAL SERVICE

DATE & TIME	STATUS OF ITEM
December 16, 2015, 9:07 am	Delivered



16 DEC 15

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 mail piece, or on the front if space permits.

1. Article Addressed to:

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

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

X *A. Haley*

B. Received by (Printed Name) Date of Delivery

A. Haley

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

2. Article Number
 (Transfer from service label)

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