

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT
IN THE ORIGINAL JURISDICTION OF THE SUPREME COURT

Casey Edwards and Justin Williams, Plaintiffs,

v.

The State of South Carolina,.....Defendant.

ANSWER

The Defendant State of South Carolina, by way of answer to the Complaint herein, alleges as follows:

FOR A FIRST DEFENSE

1. The State denies each and every allegation of the Complaint not hereinafter specifically admitted.
2. The State admits paragraph 1 of the Complaint on information and belief.
3. The State admits paragraphs 2 - 4 of the Complaint.
4. As to paragraph 5 of the Complaint, the State admits only that Plaintiffs have alleged that this matter pertains to the American Recovery and Reinvestment Act of 2009 (ARRA), but the State does not admit that Plaintiffs are entitled to relief under that Act.
5. As to paragraph 6, the State craves reference to ARRA for a complete statement of its provisions and denies any allegations inconsistent therewith.

6. As to paragraph 7, the State craves reference to the Congressional Record, and denies any allegation inconsistent with that Record.

7. As to paragraph 8, the State is without sufficient information to admit or deny that paragraph and therefore denies it except that the State craves reference to Exhibit 1 of the Complaint.

8. As to paragraph 9, the State craves reference to Exhibit 1 of the Complaint.

9. As to paragraph 10, the State craves reference to Exhibit 2 of the Complaint.

10. As to paragraph 11, the State admits only that Congressman Clyburn proposed the “Clyburn Amendment” and craves reference to §1607(b) of ARRA for a complete statement of its provisions. The State is without sufficient information and belief to admit or deny allegations that the Governor was opposed “to any federal stimulus funding”(emphasis added) and therefore denies such allegations.

11. As to paragraphs 12 and 13, the State craves reference to Exhibit 3 of the Complaint.

12. As to paragraph 14 of the Complaint, the State admits only that Plaintiffs have alleged that this matter pertains to §1607, but the State does not admit that Plaintiffs are entitled to relief under that provision.

13. As to paragraphs 15 - 19, the State craves reference to §1607 for a complete statement of its provisions and denies any allegations inconsistent therewith.

14. As to paragraph 20, the State craves reference to ARRA for a complete statement of its provisions and denies any allegations inconsistent therewith. The rule of statutory construction as alleged and attempted to be applied in this case is a matter of law

to which the State is not required to respond in this Answer.

15. As to paragraphs 21 - 23 , the State craves reference to ARRA for a complete statement of its provisions and denies any allegations inconsistent therewith.

16. As to paragraphs 24 and 25, the State craves reference to ARRA for a complete statement of its provisions and denies any allegations inconsistent therewith. The alleged interpretation of ARRA is a matter of law to which the State is not required to respond in this Answer. The State craves reference to *Ops. Atty. Gen.*, March 31, 2009 (Exhibit 4 to Complaint) and denies any allegations inconsistent with that Opinion.

17. As to paragraph 26, the State craves reference to *Ops. Atty. Gen.*, March 31, 2009 (Exhibit 4 to Complaint) and denies any allegations inconsistent with that Opinion.

18. As to paragraph 27, the State craves reference to §1607 for a complete statement of its provisions and denies any allegations inconsistent therewith.

19. As to paragraph 28, the State craves reference to Exhibit 5 of the Complaint.

20. As to paragraph 29, the State craves reference to Exhibit 6 of the Complaint.

21. As to paragraphs 30 and 31, the State craves reference to Exhibit 7 of the Complaint.

22. As to paragraph 32, the State craves reference to Exhibit 5 of the Complaint.

23. As to paragraph 33, the State admits only that the schools in the State are funded by public monies, but the fiscal impact of any loss of Stabilization Fund money on the schools is speculative in that the impact if any could be affected by future legislative action regarding appropriations. The State is without sufficient information and belief to admit or deny the affect on Plaintiffs for these reasons and also because the academic year

is ending for high schools and colleges, and Plaintiffs do not allege information about their education for Fall, 2009.

24. As to paragraph 34, the State craves reference to Exhibit 8 of the Complaint.

25. As to paragraph 35, the State admits only that the schools in the State are funded by public monies, but the fiscal impact of any loss of the funds at issue on the schools is speculative in that the impact if any could be affected by future legislative action regarding appropriations.

26. The State admits paragraph 36 and craves reference to Exhibit 9 of the Complaint.

27. The State admits paragraph 37 and craves reference to Exhibit 10 of the Complaint.

28. As to paragraph 38, the State craves reference to Exhibit 10 of the Complaint.

29. The State admits paragraph 39 of the Complaint.

30. The State admits paragraph 40 but craves reference to referenced section for a complete statement of its provisions.

31. As to paragraph 41, the State craves reference to section 2 for a complete statement of its provisions.

32. As to paragraph 42, the State admits only that the General Assembly passed the referenced Resolution and that it is attached as Exhibit 11. Whether the Resolution fulfills the requirements of §1607 is a matter of law to which the State is not required to respond in this Answer, but the State craves reference to *Ops. Atty. Gen.*, March 31, 2009 (Exhibit 4 to Complaint), and denies any allegations of this paragraph inconsistent with that

Opinion.

33. As to paragraph 43, the State craves reference to Exhibit 11 of the Complaint.

34. The State is without sufficient information to admit or deny the first sentence of paragraph 44 as to future action by the Governor which is speculative, and therefore denies that sentence. The second sentence of paragraph 44 is a matter of law to which the State is not required to respond in this Answer, but the State craves reference to *Ops. Atty. Gen.*, March 31, 2009 (Exhibit 4 to Complaint) and denies any allegations of paragraph 44 inconsistent with that Opinion.

35. As to paragraph 45, the State admits only that the schools in the State are funded by public monies and that budgets and planning for future revenue and expenses are important, but the fiscal impact on the schools of any loss of funds at issue is speculative in that the impact, if any, could be affected by future legislative action regarding appropriations.

36. Paragraph 46 is a cumulative paragraph to which no response is necessary. To the extent that, *arguendo*, a response is necessary, the State incorporates by reference its answers to the previous allegations and paragraphs of the Complaint and reasserts them.

37. The State admits only that paragraph 47 alleges a controversy as to the issues set forth therein.

38. As to paragraph 48, the State admits on information and belief that the controversy is ripe, but the State is without sufficient information and belief to admit or deny whether Plaintiffs have standing and therefore denies standing. *See*, Answer paragraph 23, *supra*.

39. As to paragraphs 49 and 50, the State admits only that the Plaintiffs request

the relief set forth in these paragraphs, but the State does not admit that the Plaintiffs are entitled to relief. The State craves reference to *Ops. Atty. Gen.*, March 31, 2009 (Exhibit 4 to Complaint).

40. As to paragraph 51, the State has no objection to a speedy hearing of this matter.

WHEREFORE, having fully answered the Complaint herein, the State prays that, this Court make such determination of this matter as it deems appropriate..

Respectfully submitted,

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By: 

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ATTORNEYS FOR THE STATE