
IN THE
Supreme Court of the United States

ROSS ABBOTT, COLLEGE LIBERTARIANS
AT THE UNIVERSITY OF SOUTH CAROLINA,
AND YOUNG AMERICANS FOR LIBERTY AT THE
UNIVERSITY OF SOUTH CAROLINA,

Petitioners,

v.

HARRIS PASTIDES, DENNIS PRUITT,
BOBBY GIST, AND CARL R. WELLS,

Respondents.

**On Petition for A Writ of Certiorari
To The United States Court of Appeals
for the Fourth Circuit**

**RESPONSE IN OPPOSITION TO MOTION TO FILE
AMICUS CURIAE BRIEF OF FIRST AMENDMENT
CLINICS AT DUKE LAW AND ARIZONA STATE
UNIVERSITY LAW**

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Respondents Harris Pastides, Dennis Pruitt, Bobby Gist, and Carl R. Wells (collectively referred to as “Respondents” or “USC”) file this response in opposition to the Motion of the First Amendment Clinics at Duke Law School (“Duke”) and Arizona State University Law School (“ASU”) to file an *amicus curiae* brief in the above-entitled case. Respondents object to the filing of the *amicus curiae* brief for the following reasons.

1. ASU did not provide notice or request consent for the filing of an *amicus curiae* brief as described in S. Ct. Rule 37(2)(a). Respondents’ counsel received notice and was asked to consent solely on behalf of Duke and became aware that ASU would also attempt to file as *amicus curiae* only when its motion and brief were filed.

2. Both Duke and ASU are brand new limited clinics for a handful of law school students. Their attempt to become involved in this case is unhelpful, a self-training exercise for themselves, a needless expense to the Respondents, and a drag on the Court’s time and resources.

3. Duke complains that Respondents’ counsel did not provide a reason for not consenting, but Duke never asked for a reason. Nor did Duke provide Respondents’ counsel with any reason why consent should be granted.

4. Respondents’ counsel believed that the proposed brief would be duplicative, as the Fourth Circuit’s opinion was lengthy and the matter was exhaustively briefed in the Fourth Circuit and the District Court. That belief was confirmed as correct by the brief itself; it is duplicative.

5. Immediately after Respondents' counsel declined to consent, Petitioners' counsel called and questioned Respondents' counsel about the decision. That underscored the fact that Duke and ASU are not offering independent assistance to the Court, but instead are simply the Petitioners in disguise.

6. The brief of Duke and ASU is inconsistent with and at variance with the non-discrimination and non-harassment policies and procedures of both Duke University and Arizona State University. For that reason, it should be given no credence.

7. Moreover, like the Petitioners' brief, the brief of these proposed *amici* is devoted in large part to criticism of the merits of policies of the University of South Carolina that the Fourth Circuit did not address or decide.

8. Duke and ASU improperly attempt to add to the case record by introducing as "authorities" a letter FIRE (the organization apparently funding this litigation on behalf of Petitioners) allegedly sent to another university in October 2018 -- after the Fourth Circuit's decision -- and policies, handbooks, regulations, and guidelines purportedly at other universities. None of these is part of the record. Nor are they the subject of this litigation. This attempt is clearly outside the bounds of appellate practice and for that reason Duke and ASU should not be allowed *amici* status.

For these reasons, Respondents' counsel asks the Court to reject Duke's and ASU's motion.

Respectfully submitted,

s/ Kenneth P. Woodington

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