

IN THE  
Supreme Court of the United States

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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.*

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

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**RESPONSE IN OPPOSITION TO MOTION TO FILE  
AMICUS CURIAE BRIEF OF SOUTH CAROLINA  
ACLU, THE DKT LIBERTY PROJECT, THE CATO  
INSTITUTE AND THE REASON FOUNDATION**

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January 4, 2019

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 South Carolina ACLU (“SC ACLU”), the DKT Liberty Project (“DKT”), the Cato Institute (“Cato”), and the Reason Foundation (“Reason”) 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. Neither DKT, Reason, nor SC ACLU provided Respondents’ counsel notice or request for consent to file an *amicus curiae* brief as described in in S. Ct. Rule 37(a)(2). Respondents’ counsel became aware that these proposed *amici* would file only when their motion and brief were filed.

2. DKT, Reason and SC ACLU were *amici* in the Fourth Circuit Court of Appeals. Anything of value in their brief to the Fourth Circuit would already have been incorporated by the Petitioners in their Petition for Certiorari. In any event, the Fourth Circuit brief of DKT, Reason and SC ACLU is part of the record below and available to the Court.

3. The brief submitted by all four of the proposed *amici* does not add anything to the discussion that has not already been included in the Petitioners’ brief, the Fourth Circuit Court of Appeals decision and the briefs filed therein, and the United States District Court for the District of South Carolina decision and the briefs filed therein. Their brief is duplicative. It creates unnecessary expense for the Respondents and a drag on the Court’s time and resources.

4. The proposed *amicus curiae* also attempt to add to the case record by introducing as “Other Authorities” materials not included in Petitioners’ brief or the lower courts. Many of these are opinion pieces or one-sided portrayals that are presented for the first time in this Court. This is improper.

5. SC ACLU is but a small affiliate of the national ACLU. The national organization has not chosen to seek *amici* status in this case, presumably recognizing that such a request is ill advised.

6. Likewise, the other *amici* in support of the Petitioners in the Fourth Circuit have chosen not to continue as *amici*. Students for Life of America, Individual Rights Foundation, National Coalition Against Censorship and Student Press Law Center have dropped out.

7. This is not a complicated case. The Court does not require specialized expertise from outsiders to understand it.

8. The District Courts and Courts of Appeal understand and correctly apply the law in this area. Even the cases cited in the brief of the proposed *amici* show this.

*[Signature block is on following page]*

For all the reasons set forth above, Respondents' counsel asks the Court to reject the motion.

Respectfully submitted,

s/ Kenneth P. Woodington  
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