

# The Supreme Court of South Carolina

PLANNED PARENTHOOD SOUTH ATLANTIC, on behalf of itself, its patients, and its physicians and staff; KATHERINE FARRIS, M.D., on behalf of herself and her patients; GREENVILLE WOMEN'S CLINIC, on behalf of itself, its patients, and its physicians and staff; and TERRY L. BUFFKIN, M.D., on behalf of himself and his patients, Respondents,

v.

STATE OF SOUTH CAROLINA; ALAN WILSON, in his official capacity as Attorney General of South Carolina; EDWARD SIMMER, in his official capacity as Director of the South Carolina Department of Health and Environmental Control; ANNE G. COOK, in her official capacity as President of the South Carolina Board of Medical Examiners; STEPHEN I. SCHABEL, in his official capacity as Vice President of the South Carolina Board of Medical Examiners; RONALD JANUCHOWSKI, in his official capacity as Secretary of the South Carolina Board of Medical Examiners; GEORGE S. DILTS, in his official capacity as a Member of the South Carolina Board of Medical Examiners; DION FRANGA, in his official capacity as a Member of the South Carolina Board of Medical Examiners; RICHARD HOWELL, in his official capacity as a Member of the South Carolina Board of Medical Examiners; ROBERT KOSCIUSKO, in his official capacity as a Member of the South Carolina Board of Medical Examiners; THERESA MILLS-FLOYD, in her official capacity as a Member of the South Carolina Board of Medical Examiners; JENNIFER R. ROOT, in her official capacity as a Member of the South Carolina Board of Medical Examiners; CHRISTOPHER C. WRIGHT, in his official capacity as a Member of the South Carolina Board of Medical Examiners; SAMUEL

H. McNUTT, in his official capacity as Chairperson of the South Carolina Board of Nursing; SALLIE BETH TODD, in her official capacity as Vice Chairperson of the South Carolina Board of Nursing; TAMARA DAY, in her official capacity as Secretary of the South Carolina Board of Nursing; JONELLA DAVIS, in her official capacity as a Member of the South Carolina Board of Nursing; KELLI GARBER, in her official capacity as a Member of the South Carolina Board of Nursing; LINDSEY K. MITCHAM, in her official capacity as a Member of the South Carolina Board of Nursing; REBECCA MORRISON, in her official capacity as a Member of the South Carolina Board of Nursing; KAY SWISHER, in her official capacity as a Member of the South Carolina Board of Nursing; ROBERT J. WOLFF, in his official capacity as a Member of the South Carolina Board of Nursing; SCARLETT A. WILSON, in her official capacity as Solicitor for South Carolina's 9th Judicial Circuit; BYRON E. GIPSON, in his official capacity as Solicitor for South Carolina's 5th Judicial Circuit; and WILLIAM WALTER WILKINS III, in his official capacity as Solicitor for South Carolina's 13th Judicial Circuit, Defendants,

and

THOMAS C. ALEXANDER, in his official capacity as President of the South Carolina Senate; G. MURRELL SMITH, JR., in his official capacity as Speaker of the South Carolina House of Representatives; and HENRY MCMASTER, in his official capacity as Governor of the State of South Carolina, Intervenor-Defendants,

Of whom HENRY MCMASTER, in his official capacity as Governor of the State of South Carolina; G. MURRELL SMITH, JR., in his official capacity as Speaker of the South Carolina House of Representatives; THOMAS C. ALEXANDER, in his official capacity as President of the South Carolina Senate; STATE OF SOUTH CAROLINA; and ALAN WILSON, in his



official capacity as Attorney General of South Carolina,  
are Appellants.

Appellate Case No. 2023-000856

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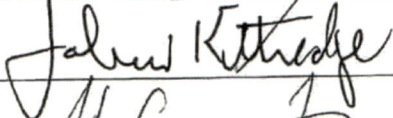
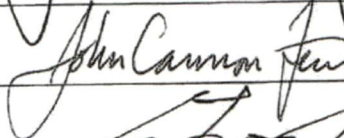
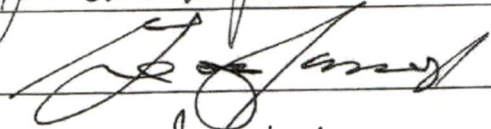
ORDER

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Following a decision by a majority of this Court that the Fetal Heartbeat and Protection from Abortion Act, S.C. Code Ann. §§ 44-41-610 to -740 (Supp. 2022) (the 2021 Act), was unconstitutional, the South Carolina General Assembly revised the 2021 Act and enacted 2023 S.C. Acts No. 70 (the 2023 Act). The Governor signed the 2023 Act into law on May 24, 2023. On May 26, 2023, the circuit court granted Respondents' motion to enjoin enforcement of the 2023 Act pending their action to declare the 2023 Act unconstitutional. Appellants have now filed an emergency petition for supersedeas with this Court asking it to supersede the injunction issued by the circuit court. Appellants further seek to transfer the case to this Court for resolution.

The petition for a supersedeas is denied. We do transfer the matter to this Court for final resolution and expedite the briefing schedule as follows: The parties shall agree on all matters to be included in an Appendix by 5:00 p.m. on June 9, 2023. Appellants shall serve their brief(s) on Respondents by 5:00 p.m. on June 14, 2023. At the same time, Appellants shall file eleven copies of their brief(s) and eleven copies of the Appendix with this Court, along with proof of service, with one copy of the brief and one copy of the Appendix filed unbound. Respondents shall, by 5:00 p.m. on June 20, 2023, serve Appellants with their brief(s) and file with this Court eleven copies of their brief(s), along with proof of service, with one copy of the brief(s) filed unbound. Any reply briefs shall be served and filed in the same manner as above by 5:00 p.m. on June 23, 2023. Oral argument will be held at 9:30 a.m. on June 27, 2023.

IT IS SO ORDERED.

	C.J.
	J.
	J.
	J.
D. Halli	J.

Columbia, South Carolina  
June 6, 2023

cc:

William Grayson Lambert, Esquire  
Thomas Ashley Limehouse, Jr., Esquire  
Erica Wells Shedd, Esquire  
Robert D. Cook, Esquire  
J. Emory Smith, Jr., Esquire  
Thomas Tyler Hydrick, Esquire  
Joseph David Spate, Esquire  
Kenneth M. Moffitt, Esquire  
John Potter Hazzard, V, Esquire  
Jessica J. Godwin, Esquire  
Patrick Graham Dennis, Esquire  
M. Malissa Burnette, Esquire  
Kathleen McColl McDaniel, Esquire  
Grant Burnette LeFever, Esquire