FOR THE DISTRICT OF SOUTH CAROLINA

CHARLESTON DIVISION

Linquista White, Emily Bellamy, and) Janice Carter) Plaintiffs,) v.) Kevin Shwedo, in his official capacity as) the Executive Director of the South) Carolina Department of Motor Vehicles;) and Ralph K. Anderson, III, in his official) capacity as the Chief Judge of the South) Carolina Administrative Law Court and) Director of the South Carolina Office of) Motor Vehicle Hearings,)) Defendants.))

Civil Action No. 2:19-CV-03083-RMG

Exhibit 1

to Defendant Shwedo's Memorandum in Opposition to Plaintiffs' Motion for Preliminary Injunction

Affidavit of Shirley H. Rivers

FOR THE DISTRICT OF SOUTH CAROLINA

CHARLESTON DIVISION

Linquista White, Emily Bellamy, and) Janice Carter) Plaintiffs,) v.)

Kevin Shwedo, in his official capacity as) the Executive Director of the South) Carolina Department of Motor Vehicles;) and Ralph K. Anderson, III, in his official) capacity as the Chief Judge of the South) Carolina Administrative Law Court and) Director of the South Carolina Office of) Motor Vehicle Hearings,)

Defendants.

Civil Action No. 2:19-CV-03083-RMG

AFFIDAVIT OF SHIRLEY RIVERS

Personally appeared before me, Shirley H. Rivers, duly sworn, who deposes and says the following:

)

- 1. I am employed by the South Carolina Department of Motor Vehicles (SCDMV) as Director of Driver Services. I have been employed by the South Carolina Department of Motor Vehicles for 33 years.
- 2. I am over 21 years of age and am personally familiar with the matters set forth herein.
- 3. I have reviewed the SCDMV's computer records and document files regarding the three named Plaintiffs.
- 4. Attachments 1, 2 and 3 to this affidavit are the 10-year driving records of the three named Plaintiffs in this action.
- 5. A review of the records of Plaintiff Emily Bellamy indicates that she has two suspensions that were not for failures to pay traffic tickets. Those two suspensions are in addition to her four suspensions for failure to pay traffic tickets. Only the suspensions for failure to pay traffic tickets are challenged by her in the present lawsuit.

- 6. The first of the two suspensions that is not for failure to pay traffic tickets was for "FR Accidents," meaning that she failed to show that her automobile had been insured at the time of a traffic collision. That suspension began on August 26, 2018, and is still in effect.
- 7. The other suspension that is not for failure to pay traffic tickets resulted from her conviction for operating an uninsured motor vehicle. That suspension began on September 25, 2018, and is also still in effect.
- 8. Plaintiffs' Motion for Preliminary Injunction in pertinent part asks that the Court "require [] the DMV to lift all current suspensions on driver's licenses for failure to pay traffic tickets, strike reinstatement fees related to those suspensions, reinstate any driver's licenses that have no other basis for suspension, and provide notice to license-holders of these changes, pending a final determination on the merits of Plaintiffs' claims. ECF No. 35 at 6 (emphases added).
- 9. If the Court were to grant the requested preliminary injunction by lifting Ms. Bellamy's four suspensions for Failure to Pay Traffic Ticket (FTPTT) that action would not affect the two other suspensions referenced in Paragraphs 6 and 7 above.
- 10. For the reasons explained above, even if the Court were to lift Ms. Bellamy's suspensions for failures to pay traffic tickets, as Plaintiffs have requested, that action would have no practical effect for Ms. Bellamy because she would still need to clear the other suspensions in order to regain her driver's license and driving privileges in South Carolina.
- 11. In the three-year period prior to the initiation of this lawsuit on October 30, 2019, approximately 165,472 traffic defendants received notices of suspension from DMV ("Official Notice") for failures to pay traffic tickets.
- 12. Of that number, 32,559 cleared their suspensions, that is, they paid all outstanding fines and fees, before their suspensions took effect. Those suspensions therefore never took effect.
- 13. Another 64,415 of that total number of 165,472 did not clear their suspensions prior to their suspensions taking effect, but at some point cleared them after they had gone under suspension.
- 14. Finally, about 68,498 traffic defendants of that total number of 165,472 defendants have never cleared their suspensions, and their licenses remain suspended.
- 15. DMV issues its Official Notices upon receipt from the summary courts of a form titled "Notice of Failure to Comply with Terms of Citation."
- 16. Contrary to the allegation of Paragraph 68 of the Complaint in this action, I am not aware that "In practice, however, South Carolina summary courts, out-of-state courts, and motor vehicle departments of other NRVC-participating states rarely, if ever, send the Defendant's Notice or any comparable notice to inform defendants they owe fines and fees imposed in absentia and will be reported to the DMV for noncompliance unless they pay in full." To the contrary, and to the best of my information, the practice of the summary

courts is to send those notices to the traffic defendants, warning the defendants that failure to respond in a timely fashion will result in notification to the DMV.

- 17. On page 13 of ECF No. 35-1 in this case, with reference to the Declaration of Ms. Bellamy, it is asserted that Ms. Bellamy "never received notices" of suspensions, apparently referring to her four suspension for failure to pay traffic tickets and also her two other suspensions for insurance issues.
- 18. Attachments 4 through 9 are the Official Notices for the six suspensions of Ms. Bellamy. The records of DMV indicate that they were mailed to Ms. Bellamy at the address shown in DMV records as her current address, which has not changed since May 15, 2017.
- 19. On pages 14 and 15 of ECF No. 35-1 in this case, with references to the Declaration of Ms. Carter, it is asserted that Ms. Carter "never received notice" of two suspensions that occurred in 2017 and 2018.
- 20. Attachments 10 and 11 are the Official Notices for those two suspensions of Ms. Carter. The records of DMV indicate that they were mailed to Ms. Carter at the address shown in DMV records as her current address, which has not changed since August 30, 2012

FURTHER AFFIANT SAYETH NOT.

Shuley Riveis

SWORN TO BEFORE ME THIS 10th

DAY OF JANUARY, 2020.

____ (SEAL) NOTARY PUBLIC FOR SOUTH CAROLINA

MY COMMISSION EXPIRES: 528

FOR THE DISTRICT OF SOUTH CAROLINA

CHARLESTON DIVISION

Linquista White, Emily Bellamy, and) Janice Carter) Plaintiffs,) v.) Kevin Shwedo, in his official capacity as) the Executive Director of the South) Carolina Department of Motor Vehicles;) and Ralph K. Anderson, III, in his official) capacity as the Chief Judge of the South) Carolina Administrative Law Court and) Director of the South Carolina Office of) Motor Vehicle Hearings,)) Defendants.))

Civil Action No. 2:19-CV-03083-RMG

Exhibit 1A

to Defendant Shwedo's Memorandum in Opposition to Plaintiffs' Motion for Preliminary Injunction

> Attachment 1 to Rivers Affidavit White 10-year record

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Date Filed 01/10/20 Entry Number 46-2 Page 3 of 5 **REDACTED**

Certified to be a true and correct copy of the original document on file with the South Carolina Department of Motor Vehicles.



OFFICIAL 10 YEAR DRIVER RECORD

Customer No: Name: WHITE, LINQUISTA NIC	Driver License No: NICOLE			
Address: City: UNARLESIUN County: CHARLESTON	State: SC	Zip: 294122447		
DOB:	Sex: F	Driver Training: N		
Status - DL: NO SUSPENSION	CDL: NO DISQUALIFICATION	N		

License Information

License information								
Type Current	Class	Function	Issued	Expires	First Issued	Rest	Endor.	Document Identifier (ACN / DDN)
DL	D	Renewal	09/17/2019	09/13/2027	12/12/1996	Ν	Ν	1000600102267042518
Prior								
DL	D	Renewal	05/24/2017	09/13/2027	12/12/1996	N	N	1011628000049071
DL	D	Returned	05/24/2017		12/12/1996		N	1000600702267036840
DL	D	Renewal	11/30/2016	05/30/2017	12/12/1996	Ν	N	1011606000012508
DL	D	Renewal	03/05/2010	09/13/2020	12/12/1996	N	N	N/A
DL	D	Reissue	03/05/2010	09/13/2020	12/12/1996	N	N	1011103100029676
DL	D	Duplicate	07/23/2011	09/13/2020	12/12/1996	Ν	N	N/A
DL	D	Duplicate	03/13/2015	09/13/2020	12/12/1996	N	Ν	1011428200007473
DL	D	Modify	02/17/2011	09/13/2020	12/12/1996	N	Ν	1011015800024163
DL	D	Returned	03/05/2010	09/13/2020	12/12/1996	Ν	Ν	1011428200007473
DL	D	Renewal	08/20/2009	09/13/2019	12/12/1996	N	N	N/A
DL	D	Returned	08/20/2009	09/13/2019	12/12/1996	N	N	N/A
DL	D	Renewal	11/15/2004	09/13/2014	12/12/1996	Y	Ν	N/A
DL	D	Reissue	11/15/2004	09/13/2014	12/12/1996	Y	N	N/A
DL	D	Modify	09/11/2008		12/12/1996	Y	Ν	N/A
DL	D	Modify	12/11/2007	09/13/2014	12/12/1996	Y	N	N/A
DL	D	Renewal	09/14/2001		12/12/1996	Ν	Ν	N/A
DL	D	Duplicate	10/26/2001		12/12/1996	Ν	N	N/A
DL	D	Duplicate	02/03/2003	09/13/2006	12/12/1996	Ν	N	N/A
Address Change - Address:				Da	ate Changed:	04/24/2019		
City:			St	ate: SC	Zip: 294185	887		
Address Change - Address:				Da	ate Changed:	03/05/2010		
		ate: SC	Zip: 294128132					
Address Change - Address:				Da	ate Changed:	02/17/2011		
City:			St	ate: SC	Zip: 294076	735		
Address Change -				Da	ate Changed:	03/29/2018		

Zip: 294122806

State: SC

Address: City: 2:19-cv-03083-RMG Date Filed 01/10/20 Entry Number 46-2 Page 4 of 5

REDACTED

OFFICIAL 10 YEAR DRIVER RECORD

Customer No: Name: WHITE, LINQUISTA NICOLE	Driver License No:
Point SummaryTotal Current Points:0Driver Credit:-0Adjusted Current Points:0	Certified to be a true and correct copy of the original document on file with the South Carolina Department of Motor Vehicles.
SR22 - Future Proof of Financial ResponsibilEffective: 09/16/2019Filing: 09/16/2019Type: NON-OWNERS LIABILITYPolicyCompany Code: 11128Company Name: GREENVSR26 Cancel Date: 01/01/2020Reason: OTHER	Posted: 09/16/2019 Number: NO20530703-05. N. Kweis
VIOL: 560 - Failure to Pay Traffic Ticket or Appear Violation: 09/04/2018 Conviction: 01/15/2019 ACD: D56 Conviction Loc Ref: 596 Conviction State: SC	Ticket#: 4102P0210339 Recd: 03/04/2019 Post: 03/04/2019 Conviction Reference: Court Type: UNKNOWN
SUSP: 097 - Failure to Pay Traffic Ticket Suspension Beg: 03/24/2019 Causal: 09/04/2018 Ticket Paid: 09/16/2019 ACD: D56 Court Name: JAMES ISLAND MAGISTRATE Court Address: 615 RIVERLAND DRIVE City: JAMES ISLAND State: So Phone No: 8437951140	Ticket#: 4102P0210339 Suspension End: 09/17/2019 Post: 03/04/2019 Compliance Received: 09/17/2019 C Zip: 29412
VIOL: 496 - Driving Under Suspension Violation: 09/04/2018 Conviction: 01/15/2019 ACD: B26 Conviction Loc Ref: Conviction State: SC	Ticket#: 4102P0210339 Recd: 01/16/2019 Post: 01/17/2019 Conviction Reference: Court Type: MAGISTRATE COURT
SUSP: 013 - Driving Under Suspension Special Driving Privileg e: NONE Suspension Beg: 02/01/2019 Causal: 09/04/2018 Reinstatement Requirements Met: 09/17/2019 ACD: B26 Withdrawal Loc Ref:	Ticket#: 4102P0210339 Suspension End: 05/01/2019 Post: 01/17/2019 Reinstatement Fee Paid: Y Withdrawal Reason Ref:
SUSP: 062 - No Insurance at time of Registration Special Driving Privileg e: NONE Suspension Beg: 06/08/2018 Causal: 04/06/2018 Reinstatement Requirements Met: 09/17/2019 ACD: D36 Withdrawal Loc Ref:	Suspension End: 09/17/2019 Post: 05/08/2018 Reinstatement Fee Paid: Y Withdrawal Reason Ref:
	Posted: 03/03/2017 Number: SC3224919 ERAL AUTOMOBILE INSURANCE COMPANY INC

1/10/2020 12:05:30 PM

Page 2 of 3

Date Filed 01/10/20 Entry Number 46-2

Page 5 of 5

REDACTED

OFFICIAL 10 YEAR DRIVER RECORD

Customer No: **Driver License No:** Name: WHITE, LINQUISTA NICOLE SUSP: 043 - Owner Operating an Uninsured Motor Vehicle Ticket#: 20160420020391 Special Driving Privileg e: NONE Suspension Beg: 01/19/2017 Suspension End: 05/24/2017 Causal: 10/28/2016 Post: 01/04/2017 Reinstatement Fee Paid: Y Reinstatement Requirements Met: 05/24/2017 Withdrawal Reason Ref: ACD: D36 Withdrawal Loc Ref: VIOL: 403 - Owner Operating an Uninsured Motor Vehicle Ticket#: 20160420020391 Violation: 10/28/2016 Conviction: 12/14/2016 Recd: 12/22/2016 Post: 01/04/2017 ACD: D36 Conviction Loc Ref: **Conviction Reference:** Conviction State: SC Court Type: MAGISTRATE COURT Certified to be a true and correct SUSP: 062 - No Insurance at time of Registration **Special Driving Privileg e: NONE** copy of the original document on file Suspension Beg: 06/02/2016 Suspension Endvi03(167/2017th Carolina Department of Causal: 03/31/2016 Post: 05/02/2016 Motor Vehicles. Reinstatement Requirements Met: 03/17/2017 Reinstatement Fee Paid: X ACD: D36 Withdrawal Loc Ref: Withdrawal Reason Ref: **Driver Services**, Director SR22 - Future Proof of Financial Responsibility (Insurance) Effective: 03/14/2011 Filing: 03/15/2011 Posted: 03/15/2011 Type: NON-RESTRICTED Policy Number: PASC3772572 Company Code: 25712 Company Name: ESURANCE INSURANCE COMPANY SR26 Cancel Date: 04/07/2011 Reason: OTHER Last Changed: 03/28/2011 SR22 - Future Proof of Financial Responsibility (Insurance) Effective: 09/21/2010 Filing: 09/22/2010 Posted: 09/22/2010 Type: NON-RESTRICTED Policy Number: PASC3772572 Company Code: 25712 **Company Name: ESURANCE INSURANCE COMPANY** SR26 Cancel Date: 04/07/2011 Reason: OTHER Last Changed: 03/28/2011 SUSP: 002 - Failure to Maintain Proof of Financial Responsibil **Special Driving Privileg e: NONE** Suspension Beg: 07/03/2010 Suspension End: 02/17/2011 Causal: 05/30/2010 Post: 06/18/2010 Reinstatement Requirements Met: 02/17/2011 **Reinstatement Fee Paid: Y** ACD: B63 Withdrawal Loc Ref: Withdrawal Reason Ref: SR22 - Future Proof of Financial Responsibility (Insurance) Effective: 03/02/2010 Filing: 03/15/2010 Posted: 03/18/2010 Type: NON-RESTRICTED Policy Number: 8932265 Company Name: VICTORIA FIRE AND CASUALTY COMPANY Company Code: 42889 SR26 Cancel Date: 05/30/2010 Reason: OTHER Last Changed: 06/18/2010 SUSP: 078 - FR Accident Suspension Beg: 12/31/2009 Suspension End: 03/05/2010 Accident: 08/19/2009 Post: 11/16/2009 Reinstatement Requirements Met: 03/05/2010 **Reinstatement Fee Paid: Y** Withdrawal Reason Ref: ACD: D38 Withdrawal Loc Ref: SR 22 Required Until: End of Report

Page 3 of 3

FOR THE DISTRICT OF SOUTH CAROLINA

CHARLESTON DIVISION

Linquista White, Emily Bellamy, and) Janice Carter) Plaintiffs,) v.) Kevin Shwedo, in his official capacity as) the Executive Director of the South) Carolina Department of Motor Vehicles;) and Ralph K. Anderson, III, in his official) capacity as the Chief Judge of the South) Carolina Administrative Law Court and) Director of the South Carolina Office of) Motor Vehicle Hearings,)) Defendants.))

Civil Action No. 2:19-CV-03083-RMG

Exhibit 1B

to Defendant Shwedo's Memorandum in Opposition to Plaintiffs' Motion for Preliminary Injunction

> Attachment 2 to Rivers Affidavit Bellamy 10-year record

2:19-cv-03083-RMG Date Filed 01/10/20 Entry Number 46-3 Page 3 of 6

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Driver Services, Director ann

Centried to be a tructing Comparison of the South Carolina Department of with the South Carolina Department of Motor Vehicles.

OFFICIAL 10 YEAR DRIVER RECORD at the original set of the original

Customer Name:		AMY, EMILY	SHANTA			Dri	ver License No	: .
Address: City: County:	HORR				State: SC		Zip: 29527452	2
DOB:	HURN			Sex	:: F		Driver Training: N	
Status - D	L: SUS	PENDED	C	DISQU	ALIFIED			
License								
Type Current	Class	Function	Issued	Expires	First Issued		est. Endor.	Document Identifier (ACN / DDN)
DL	D	Modify	11/18/2014	03/23/2023	12/13/2013	Ν	Ν	1011325300064988
Prior DL	D	BP to DL	12/13/2013		12/13/2013		N	1011315500014765
BP BP	D D	Returned Renewal	05/17/2013 05/17/2013		07/26/2010 07/26/2010	18.8	N	N/A 1011228500066392
BP	D	Reissue	05/17/2013	05/17/2014		Ν	N	1011228500066386
BP BP	D D	Renewal Renewal	07/26/2012 07/26/2011		07/26/2010 07/26/2010	N N	N N	1011210000014331 1011103200040302
BP	D	Original	07/26/2010	07/26/2011	07/26/2010		N	N/A
BP BP	D D	Reissue Modify	07/26/2010 05/04/2011	07/26/2011 07/26/2011	07/26/2010 07/26/2010		N N	N/A 1011015800017932
Name C Name:		MY, EMILY	S				Date Changed:	12/04/2015
Address	Chan	ige -					Date Changed	:07/26/2012
Address: City:			St	ate: SC	Zip: 295688	8417	,	
Address	Chan	ige -					Date Changed	:05/17/2013
Address: City:	7		St	ate: SC	Zip: 29577			
Address Address:	Chan	ge -	54	ata: SC	7in: 205274	500	Date Changed	: 10/23/2019
City:			St	ate: SC	Zip: 295274	522		
Address	Chan	ge -					Date Changed	:11/18/2014

Address: City: Address Change -Address: City:

Address Change -
Address:
City:Date Changed: 06/15/2016State: SCZip: 295688417

State: SC

State: SC

Zip: 295688417

Zip: 295687918

Date Changed: 04/24/2015

REDACTED

OFFICIAL 10 YEAR DRIVER RECO

Customer No: Name: BELLAMY, EMILY SI	HANTA	Driver License No:
Address Change -		Date Changed: 11/04/2016
Address:	States CO	7 : 005007700
City:	State: SC	Zip: 295667700
Address Change -		Date Changed: 05/15/2017
Address:		Certified to be a true and correct
City:	State: SC	Zip: 295688417 Copy of the original document on file
Delint O		with the South Carolina Department o
Point Summary	2	Motor Vehicles.
Total Current Points: Driver Credit:	3 <u>-0</u>	
Adjusted Current Points:	3	A A Paraira
		D.H. Mars
VIOL: 560 - Failure to Pa		Ticket#9/209/80620054349
	Conviction: 08/29/2018	Recd: 11/16/2018 Post: 11/16/2018
ACD: D56 Conviction Loc	Ref: 524	Conviction Reference:
Conviction State: SC		Court Type: UNKNOWN
SUSP: 097 - Failure to Pa	y Traffic Ticket	Ticket#: 20180620054349
Suspension Beg: 12/06/20*		Suspension End: INDEFINITE
Causal: 05/29/2018		Post: 11/16/2018
Ticket Paid:		Compliance Received:
ACD: D56 Court Name: CC	DNWAY MUNICIPAL COUR	
Court Address: 229 MAIN S	STREET	
City: CONWAY	State:	SC Zip: 29526
Pho	one No: 843 248 1765	
VIOL: 560 - Failure to Pa	v Traffic Ticket or Appear	Ticket#: 20180620054347
	Conviction: 08/29/2018	Recd: 11/16/2018 Post: 11/16/2018
ACD: D56 Conviction Loc		Conviction Reference:
Conviction State: SC		Court Type: UNKNOWN
		oour type. on norm
	72720	
SUSP: 097 - Failure to Pay		Ticket#: 20180620054347
Suspension Beg: 12/06/201	18	Suspension End: INDEFINITE
Causal: 05/29/2018		Post: 11/16/2018
Ticket Paid:		Compliance Received:
ACD: D56 Court Name: CC		
Court Address: 229 MAIN S City: CONWAY	State:	SC 7in: 20526
	one No: 843 248 1765	SC Zip: 29526
1 110		
VIOL: 560 - Failure to Pay	y Traffic Ticket or Appear	Ticket#: 20180620054342
	Conviction: 08/29/2018	Recd: 11/16/2018 Post: 11/16/2018
ACD: D56 Conviction Loc	Ref: 587	Conviction Reference:
Conviction State: SC		Court Type: UNKNOWN
SUSP: 097 - Failure to Pay		Ticket#: 20180620054342
Suspension Beg: 12/06/201		Suspension End: INDEFINITE
Causal: 05/29/2018		Post: 11/16/2018
Ticket Paid:		Compliance Received:
ACD: D56 Court Name: CC		T
Court Address: 226 MAIN S		
City: CONWAY	State:	SC Zip: 29526
Pho	ne No: 843 248 1765	•

Date Filed 01/10/20 Entry Number 46-3 Page 5 of 6

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OFFICIAL 10 YEAR DRIVER RECORD

Customer No: Name: BELLAMY, EMILY SHANTA VIOL: 403 - Owner Operating an Uninsured Motor Vehicle Violation: 05/29/2018 Conviction: 08/29/2018 Recd: 08/31/2018 Post: 09/10/2018 ACD: D36 Conviction Loc Ref: **Conviction Reference:** Conviction State: SC Court Type: MUNICIPAL COURT SUSP: 043 - Owner Operating an Uninsured Motor Vehicle Ticket#: 20180620054347 **Special Driving Privileg e: NONE** Suspension Beg: 09/25/2018 Suspension End: INDEFINITE Post: 09/10/2018 Causal: 05/29/2018 **Reinstatement Requirements Met: INDEFINITE Reinstatement Fee Paid: N** ACD: D36 Withdrawal Loc Ref: Withdrawal Reason Ref: VIOL: 451 - Following too closely Violation: 05/29/2018 Conviction: 08/29/2018 Recd: 08/30/2018 Post: 08/31/2018 ACD: M34 Conviction Loc Ref: **Conviction Reference: Conviction State: SC** Court Type: MUNICIPAL COURT Violation Points: 4 Current Points: 2 SUSP: 078 - FR Accident Suspension Beg: 08/26/2018 Suspension End: INDEFINITE Post: 07/12/2018 Accident: 05/29/2018 **Reinstatement Requirements Met: INDEFINITE Reinstatement Fee Paid: N** ACD: D38 Withdrawal Loc Ref: Withdrawal Reason Ref: SR 22 Required Until: SUSP: 097 - Failure to Pay Traffic Ticket Ticket#: 20182390200322 Suspension Beg: 07/08/2018 Suspension End: INDEFINITE Causal: 02/08/2018 Post: 06/18/2018 **Ticket Paid: Compliance Received:** ACD: D56 Court Name: CENTRAL TRAFFIC Court Address: 333 CLELAND STREET **City: GEORGETOWN** State: SC Zip: 29440 Phone No: 843 545 3371 VIOL: 560 - Failure to Pay Traffic Ticket or Appear Violation: 02/08/2018 Conviction: 04/17/2018 Recd: 06/18/2018 Post: 06/18/2018 ACD: D56 Conviction Loc Ref: 521 **Conviction Reference: Conviction State: SC** Court Type: UNKNOWN ACC: REPORTABLE Accident: 05/29/2018 Posted: 06/07/2018 Accident Case Number: 18573199 FR-10 Audit Number: U-321996 Accident Jurisdiction: SC Acc Loc Ref: SCHDPT History: N Contributed: Y VIOL: 421 - Speeding 10-mph or less Violation: 02/08/2018 Conviction: 04/17/2018 Recd: 04/18/2018 Post: 05/07/2018 ACD: S51 Conviction Loc Ref: **Conviction Reference: Conviction State: SC** Court Type: MAGISTRATE COURT

Certified to be a true and correct copy of the original document on file with the South Carolina Department of Motor Vehicles.

1 1:

1/10/2020 12:00:31 PM **Driver Services**, Director **Driver License No:**

Ticket#: 20180620054347

Ticket#: 20180620054349

Ticket#: 20182390200322

Ticket#: 20182390200322 Violation Points: 2 Current Points: 1

Date Filed 01/10/20 Entry Number 46-3

Page 6 of 6

REDACTED

OFFICIAL 10 YEAR DRIVER RECORD

Customer No: 1 **Driver License No:** Name: BELLAMY, EMILY SHANTA VIOL: 421 - Speeding 10-mph or less Ticket#: 5102P0196679 Violation: 03/12/2016 Conviction: 04/14/2016 Post: 06/07/2016 Recd: 05/19/2016 ACD: S51 Conviction Loc Ref: **Conviction Reference:** Conviction State: SC Court Type: MAGISTRATE COURT Violation Points: 2 **Current Points: 0** VIOL: 421 - Speeding 10-mph or less Ticket#: H581642 Violation: 01/18/2016 Conviction: 02/15/2016 Recd: 03/11/2016 Post: 03/31/2016 ACD: S51 Conviction Loc Ref: **Conviction Reference:** Conviction State: SC Court Type: MAGISTRATE COURT Violation Points: 2 **Current Points: 0** VIOL: 421 - Speeding 10-mph or less Ticket#: G101192 Violation: 10/14/2014 Conviction: 12/03/2014 Recd: 01/21/2015 Post: 01/27/2015 ACD: S51 Conviction Loc Ref: **Conviction Reference: Conviction State: SC** Court Type: MAGISTRATE COURT Violation Points: 2 **Current Points: 0** VIOL: 424 - Driving too fast for conditions - 10MPH or less Ticket#: G720617 Violation: 03/28/2014 Conviction: 05/06/2014 Recd: 07/16/2014 Post: 07/25/2014 ACD: S94 Conviction Loc Ref: **Conviction Reference: Conviction State: SC** Court Type: MAGISTRATE COURT

ACC: REPORTABLE Accident: 03/28/2014 Accident Case Number: 14525212 Accident Jurisdiction: SC Acc Loc Ref: SCHDPT Contributed: Y

Posted: 04/02/2014 FR-10 Audit Number: E-616560 History: N

Violation Points: 2 Current Points: 0

End of Report

Certified to be a true and correct copy of the original document on file with the South Carolina Department of Motor Vehicles.

Driver Services, Director

FOR THE DISTRICT OF SOUTH CAROLINA

CHARLESTON DIVISION

Linquista White, Emily Bellamy, and) Janice Carter) Plaintiffs,) v. Kevin Shwedo, in his official capacity as the Executive Director of the South) Carolina Department of Motor Vehicles;) and Ralph K. Anderson, III, in his official) capacity as the Chief Judge of the South) Carolina Administrative Law Court and) Director of the South Carolina Office of) Motor Vehicle Hearings,)) Defendants.))

Civil Action No. 2:19-CV-03083-RMG

Exhibit 1C

to Defendant Shwedo's Memorandum in Opposition to Plaintiffs' Motion for Preliminary Injunction

> Attachment 2 to Rivers Affidavit Carter 10-year record

2:19-cv-03083-RMG Date Filed 01/10/20 Entry Number 46-4 Page 3 of 6

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Certified to be a true and correct copy of the original document on file with the South Carolina Department of Motor Vehicles.

OFFICIAL 10 YEAR DRIVER RECOR

Driver Services, Director

							Direct	Services, Director
Customer Name: Address:		ER, JANICI	E RENEE			Driv	er License No	
City:					State: SC	2	Zip: 29418349	9
County: DOB:	County: CHARLESTON		Sex	. 5		Drive	ar Training: N	
							Driver Training: N	
<u>Status - D</u>	L: 505	PENDED	L L	DL: DISQUA	ALIFIED			
License Type Current		n ation Function	Issued	Expires	First Issued	d Res	t. Endor.	Document Identifier (ACN / DDN)
Prior DL DL DL DL DL DL		Returned Re-exam Original Modify Modify Modify	08/18/2016 12/08/2004 08/30/2012 01/08/2008	10/19/2026 10/19/2014 10/19/2014 10/19/2014	12/08/2004 12/08/2004 12/08/2004 12/08/2004 12/08/2004 12/08/2004	N N N N N N	N N N N N	1000100702246185956 1011603500005691 N/A 1011213300022224 N/A N/A
Address Address: City:	Chan	ge -	St	ate: SC	Zip: 294104		Date Changed	1:08/30/2012
Address Address: City:	Chan	ge -	St	ate: SC	Zip: 294069		Date Changed	:08/30/2011
Point Su Total Curr Driver Cre Adjusted	ent Poi dit:	nts:	0 <u>-0</u> 0					
SUSP: 097 - Failure to Pay Traffic Ticket Suspension Beg: 02/18/2019 Causal: 08/15/2018 Ticket Paid: ACD: D56 Court Name: RAVENEL MAGIS Court Address: 5962 HWY 165 SUITE 200 City: RAVENEL Phone No: 843-88) State: S	Ticket#: 20180420103840 Suspension End: INDEFINITE Post: 01/29/2019 Compliance Received: SC Zip: 29470				
VIOL: 560 - Failure to Pay Traffic Ticket of Violation: 08/15/2018 Conviction: 12 ACD: D56 Conviction Loc Ref: 596 Conviction State: SC				Recd: 01/2 Conviction Court Type	n Ref	19 Post: 0 erence:	#: 20180420103840 11/29/2019	

Recd: 01/29/2019

Recd: 12/21/2018

Conviction Reference:

Court Type: UNKNOWN

Conviction Reference:

REDACTED

OFFICIAL 10 YEAR DRIVER RECORD

Customer No: Name: CARTER, JANICE RENEE

SUSP: 097 - Failure to Pay Traffic Ticket Suspension Beg: 02/18/2019 Causal: 08/15/2018 **Ticket Paid:** ACD: D56 Court Name: RAVENEL MAGISTRATE Court Address: 5962 HWY 165 SUITE 200 City: RAVENEL State: SC Phone No: 843-889-8332

Driver License No:

Ticket#: 20180420103838 Suspension End: INDEFINITE Post: 01/29/2019 Compliance Received. Copy of the original document on file with the South Carolina Department of Motor Vehicles. Zip: 29470

Ticket#: 20180420103838

Post: 01/29/2019, Director

Ticket#: 20180420103840

Post: 12/27/2018

VIOL: 560 - Failure to Pay Traffic Ticket or Appear Violation: 08/15/2018 Conviction: 12/20/2018 ACD: D56 Conviction Loc Ref: 526 **Conviction State: SC**

VIOL: 496 - Driving Under Suspension Violation: 08/15/2018 Conviction: 12 Conviction: 12/20/2018 ACD: B26 Conviction Loc Ref: **Conviction State: SC**

SUSP: 025 - Driving Under Suspension - FTPTT Special Driving Privileg e: NONE Suspension Beg: 12/20/2018 Causal: 08/15/2018 **Reinstatement Requirements Met: INDEFINITE** ACD: B26 Withdrawal Loc Ref:

VIOL: 560 - Failure to Pay Traffic Ticket or Appear Violation: 01/19/2018 Conviction: 02/20/2018 ACD: D56 Conviction Loc Ref: 521 **Conviction State: FL**

Ticket#: 20180420103840

Suspension End: 01/18/2019 Post: 12/27/2018 Reinstatement Fee Paid: N Withdrawal Reason Ref:

Court Type: MAGISTRATE COURT

Ticket#: A8UFXEE Recd: 03/13/2018 Post: 03/13/2018 **Conviction Reference:** Court Type: UNKNOWN

SUSP: 097 - Failure to Pay Traffic Ticket Ticket#: A8UFXEE Suspension Beg: 04/02/2018 Suspension End: INDEFINITE Causal: 01/19/2018 Post: 03/13/2018 **Ticket Paid: Compliance Received:** ACD: D56 Court Name: DUVAL CNTY CLERK OF COURTS TRAFFIC VIOLATIONS Court Address: 501 WEST ADAMS STREET **City: JACKSONVILLE** State: FL Zip: 32202 Phone No: 904 255 2300

VIOL: 560 - Failure to Pay Traffic Ticket or Appear Violation: 12/07/2016 Conviction: 02/16/2017 ACD: D56 Conviction Loc Ref: 541 Conviction State: SC

SUSP: 097 - Failure to Pay Traffic Ticket Suspension Beg: 07/03/2017 Causal: 12/07/2016 **Ticket Paid:** ACD: D56 Court Name: YEMASSEE MUNICIPAL COURT Court Address: 101 TOWN CIRCLE / PO BOX **City: YEMASSEE** State: SC Phone No: 843-589-6315

Ticket#: 20163070006917 Recd: 06/13/2017 Post: 06/13/2017 **Conviction Reference:** Court Type: UNKNOWN

Ticket#: 20163070006917 Suspension End: INDEFINITE Post: 06/13/2017 **Compliance Received:**

Zip: 29945

1/10/2020 12:02:22 PM

2:19-cv-03083-RMG Date Filed 01/10/20 Entry Number 46-4 Page 5 of 6

REDACTED

OFFICIAL 10 YEAR DRIVER RECORD

Customer No: : Name: CARTER, JANICE RENEE	Driver License No:				
SC Driver License Surrendered License Type: DL Class: D Fur Date Surrendered: 08/20/2018 Reason for Return: SUSPENDED LICENSE	Posted: 08/20/2018Issued: 08/18/2016Returning State: SC				
VIOL: 441 - Speeding more than 10 mph b ut LT 25 n Violation: 12/07/2016 Conviction: 02/16/2017 ACD: S92 Conviction Loc Ref: Conviction State: SC	nphTicket#: 20163070006917Actual Speed: 72Posted Speed: 60Recd: 03/14/2017Post: 04/06/2017Conviction Reference:Court Type: MUNICIPAL COURTViolation Points: 4Current Points: 0				
VIOL: 441 - Speeding more than 10 mph b ut LT 25 m Violation: 09/14/2014 Conviction: 10/21/2014 ACD: S92 Conviction Loc Ref: Conviction State: SC	nphTicket#: 30477GGActual Speed: 44Posted Speed: 30Recd: 11/07/2014Post: 11/20/2014Conviction Reference:Court Type: MUNICIPAL COURTViolation Points: 4Current Points: 0				
VIOL: 560 - Failure to Pay Traffic Ticket or Appear Violation: 09/14/2014 Conviction: 10/21/2014 ACD: D56 Conviction Loc Ref: 541 Conviction State: SC	Ticket#: 30477GG Recd: 11/20/2014 Post: 11/20/2014 Conviction Reference: Court Type: UNKNOWN				
SUSP: 097 - Failure to Pay Traffic Ticket Suspension Beg: 12/10/2014 Causal: 09/14/2014 Ticket Paid: 08/16/2016 ACD: D56 Court Name: HOLLY HILL MUN CRT Court Address: 8423 OLD STATE RD City: HOLLY HILL State: Sta	Ticket#: 30477GG Suspension End: 08/16/2016 Post: 11/20/2014 Compliance Received: 08/16/2016 SC Zip: 29059				
VIOL: 464 - Speeding 25 MPH or above the posted li Violation: 01/01/2009 Conviction: 02/06/2009 ACD: S92 Conviction Loc Ref: Conviction State: TN	mits Ticket#: T527412 Actual Speed: 98 Posted Speed: 65 Recd: 12/05/2011 Post: 01/13/2012 Conviction Reference: Court Type: MAGISTRATE COURT Violation Points: 6 Current Points: 0				
SUSP: 042 - Cancellation of Insurance Special Driving Privileg e: NONE Suspension Beg: 04/29/2011 Causal: 02/18/2011 Reinstatement Requirements Met: 09/01/2011 ACD: D36 Withdrawal Loc Ref:	Suspension End: 09/01/2011 Post: 03/24/2011 Reinstatement Fee Paid: Y Withdrawal Reason Ref:				
VIOL: 441 - Speeding more than 10 mph b ut LT 25 m Violation: 02/23/2009 Conviction: 07/30/2010 ACD: S92 Conviction Lies Ref.e a true and correct Conviction State: Ally of the original document on file with the South Carolina Department of Motor Vehicles.	Actual Speed: 86 Posted Speed: 70 Recd: 08/19/2010 Post: 09/03/2010 Conviction Reference: Court Type: DISTRICT COURT				

1/10/2020 12:02:22 PM Driver Services, Director

2:19-cv-03083-RMG Date Filed 01

REDACTED

OFFICIAL 10 YEAR DRIVER RECORD

Customer No: : Name: CARTER, JANICE RENEE **Driver License No:**

SUSP: 097 - Failure to Pay Traffic Ticket Suspension Beg: 07/28/2009 Causal: 02/23/2009 Ticket Paid: 07/30/2010 ACD: D56 Court Name: DISTRICT COURT Court Address: CIRCUIT CLERK City: TUSKEGEE

Ticket#: V1473951 Suspension End: 07/30/2010 Post: 07/08/2009 Compliance Received: 07/30/2010

State: AL Phone No: 000 000 0000 Zip: 360834

End of Report

Certified to be a true and correct copy of the original document on file with the South Carolina Department of Motor Vehicles.

Driver Services, Director

FOR THE DISTRICT OF SOUTH CAROLINA

CHARLESTON DIVISION

Linquista White, Emily Bellamy, and) Janice Carter) Plaintiffs,) v. Kevin Shwedo, in his official capacity as the Executive Director of the South) Carolina Department of Motor Vehicles;) and Ralph K. Anderson, III, in his official) capacity as the Chief Judge of the South) Carolina Administrative Law Court and) Director of the South Carolina Office of) Motor Vehicle Hearings,)) Defendants.))

Civil Action No. 2:19-CV-03083-RMG

Exhibit 1D

to Defendant Shwedo's Memorandum in Opposition to Plaintiffs' Motion for Preliminary Injunction

> Attachment 4 to Rivers Affidavit DMV Official Notice to Bellamny, 6/18/18

Date Filed 01/10/20 Entry Number 46-5 Page 3 of 3

REDACTED

South Carolina Department of Motor Vehicles

06/18/2018

BELLAMY, EMILY SHANTA

CUSTOMER NO: FILE NO: DL NO:

OFFICIAL NOTICE

You may not drive commercial or non-commercial motor vehicles.

REASON: FAILURE TO PAY TRAFFIC TICKET SECTION OF LAW: 56-25-20

VTOL DATE TICKET# VIOLATION 02/08/2018 20182390200322 Speeding - 10 MPH and Under

COURT: CENTRAL TRAFFIC 333 CLELAND STREET GEORGETOWN, SC 29440 843 545 3371

BEGINNING DATE: 12:01 AM 07/08/2018

ENDING DATE: When you receive notice from the Department that this action has been cleared.

SPECIAL DRIVING PRIVILEGES: There are no special driving privileges available to you. You may not drive until you have done the following:

COMPLIANCE:

Pay the fine for the ticket to the court. When the fine is paid, the court will give you a compliance notice which shows the description of the violation, the date of the violation, the date the ticket was paid, and the ticket number. YOU MUST BRING THIS COMPLIANCE TO YOUR LOCAL DMV OFFICE OR MAIL IT TO DRIVER RECORDS, POST OFFICE BOX 1498, BLYTHEWOOD, SC 29016-0028. NOTE: IT IS YOUR RESPONSIBILITY TO GIVE THE DEPARTMENT PROOF THAT THIS TICKET HAS BEEN PAID OR THE SUSPENSION MAY REMAIN IN the EFFECT.

REINSTATEMENT FEE: You must pay a \$100.00 reinstatement fee if your compliance notice shows payment on or after the suspension date. This fee can be paid at any DMV Office, mailed to Driver Records, PO Box 1498, Blythewood, SC 29016-0028 or paid by credit card online at www.scdmvonline.com. Make checks and money orders payable to SCDMV. Do not send cash through the mail.

Your license must be returned to any DMV Office or mailed to Driver Records if this suspension is not cleared before the suspension date listed above.

THIS NOTICE CONCERNS ONLY THE ACTION LISTED ABOVE AND DOES NOT CHANGE ANY OTHER NOTICES WE HAVE SENT TO YOU.

Driver Records Manager

Certified to be a true and correct copy of the original document on file with the South Carolina Department of Motor Vehicles.

Driver Services, Director

FOR THE DISTRICT OF SOUTH CAROLINA

CHARLESTON DIVISION

Linquista White, Emily Bellamy, and) Janice Carter) Plaintiffs,) v.) Kevin Shwedo, in his official capacity as) the Executive Director of the South) Carolina Department of Motor Vehicles;) and Ralph K. Anderson, III, in his official) capacity as the Chief Judge of the South) Carolina Administrative Law Court and) Director of the South Carolina Office of) Motor Vehicle Hearings,)) Defendants.))

Civil Action No. 2:19-CV-03083-RMG

Exhibit 1E

to Defendant Shwedo's Memorandum in Opposition to Plaintiffs' Motion for Preliminary Injunction

Attachment 5 to Rivers Affidavit

DMV Notice to Bellamy, 7/12/18 (Financial Responsibility Suspension)

Date Filed 01/10/20 Entry Number 46-6

REDACTED

Page 3 of 3



07/12/2018

BELLAMY, EMILY SHANTA

FR5 Reference No: . . . Customer No: 3- 3 Driver License No: Date of Accident: 05/29/2018 Accident Case No: 18-573199 FR10 Audit No: U-321996 Date of Suspension:08/26/2018 Security Deposit: \$6,000.00 Section of Law:56-9-351, 56-10-530

South Carolina Department of Motor Vehicles FR5 Notice of Financial Responsibility Accident Suspension

PLEASE DO NOT IGNORE THIS NOTICE

Failure to respond to this notice before the suspension date listed above will result in the SUSPENSION OF ALL YOUR REGISTRATION AND DRIVER LICENSE privileges in this state.

The South Carolina Department of Motor Vehicles (SCDMV) is unable to verify insurance information for the following vehicle that was involved in a reportable accident on 05/29/2018:

Yr/Make:2002 FORD VN Vin No;2FMZA51412BA29281 Tag No:NJS276 SC

If this vehicle was covered with liability insurance on the date of the accident, you must take this letter to your insurance company or agent, EVEN IF YOU BELIEVE YOU RECEIVED THIS NOTICE IN ERROR OR IF YOU FEEL THAT YOU WERE NOT AT FAULT REGARDING THE ACCIDENT. Your insurance representative can electronically submit the insurance information to the DMV by using the following website: www.sc-alir.com or fill out the insurance portion on the reverse side of this notice and then have this form submitted to the Department at the address located on the back of this notice.

If you were not insured at the time of the accident, you may clear the suspension by using one of the alternative compliance options listed on the back of this notice. If you comply by using one of the alternative options, you will be required to pay the \$550.00 uninsured motorist fee and do one of the following for three years from the beginning date of the . suspension.

1) Have your insurance agent file a certificate of insurance(SR22).

2) Deposit \$40,000 per motor vehicle with the SC State Treasurer's Office.

3) Have a surety company issue a bond for you.

NOTE: SR22 must include vehicle involved in accident or the plate for that vehicle must be turned in to the Department.

Also, if you comply with one of the alternative compliance options after the suspension date, you will be required to pay a \$100.00 reinstatement fee. You may be eligible for a payment plan option. To find out if you qualify, you may contact a Customer Service Representative at (803)896-5000.

You may request a hearing in writing before the above suspension date to prove that there is no reasonable possibility that a Judgment may be filed against you. There is a \$200.00 filing fee for a hearing. (Personal checks are not accepted) You may mail or hand deliver the request and the filing fee to the South Carolina Office of Motor Vehicle Hearings, Edgar A. Brown Building, 1205 Pendleton St., Suite 325, Columbia SC 29201.

File No: 24698825

Certified to be a true and correct copy of the original document on file with the South Carolina Department of Motor Vehicles.

Driver Services, Director

FOR THE DISTRICT OF SOUTH CAROLINA

CHARLESTON DIVISION

Linquista White, Emily Bellamy, and) Janice Carter) Plaintiffs,) v. Kevin Shwedo, in his official capacity as the Executive Director of the South) Carolina Department of Motor Vehicles;) and Ralph K. Anderson, III, in his official) capacity as the Chief Judge of the South) Carolina Administrative Law Court and) Director of the South Carolina Office of) Motor Vehicle Hearings,)) Defendants.))

Civil Action No. 2:19-CV-03083-RMG

Exhibit 1F

to Defendant Shwedo's Memorandum in Opposition to Plaintiffs' Motion for Preliminary Injunction

Attachment 6 to Rivers Affidavit

DMV Notice to Bellamy, 9/10/18 (Uninsured Motorist Suspension)

2:19-cv-03083-RMG Date Filed 01/10/20 Entry Number 46-7 Page 3 of 3

REDACTED



09/10/2018

BELLAMY, EMILY SHANTA

File No: Driver License No: Customer No: : Year/Make: 2002 FORD VN Tag No: NJS276

OFFICIAL NOTICE

You are hereby notified that you are subject to suspension for Uninsured Motorist under Section 56-10-520, SC Code of Laws. Your driving and registration privileges will be suspended on the date listed below. You may not drive a commercial or non-commercial motor vehicle.

REASON: You have been convicted of the offense listed below:

VIOLATION: UNINSURED MOTORIST

VIOL DATE	CONV DATE	TICKET#
05/29/2018	08/29/2018	20180620054347

BEGINNING DATE: 12:01AM 09/25/2018 ENDING DATE: INDEFINITE

SPECIAL DRIVING PRIVILEGES: There are no special driving privileges available to you. You may not drive until a new driver's license has been issued to you.

FINANCIAL RESPONSIBILITY: You must do one of the following listed below for 3 years from the beginning date of the suspension listed above:

1.

Have your insurance agent file a certificate of insurance(SR-22). Deposit \$40,000 per motor vehicle with the SC State Treasurer's Office. 2.

3. Have a surety company issue a bond for you.

REINSTATEMENT FEE: You must pay a \$550.00 uninsured motorist fee. This fee can be paid at any DMV Office or mailed to the Financial Responsibility Office. Please make check or money order payable to SCDMV. You may be eligible for a payment plan option. To find out if you qualify, you may contact a Customer Service Representative at (803)896-5000.

If you have any questions or concerns you may call or write:

S.C. Department of Motor Vehicles Financial Responsibility (FR-520 Owner) P.O. Box 1498 Blythewood, SC 29016-0040 (803)896-5000

Manager, Financial Responsibility

Certified to be a true and correct copy of the original document on file with the South Carolina Department of Motor Vehicles.

Driver Services, Director

FOR THE DISTRICT OF SOUTH CAROLINA

CHARLESTON DIVISION

Linquista White, Emily Bellamy, and) Janice Carter) Plaintiffs,) v. Kevin Shwedo, in his official capacity as) the Executive Director of the South) Carolina Department of Motor Vehicles;) and Ralph K. Anderson, III, in his official) capacity as the Chief Judge of the South) Carolina Administrative Law Court and) Director of the South Carolina Office of) Motor Vehicle Hearings,)) Defendants.))

Civil Action No. 2:19-CV-03083-RMG

Exhibit 1G

to Defendant Shwedo's Memorandum in Opposition to Plaintiffs' Motion for Preliminary Injunction

Attachment 7 to Rivers Affidavit

DMV Official Notice to Bellamy, 5/29/18

Date Filed 01/10/20 Entry Number 46-8 Page 3 of 3

REDACTED

South Carolina Department of Motor Vehicles

11/16/2018

BELLAMY, EMILY SHANTA

CUSTOMER NO: 1 FILE NO: DL NO:

OFFICIAL NOTICE

You may not drive commercial or non-commercial motor vehicles.

REASON: FAILURE TO PAY TRAFFIC TICKET SECTION OF LAW: 56-25-20

VIOL DATE TICKET# VIOLATION 05/29/2018 20180620054342 Driving License Violation

COURT: CONWAY MUNICIPAL COURT 226 MAIN STREET CONWAY, SC 29526 843 248 1765

BEGINNING DATE: 12:01 AM 12/06/2018

ENDING DATE: When you receive notice from the Department that this action has been cleared.

SPECIAL DRIVING PRIVILEGES: There are no special driving privileges available to you. You may not drive until you have done the following:

COMPLIANCE:

COMPLIANCE: Pay the fine for the ticket to the court. When the fine is paid, the court will give you a compliance notice which shows the description of the violation, the date of the violation, the date the ticket was paid, and the ticket number. YOU MUST BRING THIS COMPLIANCE TO YOUR LOCAL DMV OFFICE OR MAIL IT TO DRIVER RECORDS, POST OFFICE BOX 1498, BLYTHEWOOD, SC 29016-0028. NOTE: IT IS YOUR RESPONSIBILITY TO GIVE THE DEPARTMENT PROOF THAT THIS TICKET HAS BEEN PAID OR THE SUSPENSION MAY REMAIN IN EFFECT.

REINSTATEMENT FEE; You must pay a \$100.00 reinstatement fee if your compliance notice shows payment on or after the suspension date. This fee can be paid at any DMV Office, mailed to Driver Records, PO Box 1498, Blythewood, SC 29016-0028 or paid by credit card online at www.scdmvonline.com. Make checks and money orders payable to SCDMV. Do not send cash through the mail.

Your license must be returned to any DMV Office or mailed to Driver Records if this suspension is not cleared before the suspension date listed above.

THIS NOTICE CONCERNS ONLY THE ACTION LISTED ABOVE AND DOES NOT CHANGE ANY OTHER NOTICES WE HAVE SENT TO YOU.

Driver Records Manager

Certified to be a true and correct copy of the original document on file with the South Carolina Department of Motor Vehicles.

Driver Services, Director

FOR THE DISTRICT OF SOUTH CAROLINA

CHARLESTON DIVISION

Linquista White, Emily Bellamy, and) Janice Carter) Plaintiffs,) v. Kevin Shwedo, in his official capacity as) the Executive Director of the South) Carolina Department of Motor Vehicles;) and Ralph K. Anderson, III, in his official) capacity as the Chief Judge of the South) Carolina Administrative Law Court and) Director of the South Carolina Office of) Motor Vehicle Hearings,)) Defendants.))

Civil Action No. 2:19-CV-03083-RMG

Exhibit 1H

to Defendant Shwedo's Memorandum in Opposition to Plaintiffs' Motion for Preliminary Injunction

Attachment 8 to Rivers Affidavit

DMV Official Notice to Bellamy, 11/16/18

2:19-cv-03083-RMG Date Filed 01/10/20 Entry Number 46-9 Page 3 of 3

REDACTED



11/16/2018

BELLAMY, EMILY SHANTA

CUSTOMER NO: FILE NO: DL NO:

OFFICIAL NOTICE

You may not drive commercial or non-commercial motor vehicles.

REASON: FAILURE TO PAY TRAFFIC TICKET SECTION OF LAW: 56-25-20

VIOL DATE TICKET# VIOLATION 05/29/2018 20180620054347 Oper/Allow Operation of Uninsured Vehicle

COURT: CONWAY MUNICIPAL COURT 229 MAIN STREET CONWAY, SC 29526 843 248 1765

BEGINNING DATE: 12:01 AM_12/06/2018

ENDING DATE: When you receive notice from the Department that this action has been cleared.

SPECIAL DRIVING PRIVILEGES; There are no special driving privileges available to you. You may not drive until you have done the following:

COMPLIANCE:

Pay the fine for the ticket to the court. When the fine is paid, the court will give you a compliance notice which shows the description of the violation, the date of the violation, the date the ticket was paid, and the ticket number. YOU MUST BRING THIS COMPLIANCE TO YOUR LOCAL DMV OFFICE OR MAIL IT TO DRIVER RECORDS, POST OFFICE BOX 1498, BLYTHEWOOD, SC 29016-0028. NOTE: IT IS YOUR RESPONSIBILITY TO GIVE THE DEPARTMENT PROOF THAT THIS TICKET HAS BEEN PAID OR THE SUSPENSION MAY REMAIN IN EFFECT.

REINSTATEMENT FEE: You must pay a \$100.00 reinstatement fee if your compliance notice shows payment on or after the suspension date. This fee can be paid at any DMV Office, mailed to Driver Records, PO Box 1498, Blythewood, SC 29016-0028 or paid by credit card online at www.scdmvonline.com. Make checks and money orders payable to SCDMV. Do not send cash through the mail.

Your license must be returned to any DMV Office or mailed to Driver Records if this suspension is not cleared before the suspension date listed above.

THIS NOTICE CONCERNS ONLY THE ACTION LISTED ABOVE AND DOES NOT CHANGE ANY OTHER NOTICES WE HAVE SENT TO YOU.

Driver Records Manager

Certified to be a true and correct copy of the original document on file with the South Carolina Department of Motor Vehicles.

Driver Services, Director

FOR THE DISTRICT OF SOUTH CAROLINA

CHARLESTON DIVISION

Linquista White, Emily Bellamy, and) Janice Carter) Plaintiffs,) v. Kevin Shwedo, in his official capacity as) the Executive Director of the South) Carolina Department of Motor Vehicles;) and Ralph K. Anderson, III, in his official) capacity as the Chief Judge of the South) Carolina Administrative Law Court and) Director of the South Carolina Office of) Motor Vehicle Hearings,)) Defendants.))

Civil Action No. 2:19-CV-03083-RMG

Exhibit 1I

to Defendant Shwedo's Memorandum in Opposition to Plaintiffs' Motion for Preliminary Injunction

Attachment 9 to Rivers Affidavit

DMV Official Notice to Bellamy, 11/16/18

SCDMV **ATTACHMENT 9**

2:19-cv-03083-RMG Date

Date Filed 01/10/20 Entry Number 46-10 Page 3 of 3

REDACTED



11/16/2018

BELLAMY, EMILY SHANTA

CUSTOMER NO: FILE NO: DL NO:

OFFICIAL NOTICE

You may not drive commercial or non-commercial motor vehicles.

REASON: FAILURE TO PAY TRAFFIC TICKET SECTION OF LAW: 56-25-20

VIOL DATE TICKET# VIOLATION 05/29/2018 20180620054349 Following Too Closely

COURT: CONWAY MUNICIPAL COURT 229 MAIN STREET CONWAY, SC 29526 843 248 1765

BEGINNING DATE: 12:01 AM 12/06/2018

ENDING DATE: When you receive notice from the Department that this action has been cleared.

SPECIAL DRIVING PRIVILEGES: There are no special driving privileges available to you. You may not drive until you have done the following:

COMPLIANCE:

Pay the fine for the ticket to the court. When the fine is paid, the court will give you a compliance notice which shows the description of the violation, the date of the violation, the date the ticket was paid, and the ticket number. YOU MUST BRING THIS COMPLIANCE TO YOUR LOCAL DMV OFFICE OR MAIL IT TO DRIVER RECORDS, POST OFFICE BOX 1498, BLYTHEWOOD, SC 29016-0028. NOTE: IT IS YOUR RESPONSIBILITY TO GIVE THE DEPARTMENT PROOF THAT THIS TICKET HAS BEEN PAID OR THE SUSPENSION MAY REMAIN IN EFFECT.

REINSTATEMENT FEE: You must pay a \$100.00 reinstatement fee if your compliance notice shows payment on or after the suspension date. This fee can be paid at any DMV Office, mailed to Driver Records, PO Box 1498, Blythewood, SC 29016-0028 or paid by credit card online at www.scdmvonline.com. Make checks and money orders payable to SCDMV. Do not send cash through the mail.

Your license must be returned to any DMV Office or mailed to Driver Records if this suspension is not cleared before the suspension date listed above.

THIS NOTICE CONCERNS ONLY THE ACTION LISTED ABOVE AND DOES NOT CHANGE ANY OTHER NOTICES WE HAVE SENT TO YOU.

Driver Records Manager

Certified to be a true and correct copy of the original document on file with the South Carolina Department of Motor Vehicles.

Driver Services, Director

FOR THE DISTRICT OF SOUTH CAROLINA

CHARLESTON DIVISION

Linquista White, Emily Bellamy, and) Janice Carter) Plaintiffs,) v. Kevin Shwedo, in his official capacity as) the Executive Director of the South) Carolina Department of Motor Vehicles;) and Ralph K. Anderson, III, in his official) capacity as the Chief Judge of the South) Carolina Administrative Law Court and) Director of the South Carolina Office of) Motor Vehicle Hearings,)) Defendants.))

Civil Action No. 2:19-CV-03083-RMG

Exhibit 1J

to Defendant Shwedo's Memorandum in Opposition to Plaintiffs' Motion for Preliminary Injunction

Attachment 10 to Rivers Affidavit

DMV Official Notice to Carter, 6/13/17

SCDMV ATTACHMENT 10

2:19-cv-03083-RMG Date Filed 01/10/20 Entry Number 46-11 Page 3 of 3

REDACTED



06/13/2017

CARTER, JANICE RENEE

CUSTOMER NO: FILE NO: DL NO:

OFFICIAL NOTICE

You may not drive commercial or non-commercial motor vehicles.

REASON: FAILURE TO PAY TRAFFIC TICKET SECTION OF LAW: 56-25-20

VIOL DATE TICKET# VIOLATION 12/07/2016 20163070006917 Speeding - Over 10 MPH

COURT: YEMASSEE MUNICIPAL COURT 101 TOWN CIRCLE / PO BOX YEMASSEE, SC 29945 843-589-6315

BEGINNING DATE: 12:01 AM 07/03/2017

 $\ensuremath{\mathtt{ENDING}}$ DATE: When you receive notice from the Department that this action has been cleared.

SPECIAL DRIVING PRIVILEGES: There are no special driving privileges available to you. You may not drive until you have done the following:

COMPLIANCE:

Pay the fine for the ticket to the court. When the fine is paid, the court will give you a compliance notice which shows the description of the violation, the date of the violation, the date the ticket was paid, and the ticket number. YOU MUST BRING THIS COMPLIANCE TO YOUR LOCAL DMV OFFICE OR MAIL IT TO DRIVER RECORDS, POST OFFICE BOX 1498, BLYTHEWOOD, SC 29016-0028. NOTE: IT IS YOUR RESPONSIBILITY TO GIVE THE DEPARTMENT PROOF THAT THIS TICKET HAS BEEN PAID OR THE SUSPENSION MAY REMAIN IN EFFECT.

REINSTATEMENT FEE: You must pay a \$100.00 reinstatement fee if your compliance notice shows payment on or after the suspension date. This fee can be paid at any DMV Office, mailed to Driver Records, PO Box 1498, Blythewood, SC 29016-0028 or paid by credit card online at www.scdmvonline.com. Make checks and money orders payable to SCDMV. Do not send cash through the mail.

Your license must be returned to any DMV Office or mailed to Driver Records if this suspension is not cleared before the suspension date listed above.

THIS NOTICE CONCERNS ONLY THE ACTION LISTED ABOVE AND DOES NOT CHANGE ANY OTHER NOTICES WE HAVE SENT TO YOU.

Driver Records Manager

Certified to be a true and correct copy of the original document on file with the South Carolina Department of Motor Vehicles.

Driver Services, Director

FOR THE DISTRICT OF SOUTH CAROLINA

CHARLESTON DIVISION

Linquista White, Emily Bellamy, and) Janice Carter) Plaintiffs,) v. Kevin Shwedo, in his official capacity as) the Executive Director of the South) Carolina Department of Motor Vehicles;) and Ralph K. Anderson, III, in his official) capacity as the Chief Judge of the South) Carolina Administrative Law Court and) Director of the South Carolina Office of) Motor Vehicle Hearings,)) Defendants.))

Civil Action No. 2:19-CV-03083-RMG

Exhibit 1K

to Defendant Shwedo's Memorandum in Opposition to Plaintiffs' Motion for Preliminary Injunction

Attachment 11 to Rivers Affidavit

DMV Official Notice to Carter, 3/13/18

SCDMV ATTACHMENT 11

2:19-cv-03083-RMG Date Filed 01/10/20 Entry Number 46-12 Page 3 of 3

REDACTED

South Carolina Department of Motor Vehicles

03/13/2018

CARTER, JANICE RENEE

CUSTOMER NO: FILE NO: DL NO:

OFFICIAL NOTICE

You may not drive commercial or non-commercial motor vehicles.

REASON: FAILURE TO PAY TRAFFIC TICKET SECTION OF LAW: 56-25-20

VIOL DATE TICKET# VIOLATION 01/19/2018 ASUFXEE Speeding - 10 MPH and Under

COURT: DUVAL CNTY CLERK OF COURTS TRAFFIC VIOLATIONS 501 WEST ADAMS STREET JACKSONVILLE, FL 32202 904 255 2300

BEGINNING DATE: 12:01 AM 04/02/2018

ENDING DATE: When you receive notice from the Department that this action has been cleared.

SPECIAL DRIVING PRIVILEGES: There are no special driving privileges available to you. You may not drive until you have done the following:

COMPLIANCE:

Pay the fine for the ticket to the court. When the fine is paid, the court will give you a compliance notice which shows the description of the violation, the date of the violation, the date the ticket was paid, and the ticket number. YOU MUST BRING THIS COMPLIANCE TO YOUR LOCAL DMV OFFICE OR MAIL IT TO DRIVER RECORDS, POST OFFICE BOX 1498, BLYTHEWOOD, SC 29016-0028. NOTE: IT IS YOUR RESPONSIBILITY TO GIVE THE DEPARTMENT PROOF THAT THIS TICKET HAS BEEN PAID OR THE SUSPENSION MAY REMAIN IN EFFECT.

REINSTATEMENT FEE: You must pay a \$100.00 reinstatement fee if your compliance notice shows payment on or after the suspension date. This fee can be paid at any DMV Office, mailed to Driver Records, PO Box 1498, Blythewood, SC 29016-0028 or paid by credit card online at www.scdmvonline.com. Make checks and money orders payable to SCDMV. Do not send cash through the mail.

Your license must be returned to any DMV Office or mailed to Driver Records if this suspension is not cleared before the suspension date listed above.

THIS NOTICE CONCERNS ONLY THE ACTION LISTED ABOVE AND DOES NOT CHANGE ANY OTHER NOTICES WE HAVE SENT TO YOU.

Driver Records Manager

Certified to be a true and correct copy of the original document on file with the South Carolina Department of Motor Vehicles.

Driver Services, Director

FOR THE DISTRICT OF SOUTH CAROLINA

CHARLESTON DIVISION

Linquista White, Emily Bellamy, and) Janice Carter) Plaintiffs,) v.) Kevin Shwedo, in his official capacity as) the Executive Director of the South) Carolina Department of Motor Vehicles;) and Ralph K. Anderson, III, in his official) capacity as the Chief Judge of the South) Carolina Administrative Law Court and) Director of the South Carolina Office of) Motor Vehicle Hearings,)) Defendants.))

Civil Action No. 2:19-CV-03083-RMG

Exhibit 2

to Defendant Shwedo's Memorandum in Opposition to Plaintiffs' Motion for Preliminary Injunction

Uniform Traffic Ticket

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NOTICE

THE PRIMARY AIM OF TRAFFIC LAW ENFORCEMENT IS TO REDUCE TRAFFIC ACCIDENTS, INJURIES AND DEATHS THROUGH FAIR, IMPARTIAL, AND REASONABLE ENFORCEMENT OF TRAFFIC LAWS.

You must settle the case hereby made against you in one of three ways.

- You must appear in court at the appointed time with your South Carolina drivers license if indicated in the violation block on the front side of this summons.
- 2) You may post a cash bond with the appropriate trial officer's office prior to the assigned date of trial. If you decide to mail in your bond rather than go to the office, MAIL MONEY ORDER, CASHIER'S CHECK OR CERTIFIED CHECK DIRECTLY TO THE TRIAL OFFICER'S OFFICE BEFORE WHOM YOU ARE SUMMONED TO APPEAR. The trial officer's name and address is shown on the front side of this summons. DO NOT MAIL CASH OR PERSONAL CHECK. Be sure to enclose with the bond the arresting officer's name and the summons number.
- You may appear in court on the assigned date and time and have a trial conducted by the trial officer.

THE POSTING OF BOND BEFORE YOUR ASSIGNED TRIAL DATE IN NO WAY AFFECTS YOUR RIGHT TO HAVE A FAIR TRIAL BY THE JUDGE OR, IF YOU MAKE A WRITTEN REQUEST BEFORE YOUR SCHEDULED TRIAL, BY JURY.

However, if you are NOT required to appear in court on the assigned trial date and have previously posted bond and do not appear on the trial date, your bond may be forfeited unless the judge has agreed to have your case heard at another time.

If you fail to post bond or personally appear in court on the assigned trial date, your home state's Motor Vehicle Division will be notified to suspend your license until you have cleared this matter with the trial court. Additionally, a willful failure to appear or post bond is punishable as a separate offense by a fine of up to \$200.00 or imprisonment of up to 30 days.

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FOR THE DISTRICT OF SOUTH CAROLINA

CHARLESTON DIVISION

Linquista White, Emily Bellamy, and) Janice Carter) Plaintiffs,) v.) Kevin Shwedo, in his official capacity as the Executive Director of the South) Carolina Department of Motor Vehicles;) and Ralph K. Anderson, III, in his official) capacity as the Chief Judge of the South) Carolina Administrative Law Court and) Director of the South Carolina Office of) Motor Vehicle Hearings,)) Defendants.))

Civil Action No. 2:19-CV-03083-RMG

Exhibit 3

to Defendant Shwedo's Memorandum in Opposition to Plaintiffs' Motion for Preliminary Injunction

Table of Contents of Brief of Plaintiffs-Appellants in Johnson v. Jessup (4th Cir.)

IN THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

CASE NO. 19-1421

SETI JOHNSON, *et al.*, on behalf of themselves and those similarly situated, Appellants/Plaintiffs,

v.

TORRE JESSUP, Commissioner, Division of Motor Vehicles, Appellee/Defendant.

On Appeal from the United States District Court for the Middle District of North Carolina Case No. 1:18-cv-00467

OPENING BRIEF FOR APPELLANTS/PLAINTIFFS

Nusrat J. Choudhury Rodkangyil O. Danjuma AMERICAN CIVIL LIBERTIES UNION FOUNDATION 125 Broad Street, 18th Floor New York, NY 10004 Tel.: 212-519-7876

Jeffrey Loperfido SOUTHERN COALITION FOR SOCIAL JUSTICE 1415 West Highway 54, Ste. 101 Durham, NC 27707 Tel.: 919-794-4213 Samuel Brooke Danielle Davis SOUTHERN POVERTY LAW CENTER 400 Washington Avenue Montgomery, AL 36130 Tel.: 334-956-8200

Emily Early Kristi Graunke SOUTHERN POVERTY LAW CENTER 150 E. Ponce de Leon Ave., Ste. 340 Decatur, GA 30030 Tel.: 404-521-6700

Attorneys for Appellants/Plaintiffs (continued on next page)

Irena Como Emily Seawell Sneha Shah AMERICAN CIVIL LIBERTIES UNION OF NORTH CAROLINA LEGAL FOUNDATION 3801 Barrett Drive Raleigh, NC 27609 Tel.: 919-834-3466

Attorneys for Appellants/Plaintiffs

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FOR THE DISTRICT OF SOUTH CAROLINA

CHARLESTON DIVISION

Linquista White, Emily Bellamy, and) Janice Carter) Plaintiffs,) v. Kevin Shwedo, in his official capacity as the Executive Director of the South) Carolina Department of Motor Vehicles;) and Ralph K. Anderson, III, in his official) capacity as the Chief Judge of the South) Carolina Administrative Law Court and) Director of the South Carolina Office of) Motor Vehicle Hearings,)) Defendants.))

Civil Action No. 2:19-CV-03083-RMG

Exhibit 4

to Defendant Shwedo's Memorandum in Opposition to Plaintiffs' Motion for Preliminary Injunction

December 3, 2019 order of 6th Circuit denying rehearing and rehearing en banc in *Fowler* v. Benson, 924 F.3d 247, 261 (6th Cir. 2019)

Nos. 17-2504/18-1089 UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT	FILED Dec 03, 2019 DEBORAH S. HUNT, Clerk
ADRIAN FOWLER; KITIA HARRIS, ON BEHALF OF THEMSELVES AND OTHERS SIMILARLY SITUATED,))
Plaintiffs-Appellees,	
V.) ORDER
JOCELYN BENSON, MICHIGAN SECRETARY OF STATE, IN HER OFFICIAL CAPACITY,	
Defendant-Appellant.)

BEFORE: BATCHELDER, DONALD, and THAPAR, Circuit Judges.

The court received a petition for rehearing en banc. The original panel has reviewed the petition for rehearing and concludes that the issues raised in the petition were fully considered upon the original submission and decision. The petition then was circulated to the full court. Less than a majority of the judges voted in favor of rehearing en banc.

Therefore, the petition is denied. Judge Donald would grant rehearing for the reasons stated in her dissent.

ENTERED BY ORDER OF THE COURT

Deborah S. Hunt, Clerk

FOR THE DISTRICT OF SOUTH CAROLINA

CHARLESTON DIVISION

Linquista White, Emily Bellamy, and) Janice Carter) Plaintiffs,) v.) Kevin Shwedo, in his official capacity as the Executive Director of the South) Carolina Department of Motor Vehicles;) and Ralph K. Anderson, III, in his official) capacity as the Chief Judge of the South) Carolina Administrative Law Court and) Director of the South Carolina Office of) Motor Vehicle Hearings,)) Defendants.))

Civil Action No. 2:19-CV-03083-RMG

Exhibit 5

to Defendant Shwedo's Memorandum in Opposition to Plaintiffs' Motion for Preliminary Injunction

May 29, 2019 order of 6th Circuit staying preliminary injunction in Robinson v. Purkey

No. 18-6121

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

1

FRED ROBINSON, et al., on behalf of themselves and all others similarly situated,)))	FILED May 29, 2019 DEBORAH S. HUNT, Clerk
Plaintiffs-Appellees,)	
V.)	<u>O R D E R</u>
DAVID W. PURKEY, Commissioner of the)	
Tennessee Department of Safety and Homeland)	
Security, in his official capacity,)	
Defendant-Appellant.))	

Before: GUY, STRANCH, and LARSEN, Circuit Judges.

David W. Purkey in his official capacity as Commissioner of the Tennessee Department of Safety and Homeland Security ("TDSHS"), appeals a preliminary injunction preventing enforcement of Tenn. Code Ann. § 55-50-502(a)(1)(H) and (I), which authorized TDSHS to suspend the driver's licenses of drivers who have not paid the fines or costs associated with a conviction for a driving offense. Plaintiffs, indigent Tennesseans who had their driver's licenses suspended for failure to pay traffic-offense debt, claimed that the law violated their rights to substantive due process, procedural due process, and equal protection. The district court certified a state-wide class of approximately 34,000 individuals and granted a preliminary injunction requiring, in paragraph 1, that TDSHS cease suspending driver's licenses pursuant to the challenged law unless the drivers received an ability-to-pay determination, and, in paragraphs 2 and 3, that TDSHS waive license reinstatement fees and requirements and allow reinstatement of

No. 18-6121

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driver's licenses for indigent drivers. The district court denied TDSHS's motion for a stay pending appeal. TDSHS now moves for a stay pending appeal of paragraphs 2 and 3 of the preliminary injunction pertaining to the reinstatement of previously suspended driver's licenses. Plaintiffs oppose the motion for a stay, and TDSHS replies in support of its motion.

TDSHS "bears the burden of showing that the circumstances justify" the exercise of discretion to grant a stay pending review. *Nken v. Holder*, 556 U.S. 418, 434 (2009). Four factors guide our consideration of the motion for a stay: (1) whether TDSHS has a likelihood of success on the merits; (2) whether it will suffer irreparable harm in the absence of a stay; (3) whether the requested injunctive relief will substantially injure other interested parties; and (4) where the public interest lies. *Coalition to Defend Affirmative Action v. Granholm*, 473 F.3d 237, 244 (6th Cir. 2006). "The first two factors of the traditional standard are the most critical." *Nken*, 556 U.S. at 434. The stay factors "are not prerequisites that must be met, but are interrelated considerations that must be balanced together." *Services Emps. Int'l Union Local 1 v. Husted*, 698 F.3d 341, 343 (6th Cir. 2012) (citation omitted). And in evaluating the district court's exercise of its discretion to grant preliminary injunctive relief, we "bring to bear an equitable judgment of our own." *Trump v. Int'l Refugee Assistance Project*, 137 S. Ct. 2080, 2087 (2017).

While the motion for a partial stay was pending, this court issued a published decision in *Fowler v. Benson*, -- F.3d -- , Nos. 17-2504/18-1098, 2019 WL 2017748, at *1 (6th Cir. May 8, 2019), holding that the suspension of an indigent person's driver's license, on the basis of unpaid court debt, "does not run afoul of the Fourteenth Amendment." In doing so, *Fowler* rejected a procedural due process claim premised on the theory that, under Michigan law, indigent drivers were entitled to an ability-to-pay hearing. *Id.* at *4–7. The court likewise held that Michigan's driver's-license-suspension scheme did not contravene indigent drivers' Fourteenth Amendment

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rights under the Supreme Court's decisions in *Griffin v. Illinois*, 351 U.S. 12 (1956), *Williams v. Illinois*, 399 U.S. 235 (1970), *Tate v. Short*, 401 U.S. 395 (1971), *Mayer v. City of Chicago*, 404 U.S. 189 (1971), *James v. Strange*, 407 U.S. 128 (1972), and *Bearden v. Georgia*, 461 U.S. 660 (1983). *Id.* at *7–11.

In light of *Fowler*, TDSHS has a strong likelihood of success on the merits. Moreover, TDSHS maintains that compliance with the reinstatement provisions of the preliminary injunction will cause the state irreparable harm. TDSHS argues that it is currently "unable to offer the ability-to-pay hearings contemplated by the preliminary injunction, [so] the injunction effectively requires it to waive all reinstatement fees and reinstate any license suspended under the Statute." Even aside from these harms, whenever "a State is enjoined by a court from effectuating statutes enacted by representatives of its people, it suffers a form of irreparable injury." *Maryland v. King*, 567 U.S. 1301 (2012) (Roberts, C.J., in chambers) (quotations omitted). We are mindful that the issuance of a stay may harm the members of the plaintiff class. But, after balancing the competing equities and TDSHS's strong likelihood of success and irreparable harm, we conclude that the status quo should be maintained pending appeal.

Accordingly, the motion for a partial stay pending appeal is **GRANTED**.

STRANCH, J., concurring.

I am inclined to believe *Fowler v. Benson* was decided incorrectly, for the reasons articulated in the dissenting opinion. *See* 2019 WL 2017748, at *11–18 (Donald, J., dissenting). I also believe that the harms visited upon the members of the plaintiff class—particularly the denial of opportunities to work and to access medical care, simply on the basis of poverty—outweigh the State's nebulous fiscal concerns. But as *Fowler* is binding upon us unless it is overturned by the

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Supreme Court or this court sitting en banc, TDSHS has shown a strong likelihood of success on the merits. I am therefore compelled to concur.

ENTERED BY ORDER OF THE COURT

S. Munt

Deborah S. Hunt, Clerk