SUPREME COURT OF SOUTH CAROLINA

South Carolina Retirement System Investment Commission v. Loftis

402 S.C. 382 (2013) · Decided April 17, 2013

SUMMARY

The South Carolina Supreme Court dismissed as moot a petition for a writ of mandamus seeking to compel the custodian of the South Carolina Retirement Systems Group Trust to authorize funding of a specific private-equity investment. The court held that the custodian's authorization of the transfer left no act for the court to order and declined to consider broader relief concerning future investments.

CASE DETAILS

COURT	Supreme Court of South Carolina
WRITING FOR THE COURT	Chief Justice Toal; Justice Beatty; Justice Kittredge; Justice Hearn; Acting Justice James E. Moore
JURISDICTION	South Carolina
DECIDED	April 17, 2013
DISPOSITION	dismissed
PROCEDURAL POSTURE	The South Carolina Retirement System Investment Commission petitioned the Supreme Court of South Carolina in its original jurisdiction for a writ of mandamus compelling the custodian of the South Carolina Retirement Systems Group Trust to authorize funding of a particular investment.
PRECEDENTIAL VALUE	published opinion
PARTIES	South Carolina Retirement System Investment Commission v. Curtis M. Loftis, Jr., in his capacity as custodian of the South Carolina Retirement Systems Group Trust

TOPICS

civil procedure · remedies · equitable relief · trust administration

PRACTICE AREAS

civil procedure · mandamus · mootness · equitable relief · trust administration

QUESTIONS PRESENTED

1. Whether the Commission's petition for a writ of mandamus became moot after Loftis authorized the specific transfer of funds sought in the petition.
2. Whether the court should issue prospective injunctive relief directing the custodian to follow Commission directives concerning future investments despite completion of the particular act requested.

HOLDINGS

1. The petition for a writ of mandamus was moot because Loftis performed the precise act the Commission sought to compel—authorizing funding of the Warburg Pincus Fund XI investment—and no effective relief remained for the court to order.
2. The court declined to issue prospective injunctive relief directing Loftis to comply with Commission directives concerning future investments because the petition sought only an order concerning the completed Warburg Pincus Fund XI transfer and presented no remaining justiciable controversy.

KEY QUOTATIONS

> *"A case is moot where a judgment rendered by the Court will have no practical legal effect upon an existing controversy because an intervening event renders any grant of effectual relief impossible for the Court."* (402 S.C. at 384)

> *"In our view, once Loftis agreed to perform the precise act sought in the petition for a writ of mandamus by authorizing the funding of the investment in Warburg Pincus Fund XI, there was simply nothing left for the Court to order, and it is now impossible for this Court to issue a writ of mandamus compelling Loftis to perform the act in question."* (402 S.C. at 385)

FACTUAL BACKGROUND

The Commission sought to compel Curtis M. Loftis, as statutory custodian of the South Carolina Retirement Systems Group Trust, to authorize the transfer of funds for the Warburg Pincus Private Equity XI, L.P. investment. Loftis authorized the transfer on April 15, 2013, after receiving information he had requested from the Commission. At oral argument, the parties agreed that the investment had been funded, although the Commission argued that the case remained live because of Loftis's alleged misunderstanding of his legal authority and sought prospective relief concerning future investments.

PROCEDURAL HISTORY

The Commission sought expedited mandamus relief requiring Loftis to authorize funding of the Warburg Pincus Private Equity XI, L.P. investment. Loftis authorized the transfer before filing his return, and the parties conceded at oral argument that the investment had been funded. The court held that the requested act had been performed, rendering the petition moot, and dismissed it.

DISPOSITION

dismissed

CASES CITED

- Ex parte Doe, 393 S.C. 147, 151, 711 S.E.2d 892, 894 (2011)
- Sloan v. Friends of the Hunley, Inc., 369 S.C. 20, 26, 630 S.E.2d 474, 477 (2006)
- Sloan v. Greenville County, 361 S.C. 568, 572, 606 S.E.2d 464, 467 (2004)
- Miller v. State, 377 S.C. 99, 659 S.E.2d 492 (2008)
- Nelson v. Ozmint, 390 S.C. 432, 434-35, 702 S.E.2d 369, 370 (2010)