

THE STATE OF SOUTH CAROLINA
In The Supreme Court

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JUN 27 2022

SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas / SC Court of Appeals

The Honorable? Mikell R. Scarborough, Master in Equity

Case No. 2014-CP-10-05407
2017-CP-10-04031
2018-CP-10-03315

"Churchill Park" and State Street Holdings Co. LLC,

Respondents,

vs.

Alan G. Nix, Norma J. Nix and the Estate of Norma J. Nix,

Appellants,

Appellate Case Number 2021-00778

MOTION TO PLACE WRIT OF CERTIORARI IN ABEYANCE UNTIL COURT OF APPEALS FILES AND SERVES RESPONSE TO MOTION TO CLARIFY FILED 3 JUNE 2022.

Petitioners petition the Supreme Court of South Carolina to place Writ of Certiorari 2022-00778 in abeyance until ten business days after the SC Court of Appeals files and serves a full response to the motion to clarify filed by Appellants / Petitioners on 3 June 2022.

On 3 June 2022, Petitioners filed a motion to clarify with the SC Court of Appeals requesting the Court of Appeals to provide a proper explanation for their order dated 19 May

2022 denying Appellants' motion to reconsider. The order dated 19 May 2022 was obviously a boiler plate denial which did not address any of the appellants' issues raised in their request for reconsideration and thereby left Appellants' / Respondents' with an incomplete record to base a Writ of Certiorari on. The Court of Appeals was notified at the same time the Petitioners were filing a Writ of Certiorari in the matter and that the Court of Appeals response to the motion to clarify was a prerequisite to the Petitioners' finalizing their Writ of Certiorari.

As of the date of this motion, Petitioners have not received a response from the Court of Appeals related to the motion to clarify dated 3 June 2022. It is Petitioners belief that the responding parties are required to file a response to the Petitioners Writ of Certiorari within the next week or so, however, due to the Court of Appeals lack of timely response to Petitioners motion to clarify, the responding parties are not able to properly file a response to Petitioners Writ due to the fact that the Petitioners still have not been able to properly finalize their Writ of Certiorari.

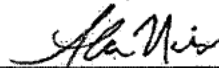
Given this situation, Petitioners request the Supreme Court place the Writ of Certiorari in abeyance until ten business days after the SC Court of Appeals files and serves a proper response to Petitioners motion to clarify dated 3 June 2022.

Additionally, just as soon as Appellant Alan Nix can safely travel to Columbia without fear of being illegally arrested again, he will file the complete record with the Supreme Court less the order clarifying the order dated 19 May 2022.

For all of the reasons addressed above, the Respondents request the SC Supreme Court place this Writ of Certiorari in abeyance until ten business days after the SC Court of Appeals files and serves their response to the Appellants' / Petitioners motion to clarify dated 3 June 2022.

Dated: June 24, 2022

Respectfully submitted,



Alan G. Nix
c/o Michael & Taryn Lazroff
1401 Densmore Circle
Mount Pleasant, SC 29466
(843) 991.4170

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Supreme Court of South Carolina

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Appellate Case No. 2022-00778

Alan G. Nix, Norma J. Nix and the Estate of Norma J. Nix,

Appellants,

v.

Churchill Park,

Respondent,

PROOF OF SERVICE

The undersigned certifies that a copy of Appellants' motion to place Writ of Certiorari in abeyance until the Court of Appeals files and serves a response to the motion to clarify filed 3 June 2022 was served upon the individuals listed below by mailing or hand delivering a copy of the same, postage prepaid, in the United States Mail, addressed as shown, this 24th day of June 2022 to:

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✓ Jenny Abbott-Kitchings
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Charleston County Public Defender Corp.
Attn: Ashley Pennington
101 Meeting St., 5th floor
Charleston, SC 29401

Dated: June 24, 2022

Respectfully submitted,

By: 

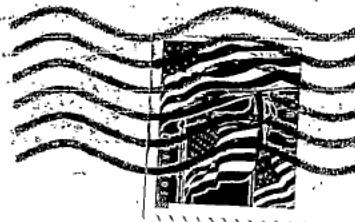
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SC Court of Appeals

JENNY ABBOTT - KITCHINGS

CLERK OF COURT, COURT OF APPEALS

1220 SENATE ST.

COLUMBIA, SC 29201

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