

RECEIVED

Mar 17 2023

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Bentley D. Price, Circuit Court Judge
Case No. 2019-CP-10-04387
Appellate Case No. 2021-000051

Applied Building Sciences, Inc.,

Appellant,

v.

South Carolina Department of Commerce,
Division of Public Railways,

Respondents.

CERTIFICATE OF SERVICE

I, Paul D. de Holczer, S.C. Bar No. 6905, hereby certify that I have served the joint Motion for Leave to File Joint Amici Curiae Brief of South Carolina Department of Transportation and Municipal Association of South Carolina together with the conditional Joint Amici Curiae Brief of South Carolina Department of Transportation and Municipal Association of South Carolina upon counsel of record for Appellant and counsel of record for Respondent by emailing a copy of the Motion and Brief sent to their primary e-mail addresses listed in the Attorney Information System, as shown below, on March 17, 2023. See attached email.

Gene M. Connell, Esquire
Kelaher Connell & Connor, PC
P.O. Drawer 14547
Surfside Beach, South Carolina 29587
gconnell@classactlaw.net

Attorney for Appellant

Keith M. Babcock, Esquire
Lewis Babcock LLP
P.O. Box 11208
Columbia, South Carolina 29211
kmb@lewisbabcock.com

Attorney for Respondent

s/ Paul D. de Holczer, S.C. Bar No. 6905
Assistant Chief Counsel
South Carolina Department of Transportation
955 Park St, Columbia, SC 29201-3959
P.O. Box 1914, Columbia, SC 29202-0191
Phone: 803-737-3065
Email: deHolczerPD@SCDOT.org

Attorney for South Carolina Department
of Transportation

This 17th day of March, 2023.

B. Eric Shytle, S.C. Bar No. 16930
General Counsel
Municipal Association of South Carolina
1411 Gervais St
Columbia, SC 29201
Phone: 803-933-1214
Email: eshytle@masc.sc

Attorney for Municipal Association
of South Carolina

Deholczer, Paul D.

From: Deholczer, Paul D.
Sent: Friday, March 17, 2023 10:49 AM
To: gconnell@classactlaw.net; kmb@lewisbabcock.com
Cc: eshytle@masc.sc; Wessinger, Barbara M; Barbee, Michael W.
Subject: Applied Building Sciences v. SC Dept of Commerce - Appellate Case No. 2021-000051
Attachments: Joint Motion for Amicus - 03 17 2023.pdf; Joint Amicus Brief - 03 17 23.pdf

Importance: High

Re: Applied Building Sciences, Inc., Appellant v. South Carolina Department of Commerce, Division of Public Railways, Respondent
Case No. 2019-CP-10-04387 – Charleston County – Proposed Joint Amici Curiae Brief for SCDOT and MASC
Appellate Case No. 2021-000051

Dear Gene and Keith:

Please find attached the joint Motion for Leave to File Joint Amici Curiae Brief of South Carolina Department of Transportation and Municipal Association of South Carolina together with conditional Joint Amici Curiae Brief of South Carolina Department of Transportation and Municipal Association of South Carolina.

I will shortly file these with the Clerk of the South Carolina Court of Appeals together with a Certificate of Service for same and a cover letter.

After I do so, I will send you a copy of the Certificate of Service and cover letter.

If you have any problems, questions or concerns, please let me know and we will address those.

With kind regards, I am,

Paul



Paul D. de Holczer
Assistant Chief Counsel
P: 803.737.3065 E: deHolczerPD@scdot.org
955 Park Street, P.O. Box 191, Columbia, SC 29202-0191
LET 'EM WORK. LET 'EM LIVE.



SCDOT PERSONNEL MUST NOT SHARE THIS COMMUNICATION OUTSIDE THE AGENCY.
THIS COMMUNICATION MAY CONTAIN INFORMATION THAT IS LEGALLY PRIVILEGED, CONFIDENTIAL OR EXEMPT FROM DISCLOSURE.
If you are not the intended recipient, please note that dissemination, distribution or publishing of this communication is prohibited.
If you receive this communication by mistake, please notify the sender by return email and destroy all copies of this message.

RECEIVED

Mar 17 2023

SC Court of Appeals

Barbara M. Wessinger,
Chief Counsel

Randolph E. Carothers, IV
Deputy Chief Counsel

Brian C. Gambrell
Paul D. de Holczer
Julie K. Martino
Natalie J. Moore
Assistant Chief Counsel

17 March 2023

VIA EMAIL

ctappfilings@sccourts.org

The Honorable Jenny Abbott Kitchings
Clerk of the South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Applied Building Sciences, Inc., Appellant v. South Carolina Department of
Commerce, Division of Public Railways, Respondent
Case No. 2019-CP-10-04387 – Charleston County
Appellate Case No. 2021-000051

Dear Ms. Kitchings:

Enclosed for filing please find attached the joint Motion for Leave to File Joint Amici Curiae Brief of South Carolina Department of Transportation and Municipal Association of South Carolina together with conditional Joint Amici Curiae Brief of South Carolina Department of Transportation and Municipal Association of South Carolina and Certificate of Service for same respectfully submitted on behalf of the South Carolina Department of Transportation (SCDOT) and the Municipal Association of South Carolina (MASC).

Thank you for your attention to this matter. If you have any questions or concerns, please do not hesitate to contact me.

With kind regards, I am

Sincerely yours,



Paul D. de Holczer
Assistant Chief Counsel

/pdh



Attachments as noted

cc with Attachments:

B. Eric Shytle, General Counsel
Municipal Association of South Carolina
1411 Gervais St
Columbia, SC 29201

VIA EMAIL
eshytle@masc.sc

Gene M. Connell, Esquire
Kelaher Connell & Connor, PC
P.O. Drawer 14547
Surfside Beach, SC 29587

VIA EMAIL
gconnell@classactlaw.net

Keith M. Babcock, Esquire
Lewis Babcock LLP
P.O. Box 11208
Columbia, SC 29211

VIA EMAIL
kmb@lewisbabcock.com

Barbara M. Wessinger, Chief Counsel
South Carolina Department of Transportation

Michael W. Barbee, Director of Right of Way
South Carolina Department of Transportation

