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**Mar 17 2023**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
In the Court of Appeals

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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

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Applied Building Sciences, Inc.,

Appellant,

v.

South Carolina Department of Commerce,  
Division of Public Railways,

Respondents.

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CERTIFICATE OF SERVICE

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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  
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**Attorney for Appellant**

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**Attorney for Respondent**

s/ Paul D. de Holczer, S.C. Bar No. 6905  
Assistant Chief Counsel  
South Carolina Department of Transportation  
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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  
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Attorney for Municipal Association  
of South Carolina

**Deholczer, Paul D.**

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**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*  
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955 Park Street, P.O. Box 191, Columbia, SC 29202-0191  
**LET 'EM WORK. LET 'EM LIVE.**



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Barbara M. Wessinger,  
Chief Counsel

**Mar 17 2023**

Randolph E. Carothers, IV  
Deputy Chief Counsel

**SC Court of Appeals**

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

17 March 2023

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

**VIA EMAIL**  
**[ctappfilings@sccourts.org](mailto:ctappfilings@sccourts.org)**

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

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

