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Jun 20 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
Judge R. Keith Kelly

Circuit Court Case No. 2022-CP-10-03328

Justin O’Toole Lucey.....Appellant,

v.

The Town of Mount Pleasant, South Carolina,
and WIN515, LLC Respondents.

NOTICE OF APPEAL

Appellant Justin O’Toole Lucey (“Appellant”) appeals the Order of Judge R. Keith Kelly, filed April 5, 2023, granting Respondent WIN515, LLC’s Motion to Dismiss (the “Order Granting Dismissal”), as well as the Order of Judge R. Keith Kelly, filed May 23, 2023, denying Appellant’s Motion to Reconsider the Order Granting Dismissal (“Final Order”). On May 23, 2023, Appellant received notice, via the South Carolina Judicial Department’s E-Filing System’s NEF transmission, of the Final Order. This Notice of Appeal is being filed and served within thirty (30) days of receipt of the Final Order.

Copies of the Order Granting Dismissal and Final Order being challenged on appeal are attached as exhibits to this Notice.

[SIGNATURE FOLLOWS]

Respectfully submitted,

s/Evan P. Williams

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June 20, 2023

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COUNSEL FOR RESPONDENT

THE TOWN OF MOUNT PLEASANT,

SOUTH CAROLINA

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PROOF OF SERVICE

I certify that counsel of record for the above-named Respondents were served with the Notice of Appeal, including its exhibits, in this matter on June 20, 2023, by depositing copies of the same in the U.S. mail, first class postage prepaid, and via email containing the above-referenced documents as .pdf attachments, sent to the addresses shown below.

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Respectfully submitted,

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June 20, 2023

VIA E-MAIL

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201
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Jun 20 2023

SC Court of Appeals

Re: *Justin O'Toole Lucey v. The Town of Mount Pleasant, South Carolina, and WIN515, LLC*

Dear Ms. Kitchings:

Please find enclosed for filing, on behalf of Appellant Justin O'Toole Lucey ("Appellant"), the following documents:

1. Appellant's Notice of Appeal;
2. copies of the orders challenged on appeal (attached as Exhibits 1 and 2 to the Notice of Appeal); and
3. the Proof of Service of the Notice of Appeal.

By copy of its counsel of record on the filing transmittal e-mail, Respondents in this case are served with the Notice of Appeal and exhibits thereto. Additionally, copies of these documents are being sent separately via first class U.S. mail to counsel for Respondents.

A check for the filing fee of \$250.00 is being mailed to the Court under separate cover.

Yours Sincerely,



Evan P. Williams

Enclosures

cc (via e-mail): Brian L. Quisenberry, Esq.
Zachary M. Kern, Esq.
Ross A. Appel, Esq.
Forrest W. Lewis, Esq.