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Jun 23 2023
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Bentley D. Price, Circuit Court Judge

Appellate Case No. 2022-000300

Historic Beaufort Foundation Appellant,
v.

City of Beaufort, City of Beaufort Historic District Review Board,
and The Beaufort Inn, LLC Respondents,

AND

West Street Farms, LLC and Mix Farms, LLC Appellants,

v.

City of Beaufort, City of Beaufort Historic District Review Board,
and The Beaufort Inn, LLC Respondents.

PETITION TO SUBSTITUTE COUNSEL

Pursuant to Rule 264(b) of the South Carolina Appellate Court Rules, Respondents City of Beaufort and City of Beaufort Historic District Review Board (“City Respondents”) hereby petition this Court for an order relieving William B. Harvey, III, Esquire of Harvey and Battey, P.A. as counsel for the City Respondents as he has now withdrawn as City Attorney. Virginia P. Bozeman, Esquire and Alexis K. Lindsay, Esquire, both of Pope Flynn, LLC, will serve as substitute counsel for the City Respondents. This Petition is filed with the consent of Respondent The Beaufort Inn,

LLC and with notice to Appellants Historic Beaufort Foundation, West Street Farms, LLC, and Mix Farms, LLC.

I SO MOVE:

/s/William B. Harvey, III

William B. Harvey, III (S.C. Bar No. 2792)

HARVEY & BATTEY, PA

P.O. Box 1107

Beaufort, SC 29901

(843) 524-3109

Attorney For Respondents City of Beaufort and City of Beaufort Historic Review Board

WE SO CONSENT:

Scott M. Marshall, City Manager
City of Beaufort, South Carolina

/s/Alexis K. Lindsay

Virginia P. Bozeman (SC Bar No. 104939)

Alexis K. Lindsay (SC Bar No. 78049)

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/s/Benjamin E. Nicholson, V

Benjamin E. Nicholson, V (S.C. Bar No. 10137)

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(803) 799-9800

Attorney for Respondent The Beaufort Inn, LLC

June 13, 2023

LLC and with notice to Appellants Historic Beaufort Foundation, West Street Farms, LLC, and Mix Farms, LLC.

I SO MOVE:

/s/William B. Harvey, III

William B. Harvey, III (S.C. Bar No. 2792)

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Beaufort, SC 29901

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Attorney For Respondents City of Beaufort and City of Beaufort Historic Review Board

WE SO CONSENT:



Scott M. Marshall, City Manager

City of Beaufort, South Carolina

/s/Alexis K. Lindsay

Virginia P. Bozeman (SC Bar No. 104939)

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PROOF OF SERVICE

I certify that the *Petition to Substitute Counsel* was served upon all parties and/or their counsel of record listed below via email on June 23, 2023. A copy of the service e-mail is attached hereto as Exhibit A.

Benjamin E. Nicholson, V, Esquire
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*Attorneys for Appellants West Street
Farms, LLC and Mix Farms, LLC*

Scott M. Marshall, City Manager
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*Client – City of Beaufort and City of Beaufort
Historic Review Board*

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*New Counsel for Attorney for Respondents
City of Beaufort and City of Beaufort Historic
Review Board*

HARVEY & BATTEY, P.A

/s/William B. Harvey, III
William B. Harvey, III (SC Bar No. 2792)
1001 Craven Street
Post Office Drawer 1107 (29901)
Beaufort, SC 29902
Telephone: (843) 524-3109
Facsimile: (843) 524-6973
*Attorney for Respondents City of Beaufort
and City of Beaufort Historic Review Board*

June 23, 2023
Beaufort, South Carolina

EXHIBIT A

Sarah Malphrus

From: Sarah Malphrus
Sent: Friday, June 23, 2023 10:02 AM
To: 'Nicholson, Ned'; G. Wade Leach; jmassalon@wmalawfirm.net; csteichen@wmalawfirm.net; Andy Gowder; 'smarshall@cityofbeaufort.org'; Ginny Bozeman; Alexis Lindsay
Cc: Bill Harvey; 'Rachel Fete'; vhampton@burr.com; aackbersingh-teed@burr.com; cbarrasso@wmalawfirm.net
Subject: HBF v. City of Beaufort (Appellate Case No. 2022-000300)
Attachments: Petition to Substitute Counsel.pdf

Good morning -

Attached please find the *Petition to Substitute Counsel* in the above referenced matter. I am serving this petition via email only. If you prefer a hard copy, please let me know and I will place same in the mail to you immediately.

Thank you and have a great Friday!

Sarah Jane Malphrus
Paralegal



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June 23, 2023

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VIA USPS

The Honorable Jenny Abbott Kitchings
South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

Re: Historic Beaufort Foundation v. City of Beaufort, City of Beaufort Historic District Review Board, and The Beaufort Inn, LLC
West Street Farms, LLC and Mix Farms, LLC v. City of Beaufort, City of Beaufort Historic District Review Board, and The Beaufort Inn, LLC
Appellate Case No.: 2022-000300

Dear Madam Clerk:

Enclosed please find our firm's check in the amount of \$50.00 representing the filing fee for the Petition to Substitute Counsel filed in the above referenced matter via electronic mail on June 23, 2023.

Thank you for your attention to this matter. Should you have any questions, please feel free to contact our office.

With kindest regards, I am

Very truly yours,
HARVEY & BATTEY, P.A.


William B. Harvey, III

WBH/sm

Enclosures as stated

cc: Virginia P. Bozeman, Esquire and Alexis K. Lindsay, Esquire *(via email only)*
Benjamin E. Nicholson, V, Esquire and G. Wade Leach, III, Esquire *(via email only)*
Scott M. Marshall, City Manager *(via email only)*
W. Andrew Gowder, Jr., Esquire *(via email only)*
John A. Massalon, Esquire and Carissa J. Steichen, Esquire *(via email only)*