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Oct 13 2023

SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

Appeal from Charleston County
Mikell R. Scarborough, Master-in-Equity

Case No. 2021-CP-10-04416

CKC Properties, LLC,

Respondent,

v.

The Town of Mount Pleasant, South Carolina; and
The Town of Mount Pleasant Commercial Design Review Board,

Appellants.

NOTICE OF APPEAL

CLEMENT RIVERS, LLP
Stephen L. Brown (SC Bar No. 66468)
Stephanie Ramia Sandifer (SC Bar No. 100217)
Brian Lee Quisenberry (SC Bar No. 73637)
Zachary M. Kern (SC Bar No. 103731)
Russell G. Hines (SC Bar No. 72100)
25 Calhoun Street, Suite 400
P.O. Box 993 (29402)
Charleston, South Carolina 29401
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Attorneys for Appellants

Other Counsel of Record:

Ross A. Appel (SC Bar No. 79149)

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MCCULLOUGH KHAN APPEL

2036 eWall Street

Mount Pleasant, South Carolina 29464

(843) 937-0400

Attorneys for Respondent

CKC Properties, LLC

The Town of Mount Pleasant, South Carolina, and The Town of Mount Pleasant Commercial Design Review Board (collectively, “Appellants”) hereby appeal the following order of the Honorable Mikell R. Scarborough, Master-in-Equity, Charleston County:

- **Order [Denying Motions to Reconsider]**, filed September 21, 2023.

A copy of the appealed order is attached hereto and incorporated herein by reference. Appellants received written notice of entry of the order on September 21, 2023.¹

<SIGNED ON THE FOLLOWING PAGE>

¹ PLEASE NOTE: Appellants are noticing this appeal out of an abundance of caution. Appellants believe that the lower court confused this case with another case involving some of the same parties (specifically, Case No. 2021-CP-10-05211, wherein an appeal is also being noticed today) and simply filed the above-referenced appealed order in the instant case by mistake. Indeed, no motion to reconsider was filed in the instant case—nor, for that matter, was any underlying order that might prompt such a motion. Accordingly, Appellants believe this issue can and should be corrected via a motion to the lower court pursuant to Rule 60, SCRCF, and Appellants have already (i.e., prior to noticing this appeal) filed such a motion. So, again, Appellants are noticing this appeal now out of an abundance of caution, but provided they are correct in their expectation that the lower court will rectify the issue that prompted it in response to their pending Rule 60 motion, Appellants will, of course, alert the Court that this appeal may be dismissed.

Respectfully submitted,
CLEMENT RIVERS, LLP

By: s/Russell G. Hines
Stephen L. Brown (SC Bar No. 66468)
Stephanie Ramia Sandifer (SC Bar No. 100217)
Brian Lee Quisenberry (SC Bar No. 73637)
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Attorneys for Appellants

Charleston, South Carolina

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Appellants.

PROOF OF SERVICE

CLEMENT RIVERS, LLP
Stephen L. Brown (SC Bar No. 66468)
Stephanie Ramia Sandifer (SC Bar No. 100217)
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Attorneys for Appellants

I, Russell G. Hines, of Clement Rivers, LLP, attorneys for Appellants, hereby certify that Appellants' **NOTICE OF APPEAL** was served on all parties to this matter on October 13, 2023, by emailing (see attached email) a copy of the same to counsel of record:

Ross A. Appel, Esquire
ross@mklawsc.com
MCCULLOUGH KHAN APPEL
Mount Pleasant, South Carolina

*Attorneys for Respondent
(Appellant Below)
CKC Properties, LLC*

I also certify that a copy of Appellants' **NOTICE OF APPEAL** was today, October 13, 2023, E-Filed with the lower court (see attached NEF), which also, i.e., in addition to service by email, effected service of the notice today on the above-identified counsel of record via the E-Filing System.

Respectfully submitted,
CLEMENT RIVERS, LLP

By: s/Russell G. Hines
Russell G. Hines (SC Bar No. 72100)
Attorneys for Appellants

Charleston, South Carolina

October 13, 2023

From: [Hines, Russell](#)
To: ross@mklawsc.com
Cc: [Quisenberry, Brian](#); [Kern, Zachary \(Zach\)](#); [Sandifer, Stephanie](#); [Justman, Barbara](#); [Justman, Aimee](#); [Bell, Pollyana \(Polly\)](#); [Brown, Stephen L.](#)
Subject: CKC Properties v. Mt. Pleasant (DRB Appeal) (Case No. 2021-CP-10-04416) -- Notice of Appeal
Date: Friday, October 13, 2023 5:21:44 PM
Attachments: [image001.png](#)
[CKC v. Town \(Case No. 2021-CP-10-04416\) -- Notice of Appeal.pdf](#)
[2023 09-21 -- DRB Appeal -- Order Denying Mot. to Reconsider.pdf](#)

Attached for service please find our **Notice of Appeal** (and a copy of the **Appealed Order** attached thereto) in the above-referenced matter.

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***** IMPORTANT NOTICE - READ THIS INFORMATION *****
NOTICE OF ELECTRONIC FILING [NEF]

A filing has been submitted to the court RE: 2021CP1004416

Official File Stamp: 10-13-2023 05:27:19 PM
Court: CIRCUIT COURT
Common Pleas
Charleston
Case Caption: Ckc Properties Llc VS Mount Pleasant South Carolina Town Of The , defendant, et al
Event(s): Notice/Notice of Appearance
Document(s) Submitted: Appeal/Notice of Appeal to Court of Appeals
- Exhibit/Filing of Exhibits
Filed by or on behalf of: Russell Grainger Hines

This notice was automatically generated by the Court's auto-notification system.

The following people were served electronically:

Brian Lee Quisenberry for Mount Pleasant South Carolina Town Of The et al
Zachary Meade Kern for Mount Pleasant South Carolina Town Of The et al
Stephanie Ramia Sandifer for Mount Pleasant South Carolina Town Of The et al
Ross A. Appel for Ckc Properties Llc

The following people have not been served electronically by the Court. Therefore, they must be served by traditional means:

Commercial Design Review Board Mount Pleasant Town Of The for Commercial Design Review Board Mount Pleasant Town Of The
Mount Pleasant South Carolina Town Of The for Mount Pleasant South Carolina Town Of The
Commercial Design Review Board Mount Pleasant Town Of The for Commercial Design Review Board Mount Pleasant Town Of The
Mount Pleasant South Carolina Town Of The for Mount Pleasant South Carolina Town Of The