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Oct 19 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
Mikell R. Scarborough, Master-In-Equity

Circuit Court Case No. 2021-CP-10-05211

CKC Properties, LLC,

Respondent (Appellant Below),

The Town of Mount Pleasant, South Carolina;
The Town of Mount Pleasant Board of Zoning Appeals; and
Michael Robertson, in his official capacity as Zoning Administrator,

Respondents (Respondents Below),

v.

Justin O'Toole Lucey; 415 Mill St., Inc.; and 69 Scott Street, LLC,

Appellants (Respondents Below).

NOTICE OF APPEAL

Appellants Justin O'Toole Lucey, 415 Mill St., Inc., and 69 Scott Street, LLC ("Appellants") hereby appeal the following orders of the Honorable Mikell R. Scarborough, Master-In-Equity, Charleston County: 1) Order Reversing BOZA Order in Part and Affirming in Part, entered July 14, 2023; and 2) Order filed September 21, 2023, denying Motions to Reconsider. Appellants received written notice of entry of the most recent order on September 21, 2023, via the South Carolina Judicial Department's E-Filing System's NEF transmission. This Notice of Appeal is being filed and served within thirty (30) days of said receipt of order.

Copies of the orders being challenged on appeal are attached hereto and incorporated herein by reference.

Respectfully submitted,

s/Evan P. Williams
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Attorneys for Appellants

October 19, 2023

Other Counsel of Record:¹

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*Attorneys for Respondent (Appellant
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*Attorneys for Respondents (Respondents Below)
The Town of Mount Pleasant, South Carolina,
and The Town of Mount Pleasant Board of
Zoning Appeals*

¹ Although the case caption has not been amended to reflect it, Michael Robertson, in his official capacity as Zoning Administrator, is no longer a party to this matter, having been dismissed by order filed May 4, 2023.

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CKC Properties, LLC,

Respondent (Appellant Below),

The Town of Mount Pleasant, South Carolina;

The Town of Mount Pleasant Board of Zoning Appeals; and

Michael Robertson, in his official capacity as Zoning Administrator,

Respondents (Respondents Below),

v.

Justin O'Toole Lucey; 415 Mill St., Inc.; and 69 Scott Street, LLC,

Appellants (Respondents Below).

PROOF OF SERVICE

I certify that I have served Appellants' Notice of Appeal on all parties to this matter via email (see attached email) to their respective counsel of record, on October 19, 2023, containing the above-referenced document as an attachment in .pdf, sent to the addresses shown below. Additionally, all parties to this matter have been served with the Notice of Appeal via the South Carolina Judicial Department's E-Filing System's NEF transmission that was sent following Appellants' Notice of Appeal being e-filed with the lower court on October 19, 2023.

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*Attorneys for Respondents (Respondents Below)
The Town of Mount Pleasant, South Carolina,
and The Town of Mount Pleasant Board of
Zoning Appeals*

Respectfully submitted,

s/Evan P. Williams

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Attorneys for Appellants

October 19, 2023

From: Evan Williams
Sent: Thursday, October 19, 2023 12:03 PM
To: ross@mklawsc.com; 'sbrown@ycrlaw.com'; 'ssandifer@ycrlaw.com'; 'rhines@ycrlaw.com'; bquisenberry@ycrlaw.com; zkern@ycrlaw.com
Cc: Jeff Tibbals; Elliott Jones; Whitney Moore
Subject: CKC Properties v. Town of Mount Pleasant, et al. - Notice of Appeal
Attachments: Lucey_NOA_CKC v. Town (No. 2021-CP-10-05211).pdf; 2023.07.14.Lower.Court.Order.pdf; 2023.09.21.Lower.Court.Order.pdf

Please find attached for service the Notice of Appeal by Appellants Justin O'Toole Lucey, 415 Mill St., Inc., and 69 Scott Street, LLC, along with the appealed orders attached thereto. This is an appeal from Charleston County Court of Common Pleas Case No. 2021-CP-10-05211.

Thank you,

Evan P. Williams
735 Johnnie Dodds Blvd. Suite 104, Mt. Pleasant, SC 29464
O: 843.881.1623 **D:** 843.513.1036 **M:** 502.727.9203
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BYBEE & TIBBALS
EMINENT DOMAIN & PROPERTY
RIGHTS LITIGATION

*** **CONFIDENTIAL COMMUNICATION** *** The information contained in this e-mail message may be attorney-client privileged, attorney work product, or consist of strictly confidential information. If the reader of this message is not the intended recipient, you are hereby notified that any use, dissemination, distribution, or copying of the communication is strictly prohibited. If you have received this communication in error, please notify us by telephone or email immediately and permanently delete the e-mail.



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

A filing has been submitted to the court RE: 2021CP1005211

Official File Stamp: 10-19-2023 12:27:54 PM
Court: CIRCUIT COURT
Common Pleas
Charleston
Case Caption: Ckc Properties Llc VS Mount Pleasant South Carolina Town Of The , defendant, et al
Document(s) Submitted: Appeal/Notice of Appeal to Court of Appeals
- Exhibit/Filing of Exhibits
- Exhibit/Filing of Exhibits
Filed by or on behalf of: Evan Patrick Williams

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

The following people were served electronically:

Justin O'Toole Lucey for 69 Scott Street Llc, 415 Mill St Inc, Justin O'Toole Lucey
Evan Patrick Williams for 69 Scott Street Llc, 415 Mill St Inc, Justin O'Toole Lucey
Russell Grainger Hines for Mount Pleasant South Carolina Town Of The, Mount Pleasant Board Of Zoning Appeals Town Of The
Jeffrey Scott Tibbals, Sr. for Justin O'Toole Lucey
Brian Lee Quisenberry for Mount Pleasant South Carolina Town Of The, Mount Pleasant Board Of Zoning Appeals Town Of The
Ross A. Appel for Ckc Properties Llc
Zachary Meade Kern for Mount Pleasant South Carolina Town Of The, Mount Pleasant Board Of Zoning Appeals Town Of The
Stephanie Ramia Sandifer for Mount Pleasant South Carolina Town Of The, Mount Pleasant Board Of Zoning Appeals Town Of The

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

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SC Court of Appeals

BYBEE & TIBBALS

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Evan P. Williams
ewilliams@bybeetibbals.com
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October 19, 2023

VIA E-MAIL

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1220 Senate Street
Columbia, SC 29201
ctappfilings@sccourts.org

Re: Notice of Appeal – *CKC Properties, LLC v. The Town of Mount Pleasant, South Carolina; The Town of Mount Pleasant Board of Zoning Appeals; Michael Robertson, in his official capacity as Zoning Administrator; Justin O’Toole Lucey; 415 Mill St., Inc.; and 69 Scott Street, LLC* (Case No. 2021-CP-10-05211)

Dear Ms. Kitchings:

Please find enclosed for filing, on behalf of Appellants Justin O’Toole Lucey, 415 Mill St., Inc., and 69 Scott Street, LLC (“Appellants”), the following documents:

1. Appellants’ Notice of Appeal (with the appealed orders attached thereto); and
2. the Proof of Service of the Notice of Appeal.

The other parties to this appeal are being served with the Notice of Appeal and attachments thereto via e-mail and first class U.S. mail, postage prepaid, to their counsel of record.

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): Stephen L. Brown, Esq.
Stephanie Ramia Sandifer, Esq.
Russell G. Hines, Esq.
Brian Lee Quisenberry, Esq.
Zachary M. Kern, Esq.
Ross A. Appel, Esq.