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SC Court of Appeals

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

Appeal from Charleston County
Court of Common Pleas

Bentley D. Price, Circuit Court Judge

Appellate Case No. 2022-000038
Circuit Court Case No. 2021-CP-10-00562

Clam Farm Partnership, LLC,

Respondent,

v.

The South Carolina Department of Health and Environmental
Control, Office of Ocean and Coastal Resource Management,
Charleston County, and The City of Folly Beach,

Defendants,

Of which The South Carolina Department of Health and
Environmental Control, Office of Ocean and Coastal Resource
Management and The City of Folly Beach are,

Appellants.

CONSENT MOTION TO DISMISS APPEAL

CLEMENT RIVERS, LLP
Stephen L. Brown (SC Bar No. 66468)
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(843) 720-5488
Attorneys for The City of Folly Beach

TO: THE HONORABLE JUDGES OF THE SOUTH CAROLINA COURT OF APPEALS

NOW COMES Appellant The City of Folly Beach, by and through its undersigned counsel, joined by and with the consent of Appellant The South Carolina Department of Health and Environmental Control, Office of Ocean and Coastal Resource Management and Respondent Clam Farm Partnership, LLC, by and through their undersigned counsel, pursuant to Rule 260(b), SCACR, on the grounds that the Parties have agreed to a settlement that moots the instant appeal and mutually desire the relief requested herein, and hereby move this Honorable Court to dismiss this appeal with no costs awarded to or assessed against any Party.

WHEREFORE, Appellant The City of Folly Beach, joined by and with the consent of Appellant The South Carolina Department of Health and Environmental Control, Office of Ocean and Coastal Resource Management and Respondent Clam Farm Partnership, LLC, requests the Court enter an order DISMISSING this appeal in its entirety with NO costs awarded to or assessed against any Party.

[Signature on next page]

[Signature page for Consent Motion to Dismiss Appeal,
Appellate Case No. 2022-000038]

Respectfully submitted,

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Charleston, South Carolina

October 13, 2023

WE JOIN AND CONSENT:

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Attorneys for Clam Farm Partnership, LLC

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Defendants,

Of which The South Carolina Department of Health and
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Management and The City of Folly Beach are,

Appellants.

PROOF OF SERVICE

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I, Russell G. Hines, of Clement Rivers, LLP, attorneys for Appellant The City of Folly Beach, hereby certify that the **CONSENT MOTION TO DISMISS APPEAL** was served on Respondent, Clam Farm Partnership, LLC, and all other parties to this appeal on October 13, 2023, by emailing (see attached) a copy of the same to all counsel of record:

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October 13, 2023

Bell, Pollyana (Polly)

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To: dan.orvin@wbd-us.com; Matthew.Tillman@wbd-us.com; Randell C. Stoney, Jr.; Melanie L. Mason; Allie Burns; John W. Fletcher; mdc@barnwell-whaley.com; Katy Barnes; ashalio@bellsouth.net; sgiblin@bellsouth.net; jenkinswilson@bellsouth.net
Cc: Hines, Russell; Brown, Stephen L.; Justman, Aimee
Subject: Clam Farm Partnership v. SC DHEC et al.; Appellate Case 2022-000038 (CR 210162)
Attachments: CONSENT MOTION TO DISMISS APPEAL -Appellate Case 2022-000038 .pdf

Enclosed please find a Consent Motion to Dismiss Appeal for service upon you in the above-referenced matter.

Thank you,

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