

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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

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Appellate Case No. 2023-001640  
Circuit Court Case No. 2021-CP-10-05211

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CKC Properties, LLC,

Respondent,

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,

Respondents Below,

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

Appellants.

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**APPELLANTS' MOTION TO CONSOLIDATE APPEALS**

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Appellants Justin O'Toole Lucey, 415 Mill St., Inc., and 69 Scott Street, LLC ("Appellants"), by and through their undersigned counsel, respectfully move this Court, pursuant to Rule 214, SCACR, for an order consolidating the instant appeal, No. 2023-001640, with the appeal filed with this Court on October 13, 2023 by The Town of Mount Pleasant, South Carolina (the "Town"), and The Town of Mount Pleasant Board of Zoning Appeals ("Town BZA"), assigned Appellate Case No. 2023-001615.

**RECEIVED**  
**Oct 30 2023**  
**SC Court of Appeals**

Both are appeals from the same orders, judgments, decisions or decrees, namely those separately entered on July 14, 2023 and September 21, 2023 in Charleston County Court of Common Pleas Case No. 2021-CP-10-05211 (“BOZA Appeal”), and involve the same parties.

For clarity, based on the South Carolina Appellate Case Management System file for Appellate Case No. 2023-001615, it appears that the Town and Town BZA’s appeal from the lower court’s decisions in the BOZA Appeal was consolidated with the separate appeal from Circuit Court Case No. 2021-CP-10-04416 (“DRB Appeal”), which was filed by the Town and The Town of Mount Pleasant Commercial Design Review Board.<sup>1</sup> Appellants are not parties to the DRB Appeal and do not seek to consolidate the instant appeal with that separate matter.

However, to promote judicial economy and preserve both judicial and party resources, Appellants respectfully request that the Court consolidate this appeal and the appeal filed by the Town and Town BZA, both of which are appeals from the same orders entered by the Charleston County Master-in-Equity in Circuit Court Case No. 2021-CP-10-05211.

Counsel for Appellants has consulted with the other attorneys of record in this case regarding the matters presented in this motion. Counsel for Respondent CKC Properties, LLC consents to this motion, and a response has not yet been received from counsel for the Town and Town BZA prior to the time of filing.

[SIGNATURE FOLLOWS]

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<sup>1</sup> The DRB Appeal is listed as the “Second or Subsequent” Notice of Appeal in the case’s filing event history on the Case Management System.

Respectfully submitted,

s/Evan P. Williams

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