

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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

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

RECEIVED

Oct 30 2023

SC Court of Appeals

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.

**APPELLANTS' MOTION FOR STAY, OR ALTERNATIVELY FOR
EXTENSION, OF TIME TO ORDER TRANSCRIPT**

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 for a stay of its deadline to order transcripts in the present appeal. Alternatively, Appellants respectfully request that this Court grant an extension of time to order transcripts. The grounds for this motion are as follows:

1. Presently, pursuant to Rule 207(a)(1), SCACR, the deadline to order transcripts is today, October 30, 2023.

2. As set forth in Appellants' Motion to Consolidate Appeals filed concurrently herewith, The Town of Mount Pleasant, South Carolina, and The Town of Mount Pleasant Board of Zoning Appeals (collectively, the "Town") filed a separate notice of appeal of the same orders, entered in the same Circuit Court case, that are on appeal in the instant matter. The Town's appeal is assigned Appellate Case No. 2023-001615.

3. The Town's appeal was filed first in time, on October 13, 2023, as compared to Appellants' Notice of Appeal filed on October 19, 2023. Thus, if Appellants' request for consolidation is granted, the Town would be the "primary appellant" under Rule 206, SCACR, responsible for ordering the necessary transcript(s).¹

4. Accordingly, Appellants request that this Court stay their deadline for ordering transcripts until such time as their pending Motion to Consolidate is ruled on. Should this Court be amenable to granting the requested stay, and if said Motion to Consolidate is denied, Appellants request that they be given ten days following such denial to order the transcripts.

5. Alternatively, if this Court is not inclined to enter a stay of Appellants' deadline, they respectfully request that this Court grant them an extension of ten (10) days' time to order transcripts. This requested extension of 10 days would place the new deadline on November 9, 2023.

WHEREFORE, Appellants respectfully request that this Court stay their deadline for ordering transcripts until such time as their Motion to Consolidate is ruled on, or, alternatively,

¹ It is also noted that the Town's deadline to request transcripts, in Appellate Case No. 2023-001615, was extended to November 2, 2023.

grant Appellants an additional ten days in which to order the transcripts.

Respectfully submitted,

s/Evan P. Williams

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October 30, 2023