

RECEIVED

Jan 30 2024

SC Court of Appeals

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

Appeal from Charleston County
Court of Common Pleas
Honorable Bentley Price

Trial Court Case No. 2022-CP-10-01493

Pacaso, Inc. and 2 SC Lighthouse, LLC,

Appellants,

vs.

Town of Sullivan's Island, South Carolina;
Town of Sullivan's Island Board of Zoning Appeals;
and Charles Drayton, in his official capacity as Zoning Administrator;

Respondents.

NOTICE OF APPEAL

McCULLOUGH ▪ KHAN ▪ APPEL

s/Ross A. Appel
Ross A. Appel, Esq. (SC Bar #79149)
2036 eWall Street
Mount Pleasant, SC 29464
(843) 937-0400
(843) 937-0706 (fax)
ross@mklawsc.com

ATTORNEY FOR THE APPELLANTS

Other Counsel of Record:

G. Trenholm Walker (SC Bar ID# 5777)

Walker@WGLFIRM.com

John P. Linton, Jr. (SC Bar ID# 79130)

Linton@WGLFIRM.com

James W. Clement (SC Bar ID# 102467)

Clement@WGLFIRM.com

WALKER GRESSETTE & LINTON, LLC

Mail: P.O. Drawer 22167,

Charleston, SC 29413

Office: 66 Hasell Street,

Charleston, SC 29401

Phone: (843) 727-2200

ATTORNEYS FOR THE RESPONDENTS

Appellants Pacaso, Inc. and 2 SC Lighthouse, LLC (“Appellants”) hereby appeal the following orders of the Honorable Bentley D. Price, Circuit Court Judge, Charleston County:

- **Order Affirming the Decision of the BZA and Dismissing the Petition for Appeal**, filed December 6, 2023; and
- **Order Denying Appellants’ Motion to Reconsider**, filed January 17, 2024.

Appellants received written notice of entry of the most recent order on January 17, 2024, 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 appealed orders are attached hereto and incorporated herein by reference.

Respectfully submitted,

McCULLOUGH ▪ KHAN ▪ APPEL

s/Ross A. Appel
Ross A. Appel, Esq. (SC Bar #79149)
2036 eWall Street
Mount Pleasant, SC 29464
(843) 937-0400
(843) 937-0706 (fax)
ross@mklawsc.com

ATTORNEY FOR THE APPELLANTS

RECEIVED

Jan 30 2024

SC Court of Appeals

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

Appeal from Charleston County
Court of Common Pleas
Honorable Bentley Price

Trial Court Case No. 2022-CP-10-01493

Pacaso, Inc. and 2 SC Lighthouse, LLC,

Appellants,

vs.

Town of Sullivan's Island, South Carolina;
Town of Sullivan's Island Board of Zoning Appeals;
and Charles Drayton, in his official capacity as Zoning Administrator;

Respondents.

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 January 30, 2024, 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 January 30, 2024

G. Trenholm Walker (SC Bar ID# 5777)

Walker@WGLFIRM.com

John P. Linton, Jr. (SC Bar ID# 79130)

Linton@WGLFIRM.com

James W. Clement (SC Bar ID# 102467)

Clement@WGLFIRM.com

WALKER GRESSETTE & LINTON, LLC

Mail: P.O. Drawer 22167,

Charleston, SC 29413

Office: 66 Hasell Street,

Charleston, SC 29401

Phone: (843) 727-2200

ATTORNEYS FOR THE RESPONDENTS



Elizabeth M. Lademan,
Paralegal

January 30, 2024

Mount Pleasant, South Carolina

Liz Lademan

From: Liz Lademan
Sent: Tuesday, January 30, 2024 11:14 AM
To: John P. Linton, Jr.; Trenholm Walker; James W. Clement
Cc: Nancy Jane Dennis; Ross Appel
Subject: Pacaso v. Town of Sullivans Island; Case No.: 2023-CP-10-01493
Attachments: 20240130 Notice of Appeal - COA.pdf

Good Morning,

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

Thank you,
Liz

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

-

A filing has been submitted to the court RE: 2023CP1001493

Official File Stamp: 01-30-2024 10:49:07 AM

Court: CIRCUIT COURT

Common Pleas

Charleston

Case Caption: Pacaso Inc , plaintiff, et al VS Sullivans Island
South Carolina Town Of , 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: Ross A. Appel

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

-

The following people were served electronically:

James Whittington Clement for Sullivans Island
South Carolina Town Of et al

John Phillips Linton, Jr. for Sullivans Island South
Carolina Town Of et al

George Trenholm Walker for Sullivans Island
South Carolina Town Of et al

Ross A. Appel for Pacaso Inc et al

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



Ross A. Appel
Direct: (843) 937-9798
Fax: (843) 937-0706
ross@mklawsc.com

January 30, 2024

RECEIVED
Jan 30 2024
SC Court of Appeals

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 – *Pacaso, Inc. et al., v. Town of Sullivan's Island, South Carolina, et al.*, (Case No.: 2022-CP-10-01493)

Dear Ms. Kitchings:

Please find enclosed for filing, on behalf of Appellants Pacaso, Inc. and 2 SC Lighthouse, 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 to their counsel of record. A check for the filing fee of \$250.00 is being mailed to the Court under separate cover.

With kind regards,

MCCULLOUGH • KHAN • APPEL

Ross A. Appel

RAA/eml

Cc (via email): G. Trenholm Walker (Walker@WGLFIRM.com)
John P. Linton, Jr. (Linton@WGLFIRM.com)
James W. Clement (Clement@WGLFIRM.com)