

The South Carolina Court of Appeals

Michael Wayne Gault and Hard Rock Investments, LLC,
Appellant,

v.

Sheriff Steve Mueller and Cherokee County,
Respondents.

Appellate Case No. 2024-000523

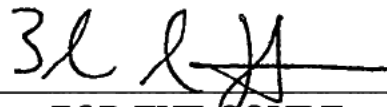
ORDER

On March 1, 2024, the circuit court issued an order granting summary judgment for Respondents related to the naming of Respondent Sheriff Steve Mueller as a named party to the litigation and on the theory of negligence against Respondent Cherokee County. Specifically, the circuit court found that to the extent Appellants sought "civil monetary damages based on the theory of negligence, summary judgment [was] granted." On April 1, 2024, Appellants filed a notice of appeal from this order.

On April 12, 2024, Appellants filed a "motion to stay appeal," which we construe as a motion to hold the appeal in abeyance. According to the motion, Appellants filed suit against Respondents, "seeking to have their license reinstated," "to restart their business operations," and for "damages which resulted from their business operations wrongfully being shut down." Appellants asked this court to stay their appeal in order "to preserve their right to be heard on the right to seek damages" and allow the underlying action to continue "so that they can regain their right to operate the salvage yard." Although this court requested a return, Respondents did not file one.

After careful consideration, we deny the motion to hold the appeal in abeyance. *See* Rule 205, SCACR ("Upon the service of the notice of appeal, the appellate court shall have exclusive jurisdiction over the appeal . . ."); *id.* ("Nothing in these

Rules shall prohibit the lower court . . . from proceeding with matters not affected by the appeal.").



FOR THE COURT

Columbia, South Carolina

FILED
May 28 2024

cc:

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