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Jun 03 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA

COUNTY OF MARION

Thomas & Nicole Betancourt, Jimmy & Amie Boatwright and Norman & Kristana Whetzel  
Plaintiffs,

vs

City of Mullins Zoning Board and  
Dr. Todd Blevins of Blevins Dentistry  
Defendants

) IN THE COURT OF COMMON PLEAS

) TWELFTH JUDICIAL CIRCUIT

) Case No.: 2023-CP-33-00500

MOTION FOR  
EMERGENCY STAY  
PENDING APPEAL

MARION COUNTY  
CLERK OF COURT

2024 MAY 31 PM 3:18

FILED

MOTION FOR EMERGENCY STAY PENDING APPEAL

Plaintiffs, Thomas & Nicole Betancourt, Jimmy & Amie Boatwright and Norman & Kristina

Whetzel, respectfully move that this Court grant an Emergency Stay of this Court's Order dated May 9, 2024 pending Appellate review of that Order.


A Stay is appropriate because Defendant, Dr. Todd Blevins, has previously continued to proceed with work on his parking lot during court proceedings when he was not to move forward. A Notice of Appeal to the South Carolina Court of Appeals was served upon all parties on May 22, 2024. Today, May 24, 2024, Dr. Blevins has multiple crews on the lot moving forward with the parking lot (Pictures attached). Per SC Rule 241(a) the service of a notice of appeal in a civil matter acts to automatically stay matters decided in the order and to automatically stay the relief ordered in the appealed order. This automatic stay continues in effect for the duration of the appeal unless lifted by order of the lower court.

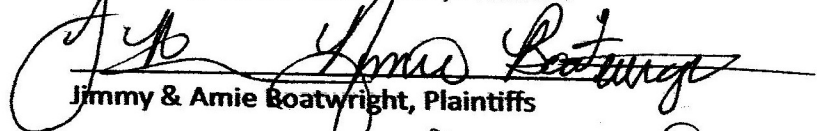
Due to Dr. Blevins history of proceeding regardless of protocol and procedures, it is imperative to grant an emergency stay immediately to stop all construction, demolition, etc on the parking lot pending review of the order by the Appellate Court.

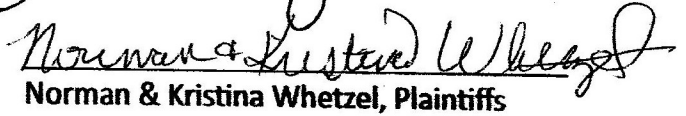
Respectfully Submitted,

Dated: May 31, 2024

By:

  
Thomas & Nicole Betancourt, Plaintiffs

  
Jimmy & Amie Boatwright, Plaintiffs

  
Norman & Kristina Whetzel, Plaintiffs

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CLERK OF COURT

FILED