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SC Court of Appeals

June 21, 2024

VIA EMAIL (ctappfilings@sccourts.org) and US MAIL (w/ enclosure)

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: THOMAS & NICOLE BETANCOURT, JIMMY & AMIE BOATWRIGHT AND NORMAN & KRISTINA WHETZEL, Appellants, v. CITY OF MULLINS ZONING BOARD AND DR. TODD BLEVINS OF BLEVINS DENTISTRY, Respondents
Appellate Case No: 2024-000868
Case No: 2023CP3300500

Dear Ms. Kitchings:

As required, per the May 30, 2024, Court of Appeals Temporary Stay entered in this matter by Judge McDonald, this letter serves as the update of the circuit court's decision regarding same.

Attached, please find the Temporary Stay Order issued by the Honorable Judge Michael G Nettles, electronically signed on June 19, 2024 and filed to the Public Index on June 20, 2024.

Per Judge Nettles' Order, Dr. Blevins' counsel presented a proposed order, therefore he is, respectfully, giving the Plaintiffs Ten (10) days to present their own proposed order or written filing in return. Until that time, the Temporary Stay remains.

Plaintiffs will update the Appellate Court as soon as final decision is rendered by Judge Nettles.

Sincerely,



Nicole Betancourt
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Pro Se Appellant

cc w/ Enclosure(s):

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STATE OF SOUTH CAROLINA
COUNTY OF MARION

IN THE COURT OF COMMON PLEAS
C/A # 2023-CP-33-00500

Thomas Betancourt, Nicole Betancourt, Jimmy Boatwright, Arnie Boatwright, Norman Whetzel and Kristana Whetzel,

Plaintiffs,

vs.

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

Defendants.

TEMPORARY STAY ORDER

This appeal from a decision of the City of Mullins Zoning Board was ruled upon by Judge DeBerry by Order of May 9, 2024. This matter is *now* before the Court on a motion filed May 24, 2024 by one of the *Pro Se* Plaintiffs entitled “Motion for Emergency Stay Pending Appeal”. Although a notice of appeal has been filed with the Court of Appeals, this Court has jurisdiction to consider the pending motion as contemplated by Rule 241 (d)(1) SCACR and expressly recognized by the Court of Appeals Order of Temporary Stay entered in this matter on May 30, 2024 by Judge McDonald for that Court.

Specifically, the motion before the Court is one for supersedeas. The Court heard arguments on the motion in Marion on June 17, 2024 and all Plaintiffs were present and allowed to speak; in addition, all Defendants were represented -- with counsel for Dr. Blevins, J. Rene’ Josey, speaking for the group in opposition to the motion.

The Court has determined to allow the Plaintiffs 10 additional days from the date of the hearing to submit any proposed order or written filing – since Dr. Blevins’ counsel presented a proposed order at the hearing. During these 10 days, and pending further Order of this Court, the temporary supersedeas imposed by the Court of Appeals shall remain in place.

AND IT IS SO ORDERED.

June____, 2024

The Honorable Michael G. Nettles
Presiding Circuit Court Judge for Marion County



Marion Common Pleas

Case Caption: Thomas & Nicole Betancourt, Et Al. VS City Of Mullins Zoning Board Et Al. , defendant, et al
Case Number: 2023CP3300500
Type: Order/Other

So Ordered

s/ The Honorable Michael G. Nettles #2140

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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM MARION COUNTY
Court of Common Pleas

The Honorable H. Steven DeBerry, IV, Circuit Court Judge 2771

Appellate Case No. 2024-000868
Case No. 2023CP3300500

Thomas & Nicole Betancourt, Jimmy & Amie Boatwright, and Norman & Kristina
Whetzel.....Appellant(s),

v.

City of Mullins Zoning Board and Dr. Todd Blevins of Blevins Dentistry....Respondent(s)

PROOF OF SERVICE

Pursuant to Section (b)(2) of the Supreme Court’s Order Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules (As Amended April 24, 2024), I, Nicole Betancourt, *Pro Se Appellant*, certify that the Letter of update/decision, for the June 17, 2024 circuit court Motion for Emergency Stay hearing, with enclosure, was made upon all counsel of record by way of US Mail, E-mail and copied on Appellate Court E-mail on June 22, 2024.

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