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**To:** [Kitchings, Jenny](#)  
**Cc:** [jzambriczki@lucey-law.com](mailto:jzambriczki@lucey-law.com); [Elliott Jones](#); [Whitney Moore](#); [Justman, Barbara](#); [Jeff Tibbals](#); [Brown, Stephen L.](#); [Justman, Barbara](#); [Liz Lademan](#); [jlucey@lucey-law.com](mailto:jlucey@lucey-law.com); [Evan Williams](#); [Kern, Zachary \(Zach\)](#); [Alicia Terwilliger-Salley, Ph.D](#); [Hines, Russell](#); [Quisenberry, Brian](#)  
**Subject:** RE: 2023-001006 Justin O'Toole Lucey v. Town of Mt. Pleasant  
**Date:** Friday, October 11, 2024 9:39:55 AM  
**Attachments:** [image001.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image916990.png](#)  
[image644847.png](#)  
[image132275.png](#)

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Ms. Kitchings,

Good morning. I wanted to follow up and see whether the Court of Appeals will be scheduling oral argument in this case on November 7<sup>th</sup> or 14<sup>th</sup>, as indicated below. Please let us know when you have a moment.

Thanks, as always.

Ross



**Ross Appel**  
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**From:** Ross Appel

**Sent:** Tuesday, September 24, 2024 2:50 PM

**To:** 'Hines, Russell' <[RHines@yclr.com](mailto:RHines@yclr.com)>; Quisenberry, Brian <[BQuisenberry@yclr.com](mailto:BQuisenberry@yclr.com)>; Kitchings, Jenny <[jkitchings@sccourts.org](mailto:jkitchings@sccourts.org)>; Jeff Tibbals <[jst@bybeetibbals.com](mailto:jst@bybeetibbals.com)>; Brown, Stephen L. <[sbrown@yclr.com](mailto:sbrown@yclr.com)>

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**Subject:** RE: 2023-001006 Justin O'Toole Lucey v. Town of Mt. Pleasant

Ms. Kitchings,

Thanks again for reaching out regarding proposed dates for oral arguments in this case. I just wanted to reach out and confirm that all parties have responded with their availability as follows:

- Appellant Justin Lucey: November 7 and November 14, with a preference for November 7 if possible.
- Respondent WIN515: November 7 and November 14 both work.
- Respondent Town of Mount Pleasant and DRB: November 7 and November 14 both work, subject to the scheduling of *Weldon v. Dominion Clemson*; 2023-000033, which may be set for oral argument on November 7. The Town would prefer this case not be scheduled the same day as the Weldon case.

Thanks again for your help scheduling oral argument in this matter. If you have any questions, please let me know.

Thanks,

---

**From:** Hines, Russell <[RHines@ycrlaw.com](mailto:RHines@ycrlaw.com)>

**Sent:** Monday, September 16, 2024 1:38 PM

**To:** Quisenberry, Brian <[BQuisenberry@ycrlaw.com](mailto:BQuisenberry@ycrlaw.com)>; Ross Appel <[ross@mklawsc.com](mailto:ross@mklawsc.com)>; Kitchings, Jenny <[jkitchings@sccourts.org](mailto:jkitchings@sccourts.org)>; Jeff Tibbals <[jst@bybeetibbals.com](mailto:jst@bybeetibbals.com)>; Brown, Stephen L. <[sbrown@ycrlaw.com](mailto:sbrown@ycrlaw.com)>

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**Subject:** RE: 2023-001006 Justin O'Toole Lucey v. Town of Mt. Pleasant

On behalf of the Town of Mount Pleasant, I have another case (*Weldon v. Dominion Clemson*; 2023-000033) that might be set for oral argument on November 7 or 14. Other than the potential conflict presented by the Weldon case, I am available on both November 7 and 14; however, if the Weldon case is set for either of those days, I would very much appreciate this case being set for argument on another day than the Weldon case.

Thank you.

Russell G. Hines  
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**From:** Quisenberry, Brian <[bquisenberry@ycrlaw.com](mailto:bquisenberry@ycrlaw.com)>  
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**Subject:** RE: 2023-001006 Justin O'Toole Lucey v. Town of Mt. Pleasant

All:

Russ Hines and Steve Brown from my office are the counsel primarily handling this appeal for the Town. I note that they have not been cc'd on any of the correspondences below about scheduling. I have added them now. Please include them going forward.

Thank you,

Brian

---

**From:** Ross Appel <[ross@mklawsc.com](mailto:ross@mklawsc.com)>  
**Sent:** Monday, September 16, 2024 1:00 PM  
**To:** Kitchings, Jenny <[jkitchings@sccourts.org](mailto:jkitchings@sccourts.org)>; Jeff Tibbals <[jst@bybeetibbals.com](mailto:jst@bybeetibbals.com)>  
**Cc:** [jzambriezki@lucey-law.com](mailto:jzambriezki@lucey-law.com); Elliott Jones <[ejones@bybeetibbals.com](mailto:ejones@bybeetibbals.com)>; Whitney Moore <[wmoore@bybeetibbals.com](mailto:wmoore@bybeetibbals.com)>; Justman, Barbara <[bjustman@ycrlaw.com](mailto:bjustman@ycrlaw.com)>; Justman, Barbara <[bjustman@ycrlaw.com](mailto:bjustman@ycrlaw.com)>; Liz Lademan <[liz@mklawsc.com](mailto:liz@mklawsc.com)>; [jlucey@lucey-law.com](mailto:jlucey@lucey-law.com); Evan Williams <[ewilliams@bybeetibbals.com](mailto:ewilliams@bybeetibbals.com)>; Kern, Zachary (Zach) <[zkern@ycrlaw.com](mailto:zkern@ycrlaw.com)>; Quisenberry, Brian <[bquisenberry@ycrlaw.com](mailto:bquisenberry@ycrlaw.com)>; Alicia Terwilliger-Salley, Ph.D <[Alicia@mklawsc.com](mailto:Alicia@mklawsc.com)>  
**Subject:** RE: 2023-001006 Justin O'Toole Lucey v. Town of Mt. Pleasant

Thanks, Ms. Kitchings.

Both 11/7 and 11/14 work for WIN515, LLC.

Thanks,



**Ross Appel**  
**Attorney, McCullough ■ Khan ■ Appel**

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**From:** Kitchings, Jenny <[jkitchings@sccourts.org](mailto:jkitchings@sccourts.org)>  
**Sent:** Monday, September 16, 2024 12:58 PM  
**To:** Jeff Tibbals <[jst@bybeetibbals.com](mailto:jst@bybeetibbals.com)>  
**Cc:** [jzambrozki@lucey-law.com](mailto:jzambrozki@lucey-law.com); Elliott Jones <[ejones@bybeetibbals.com](mailto:ejones@bybeetibbals.com)>; Whitney Moore <[wmoore@bybeetibbals.com](mailto:wmoore@bybeetibbals.com)>; [bjustman@ycrlaw.com](mailto:bjustman@ycrlaw.com); [bjustman@ycrlaw.com](mailto:bjustman@ycrlaw.com); Liz Lademan <[liz@mklawsc.com](mailto:liz@mklawsc.com)>; [jlucey@lucey-law.com](mailto:jlucey@lucey-law.com); Evan Williams <[ewilliams@bybeetibbals.com](mailto:ewilliams@bybeetibbals.com)>; [zkern@ycrlaw.com](mailto:zkern@ycrlaw.com); [bquisenberry@ycrlaw.com](mailto:bquisenberry@ycrlaw.com); Ross Appel <[ross@mklawsc.com](mailto:ross@mklawsc.com)>  
**Subject:** RE: 2023-001006 Justin O'Toole Lucey v. Town of Mt. Pleasant

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Dear Counsel,

Thank you so much for your responses. This case will not be scheduled on October 9.

We may have some availability for argument on November 7 or 14. Are you available on either (or both) of those days?

Warmly,

Jenny

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**From:** Jeff Tibbals <[jst@bybeetibbals.com](mailto:jst@bybeetibbals.com)>  
**Sent:** Thursday, September 12, 2024 1:08 PM  
**To:** Kitchings, Jenny <[jkitchings@sccourts.org](mailto:jkitchings@sccourts.org)>

**Cc:** [jzambrozki@lucey-law.com](mailto:jzambrozki@lucey-law.com); Elliott Jones <[ejones@bybeetibbals.com](mailto:ejones@bybeetibbals.com)>; Whitney Moore <[wmoore@bybeetibbals.com](mailto:wmoore@bybeetibbals.com)>; [bjustman@ycrlaw.com](mailto:bjustman@ycrlaw.com); [bjustman@ycrlaw.com](mailto:bjustman@ycrlaw.com); [liz@mklawsc.com](mailto:liz@mklawsc.com); [jlucey@lucey-law.com](mailto:jlucey@lucey-law.com); Evan Williams <[ewilliams@bybeetibbals.com](mailto:ewilliams@bybeetibbals.com)>; [zkern@ycrlaw.com](mailto:zkern@ycrlaw.com); [bquisenberry@ycrlaw.com](mailto:bquisenberry@ycrlaw.com); [ross@mklawsc.com](mailto:ross@mklawsc.com)

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Ms. Kitchings,

I have a deposition on my calendar on October 9, a date certain trial in Beaufort on 10/14, and Justin will be out of the country and may like to attend. Therefore, I would prefer another date if possible.

Thanks.

Jeff

**Jeffrey S. Tibbals**

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**From:** Kitchings, Jenny <[jkitchings@sccourts.org](mailto:jkitchings@sccourts.org)>

**Sent:** Wednesday, September 11, 2024 3:37 PM

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**Subject:** 2023-001006 Justin O'Toole Lucey v. Town of Mt. Pleasant

Dear Counsel,

Good afternoon. We have had some movement in our oral argument roster, and we have an opportunity to set this case for oral argument on

October 9. Please reply to this email to let me know your availability for argument on that date.

Thank you.

Warmly,

Jenny

Jenny Abbott Kitchings  
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