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**Dec 19 2024**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas  
The Honorable Roger M. Young, Circuit Court Judge

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Case No. 2021-CP-10-00451  
Appellate Case No.: 2024-001680

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Jane Doe, Appellant,

v.

SBFB, LLC; Lost Dog Care, Inc. James Ventures, LLC;  
Star Edward Longo; and Summer Hall; Defendants,

Of Whom Summer Hall is the Respondent.

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**MOTION TO DISMISS APPEAL**

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Pursuant to Rules 260(a) and 240(a) of the South Carolina Appellate Court Rules, Respondent Summer Hall (“Respondent”) hereby moves to dismiss this appeal on the ground that there no longer exists a justiciable controversy between Appellant and Respondent for this Court to review.

Appellant filed her Notice of Appeal on October 3, 2024, appealing the order of the Honorable Roger Young, dated September 12, 2024, denying Appellant’s motion to reconsider Judge Young’s prior order dated July 19, 2024 granting summary judgment in Respondent’s favor. Subsequently, on November 22, 2024, Appellant filed in the circuit court a Stipulation of Dismissal With Prejudice (“Stipulation of Dismissal”), attached hereto as Exhibit A, dismissing with prejudice “all claims filed or which could have been filed arising out of the subject matter

of the within lawsuit against the Defendants,” including Appellant’s claims against Respondent Summer Hall. The Stipulation of Dismissal states, in relevant part:

WHEREAS, the parties herein have settled and compromised all claims between and among each other pursuant to Rule 41, Plaintiff Jane Doe hereby dismisses and ends this action with prejudice as to ***all claims filed or which could have been filed arising out of the subject matter of the within lawsuit against the Defendants. All parties*** in the case hereby dismiss with prejudice any claims, crossclaims, and third-party claims by and amongst each other. This is with the consent of ***all parties who have appeared in this action***, with each side to bear its own costs and attorneys’ fees.

Exhibit A, at 1 (emphasis added). As a result of this Stipulation of Dismissal, there remain no claims or controversies of any kind between Appellant and Respondent. *See* Rule 41(a)(1), SCRPC.

Therefore, there is no justiciable controversy for this Court to consider, and this Court should dismiss Appellant’s appeal on that basis. *See Byrd v. Irmo High School*, 321 S.C. 426, 430, 468 S.E.2d 861, 864 (1996) (“Before any action can be maintained, there must exist a justiciable controversy.”); *Pee Dee Elec. Coop., Inc. v. Carolina Power & Light Co.*, 279 S.C. 64, 66, 301 S.E.2d 761, 762 (1983) (“A justiciable controversy is a real and substantial controversy which is ripe and appropriate for judicial determination, as distinguished from a contingent, hypothetical or abstract dispute.”); *Curtis v. State*, 345 S.C. 557, 567, 549 S.E.2d 591, 596 (2001) (“An appellate court will not pass on moot and academic questions or make an adjudication where there remains no actual controversy.”); *Kiawah Prop. Owners Grp. v. Pub. Serv. Comm’n of S.C.*, 357 S.C. 232, 243, 593 S.E.2d 148, 154 (2004) (stating appellate courts are “obligated to inquire in every action whether a justiciable controversy exists in a matter”).

For the foregoing reasons, Respondent Summer Hall, therefore, respectfully requests that the Court dismiss this appeal.

[SIGNATURE ON FOLLOWING PAGE]

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: s/ ROBERT H. BRUNSON

Robert H. Brunson

SC Bar No. 11987

E-Mail: [robert.brunson@nelsonmullins.com](mailto:robert.brunson@nelsonmullins.com)

John P. Bozeman

S.C. Bar No. 105262

Email: [john.bozeman@nelsonmullins.com](mailto:john.bozeman@nelsonmullins.com)

151 Meeting Street / 6th Floor

Post Office Box 1806 (29402-1806)

Charleston, SC 29401

(843) 853-5200

*Attorneys for Respondent Summer Hall*

Charleston, South Carolina

December 19, 2024

# EXHIBIT A

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**Official File Stamp:** 11-22-2024 12:05:52 PM  
**Court:** CIRCUIT COURT  
Common Pleas  
Charleston  
**Case Caption:** Jane Doe VS Sbf b Llc , defendant, et al  
**Document(s) Submitted:** Stipulation Of Dismissal  
**Filed by or on behalf of:** Francis Marion Ervin, II

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**The following people were served electronically:**

Ashley Nicole Hawkins for Summer Hall  
Robert H. Brunson for Summer Hall  
Francis Marion Ervin, II for Sbf b Llc  
James Edward Haarsgaard for Star Edward Longo  
Shawn M. Bevans for Iames Ventures Llc  
Drew Hamilton Butler for Star Edward Longo  
C. Austin Elliott for Jane Doe  
Stephen Michael Kozick for Lost Dog Cafe Inc

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|                                 |   |                                 |
|---------------------------------|---|---------------------------------|
| STATE OF SOUTH CAROLINA         | ) | IN THE COURT OF COMMON PLEAS    |
|                                 | ) | FOR THE NINTH JUDICIAL CIRCUIT  |
| COUNTY OF CHARLESTON            | ) | CASE NO.: 2021-CP-10-00451      |
| <br>                            | ) |                                 |
| JANE DOE,                       | ) |                                 |
|                                 | ) |                                 |
| PLAINTIFF,                      | ) |                                 |
|                                 | ) |                                 |
| VS.                             | ) | <b>STIPULATION OF DISMISSAL</b> |
|                                 | ) | <b>WITH PREJUDICE</b>           |
|                                 | ) |                                 |
| SBFB, LLC; LOST DOG CAFÉ, INC.; | ) |                                 |
| IAMES VENTURES, LLC; STAR       | ) |                                 |
| EDWARD LONGO; and SUMMER HALL,  | ) |                                 |
|                                 | ) |                                 |
| DEFENDANTS.                     | ) |                                 |
| _____                           | ) |                                 |

WHEREAS, the parties herein have settled and compromised all claims between and among each other pursuant to Rule 41, Plaintiff Jane Doe hereby dismisses and ends this action with prejudice as to all claims filed or which could have been filed arising out of the subject matter of the within lawsuit against the Defendants. All parties in the case hereby dismiss with prejudice any claims, crossclaims, and third-party claims by and amongst each other. This is with the consent of all parties who have appeared in this action, with each side to bear its own costs and attorneys' fees.

This Stipulation of Dismissal with prejudice is entered this 22<sup>nd</sup> day of November, 2024.

WE SO STIPULATE:

By: C. Austin Elliott  
 C. Austin Elliott, Esquire  
 Kulp & Elliott  
 116 Church Street, 3<sup>rd</sup> Floor  
 Charleston, SC 29401  
 (843) 853-3310  
 (843) 853-3390 FAX  
 Email: [austin@kulpelliott.com](mailto:austin@kulpelliott.com)

*Attorney for Plaintiff Jane Doe*

WE SO STIPULATE:

By: s/ Francis M. Ervin, II

**Francis M. Ervin, II** (SC Bar# 70900)

Dir Tel: (843) 737-8611 Dir Fax: (843) 790-8828

E-mail: [Francis.Ervin@rogerstownsend.com](mailto:Francis.Ervin@rogerstownsend.com)

**ROGERS TOWNSEND, LLC**

205 King Street, Suite 201

Charleston, S.C. 29401

*Attorney for Defendant SBFB, LLC*

WE SO STIPULATE:

By: s/ Drew Hamilton Butler  
Drew Hamilton Butler, Esquire  
Richardson Plowden & Robinson, PA  
235 McGrath Darby Blvd., Suite 100  
Mt. Pleasant, SC 29464  
(843) 805-6550  
Email: [dbutler@richardsonplowden.com](mailto:dbutler@richardsonplowden.com)

*Attorney for Defendant Star Edward Longo*

WE SO STIPULATE:

By: s/ Shawn M. Bevens  
Shawn M. Bevens, Esquire  
McAngus Goudelock & Courie, LLC  
735 Johnnie Dodds Blvd., Suite 200  
Mt. Pleasant, SC 29465  
(843) 576-2900  
Email: [shawn.bevans@mgclaw.com](mailto:shawn.bevans@mgclaw.com)

*Attorney for Defendant James Ventures, LLC*

WE SO STIPULATE:

By: Stephen M. Kozick  
Stephen M. Kozick, Esquire  
McAngus Goudelock & Courie, LLC  
735 Johnnie Dodds Blvd., Suite 200  
Charleston, SC 29211  
(843) 576-2900  
Email: [Stephen.kozick@mgclaw.com](mailto:Stephen.kozick@mgclaw.com)

*Attorney for Defendant Lost Dog Café, Inc.*

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Of Whom Summer Hall is the Respondent.

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**CERTIFICATE OF SERVICE**

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I certify that, on December 19, 2024, a copy of Respondent Summer Hall's Motion to Dismiss Appeal was served on all counsel of record in this action by electronic mail.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: s/ ROBERT H. BRUNSON

Robert H. Brunson (SC Bar No. 11987)

E-Mail: robert.brunson@nelsonmullins.com

John P. Bozeman (S.C. Bar No. 105262)

Email: john.bozeman@nelsonmullins.com

151 Meeting Street / 6th Floor

Post Office Box 1806 (29402-1806)

Charleston, SC 29401

(843) 853-5200

*Attorneys for Respondent Summer Hall*