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SC Court of Appeals

**THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS**

Appeal from Charleston County
Mikell R. Scarborough, Master-in-Equity

Case No. 2021-CP-10-05211
Appellate Case No. 2023-001615

CKC Properties, LLC,

Respondent,

v.

The Town of Mount Pleasant, South Carolina;
The Town of Mount Pleasant Board of Zoning Appeals;
Michael Robertson, in his official capacity as Zoning Administrator;
Justin O'Toole Lucey; 415 Mill St., Inc.; and 69 Scott Street, LLC,

Respondents Below,

Of which The Town of Mount Pleasant, South Carolina;
The Town of Mount Pleasant Board of Zoning Appeals;
Justin O'Toole Lucey; 415 Mill St., Inc.; and 69 Scott Street, LLC, are the

Appellants.

**JOINT MOTION TO HOLD APPEAL IN ABEYANCE TO
ALLOW PARTIES TIME TO PURSUE POTENTIAL SETTLEMENT**

Counsel identified on the next page

CLEMENT RIVERS, LLP

Stephen L. Brown (SC Bar No. 66468)

Stephanie Ramia Sandifer (SC Bar No. 100217)

Brian L. Quisenberry (SC Bar No. 73637)

Zachary M. Kern (SC Bar No. 103731)

Russell G. Hines (SC Bar No. 72100)

25 Calhoun Street, Suite 400

Charleston, South Carolina 29401

P.O. Box 993 (29402)

(843) 720-5488

*Attorneys for Appellants The Town of
Mount Pleasant, South Carolina, and
The Town of Mount Pleasant Board of
Zoning Appeals*

COME NOW Appellants The Town of Mount Pleasant, South Carolina, and The Town of Mount Pleasant Board of Zoning Appeals (collectively, the “Town”), by and through their undersigned counsel, joined by and with the express consent of Respondent, CKC Properties, LLC (“CKC”), by and through its undersigned counsel, and hereby move this Honorable Court for an order holding this appeal in abeyance for a period of one hundred twenty (120) days to allow the parties time to pursue settlement of this matter.

Counsel for Appellants Justin O’Toole Lucey, 415 Mill St., Inc., and 69 Scott Street, LLC (collectively, the “Lucey Parties”), have indicated that they do not oppose the motion but are unable to join in with it.

Presently, this matter has been fully briefed and is waiting for the court to schedule oral arguments. For some time now, however, the parties have been working in good faith to try to settle this matter, and they have made substantial progress toward that end, but consummating the settlement they are trying to accomplish will require additional time.

The instant motion is made on the ground that the Town and CKC mutually believe there is good cause to grant the relief requested herein, the grant of which relief, the Town and CKC submit, will not result in any undue prejudice, but rather will further the interests of justice and judicial economy by promoting a cooperative resolution of this matter, the parties’ efforts toward that end having

already proceeded to the point that both sides expect and believe in good faith that they will be able to consummate a settlement of the matter in the relatively near term (i.e., a matter of months) provided they are allowed the time for the consummation of the aforementioned settlement.

WHEREFORE, The Town, by and through their undersigned counsel, joined by and with the express consent of CKC, moves the Court to hold this appeal in abeyance for a period of at least one hundred twenty (120) days to allow the parties time to pursue settlement of this matter.

Respectfully submitted,
CLEMENT RIVERS, LLP

By: s/Stephen L. Brown
Stephen L. Brown (SC Bar No. 66468)
Stephanie Ramia Sandifer (SC Bar No. 100217)
Brian Lee Quisenberry (SC Bar No. 73637)
Zachary M. Kern (SC Bar No. 103731)
Russell G. Hines (SC Bar No. 72100)
25 Calhoun Street, Suite 400
Charleston, South Carolina 29401
P.O. Box 993 (29402)
(843) 720-5488

*Attorneys for Appellants The Town of
Mount Pleasant, South Carolina, and
The Town of Mount Pleasant Board of
Zoning Appeals*

Charleston, South Carolina

January 3, 2025

[Additional signatures on the following page]

I CONSENT:

MCCULLOUGH KHAN APPEL

By: s/Ross A. Appel

Ross A. Appel (SC Bar No. 79149)

2036 eWall Street

Mount Pleasant, SC 29464

(843) 937-0400

Attorneys for Respondent

CKC Properties, LLC

Mount Pleasant, South Carolina

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Appeal from Charleston County
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Appellants.

PROOF OF SERVICE

Counsel identified on the next page

CLEMENT RIVERS, LLP

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P.O. Box 993 (29402)

(843) 720-5488

*Attorneys for Appellants The Town of
Mount Pleasant, South Carolina, and
The Town of Mount Pleasant Board of
Zoning Appeals*

I, Stephen L. Brown, of Clement Rivers, LLP, attorneys for Appellants The Town of Mount Pleasant, South Carolina, and The Town of Mount Pleasant Board of Zoning Appeals, hereby certify that the **JOINT MOTION TO HOLD APPEAL IN ABEYANCE TO ALLOW PARTIES TIME TO PURSUE POTENTIAL SETTLEMENT** was served on all other parties to this appeal on January 3, 2025, via email (see attached) to their following counsel of record:

Ross A. Appel, Esquire
ross@mklawsc.com
MCCULLOUGH KHAN APPEL
Mount Pleasant, South Carolina
*Attorneys for Respondent
CKC Properties, LLC*

Jeffrey S. Tibbals, Esquire
jst@bybeetibbals.com
Evan P. Williams, Esquire
ewilliams@bybeetibbals.com
BYBEE & TIBBALS, LLC
Mount Pleasant, South Carolina
*Attorneys for Appellants Justin O'Toole
Lucey, 415 Mill St., Inc., and
69 Scott Street, LLC*

Respectfully submitted,
CLEMENT RIVERS, LLP

By: s/Stephen L. Brown
Stephen L. Brown (SC Bar No. 66468)
*Attorneys for Appellants The Town of
Mount Pleasant, South Carolina, and
The Town of Mount Pleasant Board of
Zoning Appeals*

Charleston, South Carolina

January 3, 2025

From: [Bell, Pollyana \(Polly\)](#)
To: [Evan Williams](#); [Jeff Tibbals](#); [Ross Appel](#); [Liz Lademan](#)
Cc: [Quisenberry, Brian](#); [Justman, Barbara](#); [Hines, Russell](#); [Justman, Aimee](#); [Brown, Stephen L.](#)
Subject: CKC Properties, LLC v. The Town of Mount Pleasant (2023-001615) - CR 210812
Date: Friday, January 3, 2025 1:05:51 PM
Attachments: [Motion to Hold Appeal in Abeyance.pdf](#)
[image001.png](#)

Enclosed please find Appellants' Joint Motion to Hold Appeal in Abeyance to Allow Parties Time to Pursue Potential Settlement for service upon you in the above-referenced matter.

Thank you,

Pollyana Bell
Project Assistant
Commercial Litigation Practice Group
Phone:(843)720-5488 | Fax:(843)579-1369



CLEMENT RIVERS, LLP
25 Calhoun Street • Suite 400 • Charleston, SC 29401
[ycrlaw.com](#)