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**Jan 16 2025**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

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APPEAL FROM RICHLAND COUNTY  
Court of Common Pleas

Kristi F. Curtis, Circuit Court Judge

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Appellate Case No. 2024-001820

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Allen University,

Appellant,

v.

City Of Columbia  
Design/Development Review  
Commission,

Respondent.

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RETURN TO RESPONDENT’S MOTION TO DISMISS AND REQUEST FOR  
EXTENSION OF TIME TO FILE THE INITIAL BRIEF AND DESIGNATION  
OF MATTER

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Appellant responds the Respondent’s motion to Dismiss Appeal which was filed on January 6, 2025. Appellant also request permission to file the Initial Brief of Appellant and Designation of Matter on February 3, 2025. To support this motion Appellant will show the following:

- 1) Counsel Chaplin filed the Notice of Appeal in this case on October 28, 2024. At that time, Counsel Shaffer did not anticipate being counsel of record on this appeal.
- 2) The Clerk’s Office listed Counsel Chaplin and Counsel Shaffer as counsels of record

- for Appellant in this case. Counsel Shaffer neglected to notice this otherwise he would have moved to be relieved in this case.<sup>1</sup>
- 3) It appears that both Counsel Chaplin and Respondent's Counsel, Mr. Balthazor, ordered the transcript.
  - 4) Counsel Shaffer has not received the transcript in this case.
  - 5) According to Respondent's motion, On December 5, 2024, Counsel Chaplin's office received an email from Counsel Balthazor stating "I assume y'all have also received the transcript in this matter..." Counsel Shaffer did not receive this email.
  - 6) Thirty-two days later, on January 6, 2025, Respondent moved to dismiss the appeal in this case based on Appellant not filing a brief 30 days after allegedly receiving the transcript.
  - 7) Counsel Shaffer was served a copy of the Motion to Dismiss but not the December 5, 2024 email.
  - 8) Counsel Shaffer believes that Counsel Chaplin's staff failed to inform Counsel Chaplin that the transcript had been received, but in any event, Counsel Shaffer never received the transcript.
  - 9) In fact, Counsel Shaffer still is not in possession of the transcript.
  - 10) Counsel Shaffer requests a 30 extension so that he can consult with Counsel Chaplin concerning whether an error occurred in his office concerning the transcript.
  - 11) Counsel Shaffer will also likely be moving to be relieved from this case.
  - 12) It appears that there was some confusion, Counsel Shaffer seeks this continuance to

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<sup>1</sup> Counsel Shaffer is not accepting new direct appeal matters at this time.

protect the interest of Appellant while this matter is sorted out.

13) Counsel Shaffer seeks this extension in good faith and not for the purpose of delay.

WHEREFORE, the undersigned counsel would respectfully request that the Court Deny Respondent's Motion to Dismiss Appeal. Appellant would also request an extension of time until February to file the Initial Brief of Appellant and Designation. Appellant also request permission to file the Initial Brief of Appellant and Designation of Matter on February 3, 2025.

January 16, 2025

s/ Tristan M. Shaffer  
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**Certificate of Service**

I certify that on the date below I served the Return to Respondent's Motion to Dismiss and Request for Extension of Time of File the Initial Brief and Designation Of Matter on Respondent by e-mailing a copy to the Respondent at the address below.

January 16, 2025

s/ Tristan M. Shaffer  
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**Allen v. DDRC**

Tristan Shaffer <tristan@shafferlaw.com>  
To: Pete Barbazor <peteb@pfrfm.com>, "Jonathan S. Chaplin" <info@schaplinlaw.com>

Thu, Jan 16, 2025 at 11:23 PM

Pete and Jonathan,  
Please find the attached.

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Tristan M. Shaffer

 Return to Motion to Dismiss Allen University.pdf  
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