

**THE STATE OF SOUTH CAROLINA
In the Court of Appeals**

Appeal from the Charleston County
Court of Common Pleas
Roger M. Young, Jr. Circuit Court Judge

Appellate Case No. 2024-001803

Harold Simmons, Appellant,

v.

City of North Charleston, Respondent.

Joint Motion to Stay Briefing Schedule for 180 Days

Counsel for Appellant and Respondent jointly move the Court to stay the briefing schedule and other proceedings in this appeal for 180 days. The reasons for this motion are:

- 1) The current appeal addresses a single narrow issue (i.e., a Municipal Court sentencing Defendant to 30-days incarceration) that is part of a broader land-use disagreement between the parties involving zoning, licensing, etc., which will not be part of any resolution of the sentencing issue in this appeal, and
- 2) The parties are engaged in settlement discussions with the potential to resolve both the present appeal and end with finality the related issues requiring coordination with City Departments that are not part of this appeal.

A stay will allow the parties and counsel to continue their negotiations—which includes communication with other City Departments not involved in this appeal—with the goal of reducing

an agreement to writing that not only includes dismissal of this appeal, but also allow the parties to resolve additional related issues, thus promoting judicial economy.

Respondent's counsel also request that the time for filing Respondent's Initial Brief be held in abeyance until the Court rules on this Motion. As evidenced by the signature of Appellant's counsel below, the parties conferred prior to filing and Appellant joins Respondent's request.

Finally, Respondent's counsel request that the Court note their appearance on behalf of Respondent in this case and that they be included on all future communications from the Court regarding this case.

Respectfully submitted,

s/David J. Parrish _____

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February 6, 2025

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**Proof of Service for
Joint Motion to Stay Briefing Schedule for 180 Days**

I certify that on the date listed below, I filed the foregoing Motion with the Court of Appeals and at the same time served a copy on all counsel of record by emailing it to them at the following listed email addresses:

South Carolina Court of Appeals:

Clerk of Court – South Carolina Court of Appeals
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By: *s/David J. Parrish*

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February 6, 2024