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Feb 20 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of Common Pleas

Kristi F. Curtis, Circuit Court Judge

Appellate Case No. 2022-001107
Case No. 2021-CP-26-07973

Vishu Bhambhani,

Appellant,

v.

Chris Thompson, CBO of the City of Myrtle Beach,

Respondent.

RESPONDENT'S MOTION TO DISMISS

Pursuant to Rule 40, SCACR, Respondent Chris Thompson, CBO of the City of Myrtle Beach, hereby respectfully moves to dismiss Appellant's appeal of the trial court's order dated July 8, 2022, that affirmed the order of the City Council of the City of Myrtle Beach directing Appellant Vishu Bhambhani, owner of Coral Sands Motel ("Bhambhani"), to demolish unsafe dwellings located on property in the City of Myrtle Beach ("COMB"). The undersigned attorney for the Respondent has been informed that during the pendency of this appeal, Appellant sold the property where the unsafe buildings are located to third parties who do not oppose the demolition of the buildings. Therefore, the issues raised by the Appellant in the present appeal are no longer

in controversy and the appeal is now moot.

MEMORANDUM IN SUPPORT

Generally, this Court only considers cases presenting a justiciable controversy.” *Sloan v. Friends of the Hunley, Inc.*, 369 S.C. 20, 25, 630 S.E.2d 474, 477 (2006). “An appellate court will not pass on moot and academic questions or make an adjudication where there remains no actual controversy.” *Curtis v. State*, 345 S.C. 557, 567, 549 S.E.2d 591, 596 (2001). A moot case exists where a judgment rendered by the court will have no practical legal effect upon an existing controversy because an intervening event renders any grant of effectual relief impossible for the reviewing court. *Croft as Tr. of James A. Croft Tr. v. Town of Summerville*, 433 S.C. 473, 480, 860 S.E.2d 352, 356 (2021).

CONCLUSION

Because the issues raised on appeal are mooted by the sale of the property in question to third parties who do not oppose the demolition of the buildings, Respondent respectfully requests that this Court dismiss Appellant’s appeal with prejudice.

S/Michael W. Battle
Michael W. Battle (SC#584)
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Attorneys for Respondent
City of Myrtle Beach

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Respondent.

PROOF OF SERVICE

I hereby swear that I have served a copy of the Respondent's Motion to Dismiss on opposing Counsel this 20th day of February 2025 by mailing the same at the address listed below:

Tucker S. Player SC Bar#16217
Player Law Firm, LLC
512 Village Church Drive
Chapin, SC 29036



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SC Court of Appeals

MICHAEL W. BATTLE
E-Mail Address: mbattle@battlelaw.com

February 20, 2025

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
PO Box 11629
Columbia, SC 29211


RE: Vishu Bhambhani v. Christopher Thompson
Appellate Case No: 2022-001107

Dear Ms. Kitchings:

Enclosed please find a check in the amount of \$50.00 to cover the fee for Respondent City of Myrtle Beach's Motion to Dismiss and Proof of Service that was emailed to the court today in reference to the above action. By copy of this letter I am serving opposing counsel of record.

If you have any concerns, please do not hesitate to contact my office.

Sincerely,


Michael W. Battle

Enclosures: stated
C: Tucker Player