

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM LEXINGTON COUNTY
Court of Common Pleas

William P. Keesley, Circuit Court Judge

Case No. 2024-CP-32-02538
Case No. 2024-CP-32-02698
Appellate Case No. 2024-001873

SAIGALA, LLC,Respondent,

v.

Town of SpringdaleAppellant.

**CONSENT MOTION FOR DISMISSAL AND AGREEMENT TO VACATE
PRIOR ORDERS OF CIRCUIT COURT**

Pursuant to Rules 240, 260(b), and 261(d) of the *South Carolina Appellate Court Rules*, Appellant Town of Springdale (“Town”), with consent and agreement of Respondent Saigala, LLC (“Saigala”), respectfully requests dismissal of this appeal together with the vacation of the order of the lower court, which is presently on appeal, dated October 4, 2024. The parties do not consent to a dismissal of this action unless the circuit court’s order is also vacated.

BACKGROUND

These actions arose from the decision of the Town to revoke Saigala’s business license to operate a motel. Saigala filed an appeal from that decision (C/A

No. 2024-CP-32-02538) and Saigala also filed an action seeking declaratory and injunctive relief based on the South Carolina Freedom of Information Act (C/A No. 2024-CP-32-02698). The circuit court consolidated the two actions and held a hearing on August 29, 2024. On October 4, 2024, the circuit court entered an order finding: (1) that the Freedom of Information Act (“FOIA”) was not violated by the Town and that Saigala is not entitled to relief under FOIA or attorney’s fees and costs; and (2) that Saigala was entitled to a new business license revocation hearing based on due process concerns.

While this appeal has been pending, Saigala sold the motel property to a third party. Therefore, the Town’s decision to revoke Saigala’s business license and the circuit court’s order are moot and the parties wish to dismiss this appeal. Given the status of the property, the parties respectfully request that this Court’s order of dismissal also vacate the circuit court’s order dated October 4, 2024.

CONCLUSION

Accordingly, for the foregoing reasons, the parties respectfully request that this honorable Court grant a dismissal of this appeal and vacate the circuit court order entered on October 4, 2024.

Respectfully submitted,

RILEY POPE & LANEY, LLC

s/Peter M. Balthazor

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Columbia, SC
February 24, 2025

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Attorneys for SAIGALA, LLC

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Feb 24 2025

SC Court of Appeals

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SAIGALA, LLC,Respondent,

v.

Town of SpringdaleAppellant.

PROOF OF SERVICE

This is to certify that I, Peter M. Balthazor, have this day caused to be served upon the person named below the attached **CONSENT MOTION FOR DISMISSAL AND AGREEMENT TO VACATE PRIOR ORDERS OF CIRCUIT COURT** in the above-captioned matter via electronic mail to the AIS e-mail address of the following attorney:

THE MILES FIRM, LLC

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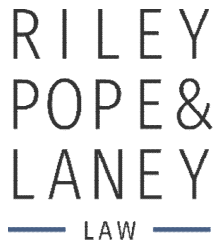
RILEY POPE & LANEY, LLC

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February 24, 2025

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

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SC Court of Appeals

Re: SAIGALA, LLC v. Town of Springdale
Appellate Case No.: 2024-001873
Case No.: 2024-CP-32-02538
Case No.: 2024-CP-32-02698

Dear Ms. Kitchings:

Please find enclosed for filing a Consent Motion for Dismissal and Agreement to Vacate Prior Orders of Circuit Court with a Proof of Service in the above-mentioned case, along with our firm's check in the amount of \$50.00 for the filing fee.

If you need anything further, please let me know.

Sincerely,

s/Peter M. Balthazor

Peter M. Balthazor

PMB/ams

cc: Temus C. Miles, Esq. (via email only)
Joseph A. Hale, Esq. (via email only)