

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

69851

APPEAL FROM HORRY COUNTY
Court of Common Pleas
Honorable Larry B. Hyman, Circuit Court Judge

Case No. 2012-CP-26-06987

Appellate Case No. 2013-000971

Helicopter Solutions, Inc.
d/b/a Helicopter Adventures *Respondent,*

v.

Richard Hinde and Horry County Zoning Administrator, *Defendants,*
of whom Richard Hinde is *Appellant.*

**APPELLANT'S MOTION FOR A
MORE DEFINITE STATEMENT BY THE RESPONDENT
OF MATTER DESIGNATED FOR INCLUSION
IN THE RECORD ON APPEAL**

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SC Court of Appeals


Appellant, by and through his undersigned counsel, and pursuant to Rule 240, SCACR and Rule 12(e) of the *South Carolina Rules of Civil Procedure*, respectfully moves this Honorable Court for an Order or Orders to require the Respondent to provide a more definite statement of those matters necessary to include in the

Record on Appeal, in order to identify and specify those matters that the Respondent claims supports the arguments set forth in its Initial Brief.

The grounds for this Motion are that, as attested to by the attached Affidavit of Appellant's counsel, the entire Record on Appeal to the Circuit Court from the Board of Zoning Appeals consists of one thousand one hundred twenty-seven (1,127) pages, and there are two (2) Transcripts of Proceedings referred to in Respondent's Designation of Matter to be Included in the Record on Appeal. Including all of the pages from the Transcripts (consisting of 63 pages) and the complete Record on Appeal to the Circuit Court from the Board of Zoning Appeals would otherwise fail to comply with Rules 210(c) and 210(g), SCACR as it would then include matters not relevant to the issues raised on Appeal by either of the parties.

Respectfully submitted,

**WRIGHT, WORLEY, POPE, EKSTER
& MOSS, PLLC**



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North Myrtle Beach, South Carolina
September 20, 2013

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Helicopter Solutions, Inc.
d/b/a Helicopter Adventures Respondent,

v.

Richard Hinde and Horry County Zoning Administrator, Defendants,
of whom Richard Hinde is Appellant.

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I certify that I have served copies of the *Appellant's Motion for a More Definite Statement by the Respondent of Matter Designated for Inclusion in the Record on Appeal; Affidavit of Kenneth R. Moss; and Appellant's Motion to Extend Time to File Appellant's Initial Reply Brief Pending the Court's Disposition of Appellant's Motion for a More Definite Statement by the Respondent of Matter Designated for Inclusion in the Record on Appeal* in the above-captioned appeal on the following individuals by United States Mail, with sufficient first-class postage affixed, addressed as follows:

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– and –

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Respectfully submitted,

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September 20, 2013

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**DRC-Certified Family Financial Mediator

** licensed in NC & SC

*** Certified Family Court Mediator, Guardian *ad Litem*

September 20, 2013

**VIA U.S. CERTIFIED MAIL # 7013 0600 0000 0368 1005;
RETURN RECEIPT REQUESTED**

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

Re: Helicopter Solutions, Inc., d/b/a Helicopter Adventures, *Respondent*,
vs. Richard Hinde and Horry County Zoning Administrator, *Defendants*
Of whom Richard Hinde is *Appellant*
Civil Action No. 2012-CP-26-06987
Appellate Case No. 2013-000971
Our file no. SC-5530-001

Dear Ms. Kitchings:

Please find enclosed for filing in the above-referenced appeal, copies of the following:

- (1) one unbound original and six (6) copies of *Appellant's Motion for a More Definite Statement by the Respondent of Matter Designated for Inclusion in the Record on Appeal*;

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SC Court of Appeals

Honorable Jenny Abbott Kitchings
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- (2) one unbound original and six (6) copies of the *Affidavit of Kenneth R. Moss*;
- (3) one unbound original and six (6) copies of *Appellant's Motion to Extend Time to File Appellant's Initial Reply Brief Pending the Court's Disposition of Appellant's Motion for a More Definite Statement by the Respondent of Matter Designated for Inclusion in the Record on Appeal*;
- (4) one unbound original and one copy of the Proof of Service; and
- (5) two (2) checks in the amount of \$25 each for the Motion filing fee.

I have included one (1) additional copy of the Proof of Service and would appreciate you returning a clocked copy in the enclosed self-addressed, stamped envelope I have provided for your convenience.

With kindest regards,

Yours truly,



Kenneth R. Moss

KRM/rb

Enclosures as stated

cc: (via first-class U.S. Mail)

David B. Miller, Esq./Benjamin A. Barody, Esq.

Emma Ruth Brittain, Esq.