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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

Kristi F. Curtis, Circuit Court Judge

Appellate Case No. 2024-001820

Allen University,.....Appellant,

v.

City of Columbia Design/Development Review Commission,Respondent.

RENEWED MOTION TO DISMISS APPEAL

This is an appeal from a decision of the City of Columbia’s Design/Development Review Commission (the “DDRC”). The DDRC is an architectural board authorized by state statute. *See* S.C. Code Ann. § 6-29-870(A).

The DDRC denied Appellant’s request for a certificate of design approval for demolition of a structure at 1421 Heidt Street. The structure, a historic home, is located in an architectural protection area. Evidence was presented at the hearing below that Appellant has failed to maintain the structure and has allowed it to fall into disrepair. If there is no resolution of this matter, the structure will be demolished by neglect.

Appellant filed its notice of appeal on October 28, 2024. Upon information and belief, Appellant timely ordered a transcript of the hearing held in the circuit court. The transcript was made available to the parties on December 4, 2024. The following day, the undersigned counsel

emailed Appellant's counsel to inquire about the transcript and the briefing deadlines. The undersigned counsel did not receive any response from Appellant.

An appellant must file its initial brief within 30 days after receiving the transcript. Rule 208(a), SCACR.

Appellant failed to file its initial brief within 30 days after receiving the transcript, and Appellant had not sought an extension of time. Therefore, on January 6, 2025, Respondent filed a motion to dismiss this appeal.

On January 16, 2025, Appellant filed a return to Respondent's motion. Appellant explained that there was some confusion about who would be representing the Appellant for purposes of the appeal. Counsel Shaffer indicated he would be moving to be relieved from this case. Upon information and belief, Counsel Shaffer has not moved to be relieved. Appellant asked for permission to file its initial brief and designation of matter by February 3, 2025.

However, rather than take any action to move this appeal along, Appellant has done nothing. Appellant did not file its initial brief and designation of matter by its self-imposed deadline of February 3, 2025.

Respondent again asks for this appeal to be dismissed. Respondent objects to any extension of time for briefing in this matter. Further delay will lead to further deterioration of the structure. Upon information and belief, the delay in this matter is calculated by Appellant to obtain demotion by neglect. While this appeal was pending in the circuit court, Appellant moved for a continuance on the day of a scheduled hearing (March 22, 2024) so that mediation could be conducted. Appellant had made no attempts to schedule a mediation before this date.

For the reasons stated herein, Appellant's appeal should be dismissed, and Appellant should not be allowed any extension of time to file its initial brief.

Respectfully submitted,

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s/Peter M. Balthazor

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February 19, 2025