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Sep 08 2025

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM SUMTER COUNTY
Court of Common Pleas
For the Third Judicial Circuit
The Honorable R. Kirk Griffin,
Acting Circuit Court Judge

Civil Action No. 2022-CP-43-01389

Appellate Case No. 2025-001006

Sumter County,

Respondent,

v.

LA Express Logistics, LLC and Willie S. Spann, III,

Appellants.

MOTION TO DISMISS

Pursuant to Rule 240 of the South Carolina Appellate Court Rules, Respondent Sumter County (“Respondent”), by and through the undersigned counsel, respectfully requests this Court dismiss the May 21, 2025 Notice of Appeal filed by Appellants LA Express Logistics, LLC and Willie S. Spann III (“Appellants”).

BACKGROUND

Respondent initiated this action on September 1, 2022, seeking a declaration that Appellants were operating a trucking business in violation of the Sumter County Zoning and Development Standards Ordinance. On September 2, 2024, Respondent moved for summary

judgment, and on April 21, 2025, the Circuit Court granted that motion. Appellants filed their Notice of Appeal with this Court the same day.

On May 23, 2025, the Clerk of the Court of Appeals advised Appellants that their Notice of Appeal was deficient because they failed to provide proof of filing their Notice of Appeal with the Sumter County Clerk of Court. The Clerk directed Appellants to cure the deficiency within ten days and warned that failure to do so would result in dismissal of the appeal. To date, Appellants have neither responded to the Clerk's letter nor complied with its instructions. Furthermore, Appellants have not ordered the transcript despite receiving notice from the Clerk on August 18, 2025, that the case would be held in abeyance pending the receipt of the transcript.

ARGUMENT

The Court should grant Respondent's Motion to Dismiss because Appellants have failed to perfect their appeal.

Under Rule 260(a), SCACR, the clerk must dismiss any appeal that does not comply with the appellate rules, and such an appeal may not be reinstated absent a showing of good cause. Rule 203(d)(1)(A), SCACR, requires appellants to file the notice of appeal with both the clerk of the lower court and the clerk of the appellate court. Additionally, Rule 207(a), SCACR, mandates that appellants order a transcript of the proceeding within ten days after service the notice of appeal.

Here, Appellants have failed to demonstrate compliance with Rule 203, SCACR, as Appellants have not submitted proof that the Notice of Appeal was filed with the Sumter County Clerk of Court. The Clerk of the Court of Appeals explicitly requested such proof, afforded Appellants ten days to provide it, and expressly warned that noncompliance would result in dismissal. More than three months have passed without any corrective action. Additionally, the

Notice of Appeal was served over four months ago, yet Appellants have failed to order the transcript as required by Rule 207, SCACR. Dismissal of this appeal is therefore warranted.

CONCLUSION

For the foregoing reasons, Respondent respectfully requests that the Court dismiss Appellants' appeal.

Respectfully submitted,

SMITH ROBINSON

s/G. Murrell Smith, Jr.

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-AND-

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Attorneys for Plaintiff Sumter County

Sumter, South Carolina

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PROOF OF SERVICE

I, the undersigned employee of Smith Robinson Holler DuBose and Morgan, LLC, certify that a true copy of Respondent Sumter County's Motion to Dismiss in this case has been served on the following, this 8th of September, 2025, by depositing the same in the United States Post Office, postage prepaid, addressed to Appellants LA Express Logistics, LLC and Willie S. Spann, III at the address below.

LA Express Logistics, LLC
Willie S. Spann, III, Registered Agent
5160 Hwy 15 North
Sumter, SC 29153
Pro se Appellant

Willie S. Spann, III
5160 Hwy 15 N
Sumter, SC 29153
Pro se Appellant



Jennifer Lisandrelli

September 8, 2025

Reply To: Columbia
austin.reed@smithrobinsonlaw.com

September 8, 2025

Via Email and Mail

Ms. Jenny Abbott Kitchings
South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

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SC Court of Appeals

RE: Sumter County v. LA Express Logistics, LLC
Appellate Case No.: 2025-001006
SR File No.: 2900-0001

Dear Ms. Kitchings:

Please find enclosed Respondent Sumter County's Motion to Dismiss for filing with your office. The \$50.00 motion fee check will be mailed to the Court under separate cover.

Very truly yours,


Austin T. Reed

ATR/jll
Enclosures
cc: Willie S. Spann, III, Registered Agent