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Jan 22 2026
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
In the Court of Common Pleas

The Honorable Daniel Coble, Circuit Court Judge

Appellate Case No.: 2025-001903

Bush River C-Store, LLC,

Appellant,

vs.

South Carolina Department of Transportation,

Respondent.

**RESPONDENT’S OPPOSITION TO APPELLANT’S MOTION FOR EXTENSION OF
TIME AND RESPONDENT’S MOTION TO DISMISS**

Respondent South Carolina Department of Transportation (“Respondent” or “SCDOT”) hereby opposes, by and through its undersigned counsel, Appellant’s Motion for Extension of Time. Further, Respondent hereby moves for an Order dismissing the Appellant’s Notice of Appeal.

WHEREAS Appellant previously challenged the condemnation that is the subject of this appeal, SCDOT moved for summary judgment on the challenge action, and by Order dated October 10, 2024, Judge Goodstein granted SCDOT’s summary judgment;

WHEREAS Appellant filed a Notice of Appeal on or around November 6, 2024 appealing Judge Goodstein’s Order granting summary judgment;

WHEREAS by Order dated February 10, 2025, attached hereto as Exhibit A, the Court of Appeals dismissed the Appellant's appeal for failure to serve and file their initial brief;

WHEREAS Appellant failed to pursue its previously filed Appeal, which raised the same issues it seeks to appeal now; Judge Goodstein's October 10, 2024 Order addressed the relevant issues and granted SCDOT's summary judgment, and Judge Coble's September 9, 2025 Order Granting SCDOT's Motion for Summary Judgment appropriately found that Bush River C-Store, LLC, or here the Appellant, had failed to establish any factual basis on which its complaint could stand;

For the reasons herein, Respondent respectfully requests and Order from this Court denying Appellant's Motion for Extension of Time and dismissing Appellant's appeal with prejudice.

PAGLIARINI LAW FIRM, LLC

s/Julia Anne E. G. McKeachie

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Charleston, South Carolina

January 22, 2026

EXHIBIT A

The South Carolina Court of Appeals

Bush River C-Store, LLC and Pallav Desai, Appellants,

v.

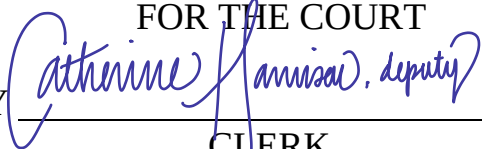
South Carolina Department of Transportation,
Respondent.

Appellate Case No. 2024-001901

The Honorable Diane Schafer Goodstein
Richland County
Trial Court Case No. 2023CP4005117

ORDER

Appellant has failed to serve and file their initial brief of appellant and designation of matter, as required by Rule 208 of the South Carolina Appellate Court Rules and this Court's letter dated January 23, 2025. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT
BY  Deputy
CLERK

Columbia, South Carolina

cc:
S. Jahue Moore, Esquire
James Edward Bradley, Esquire
Julia Anne E. G. McKeachie, Esquire
David Guy Pagliarini, Esquire

FILED
Feb 10 2025

CERTIFICATE OF SERVICE

I, Lauryn McCloud, the undersigned Legal Assistant of Pagliarini Law Firm, LLC, attorneys for Condemnor, South Carolina Department of Transportation, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by U.S. certified mail return receipt requested and emailing the same to the following address(es):

Pleadings: **RESPONDENT'S OPPOSITION TO APPELLANT'S MOTION
FOR EXTENSION OF TIME AND RESPONDENT'S MOTION TO
DISMISS**

Parties Served: **Via Electronic Mail and U.S. Certified Mail**
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Charleston, South Carolina
January 22, 2026

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January 22, 2026

Via Electronic Mail: ctappfilings@sccourts.org

Via Certified Mail and Electronic Mail

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Jan 22 2026

SC Court of Appeals

Re: Bush River C-Store, LLC v. South Carolina Department of Transportation
Appellate No: 2025-001903

Dear Counsel:

Please find enclosed for service upon you in the above-referenced matter, Respondent's Opposition to Appellant's Motion for Extension of Time and Respondent's Motion to Dismiss.

If you have any questions regarding the enclosed, please do not hesitate to contact our office.

Sincerely,



Julia Anne McKeachie
Enclosure(s)

cc: (w/ enclosures, via email only)
Diane M. L. Corley (diane@mbmlawsc.com)