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Jun 24 2026

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,

Defendants,

of which Willie S. Spann, III is the Appellant.

**MOTION FOR COSTS
ON BEHALF OF RESPONDENT**

Pursuant to Rule 222 of the South Carolina Appellate Court Rules, Respondent Sumter County (“the County”), by and through the undersigned counsel, hereby moves this Honorable Court for an Order taxing costs against Appellant LA Express Logistics, LLC. Rule 222(a) of the South Carolina Appellate Court Rules provides that “costs shall be taxed against the appellant when the appeal is dismissed or judgment on appeal is affirmed.” Considering Appellant LA

Express Logistics LLC's dismissal from the appeal via this Court's May 29, 2026 Order, an award of costs in favor of the County against Appellant LA Express Logistics LLC is appropriate.¹

This matter arises from an underlying zoning dispute between the County and Appellants LA Express Logistics, LLC and Willie S. Spann, III. Appellants filed a notice of appeal from the circuit court's order granting summary judgment in favor of the County. Since the filing of the notice of appeal on May 21, 2025, Appellants have done nothing of substance to move this appeal forward. Even though this case has been pending on the Court's docket for over a year now, no merits briefing has taken place and no legitimate update as to when briefing is anticipated to commence has been provided by Appellants. Rather, Appellants have taken advantage of this self-created delay, and upon information and belief, Appellants have continued to operate their trucking operation on the property in question, violating the circuit court's imposition of injunctive relief for noncompliance with the applicable Sumter County Zoning and Development Standards Ordinance.² To be certain, Appellants' appeal does not create an automatic stay of the circuit court's order. *See* Rule 241(b)(8), SCACR.³

On September 8, 2025, the County moved to dismiss Appellants' appeal for failure to comply with both the South Carolina Appellate Court Rules and this Court's prior deficiency letters. Appellants opposed that motion. Although the Court denied the County's motion to dismiss on November 13, 2025, the Court acknowledged Appellants' deficiencies and provided caution moving forward. The Court held in part:

¹ Pending the outcome of the remainder of this appeal, the County reserves the right to seek costs from Appellant Spann.

² Contempt sanctions were previously imposed by the circuit court on Appellants for not complying with a temporary injunction.

³ The County reserves the right to file another rule to show cause should Appellants violate the circuit court's order.

To date, Appellant has failed to timely respond to this court's May 23, 2025 and September 16, 2025 deficiency letters requiring Appellant to file proof of filing the notice of appeal with the Sumter County Clerk of Court and proof of having served the transcript request on the Office of Court Administration as well as on opposing counsel. After careful consideration, we deny the motion to dismiss. However, within ten days of the date of this order, Appellant must serve and file the aforementioned proofs of service Failure to comply will result in dismissal of the appeal.

Unfortunately, Appellants' trend of noncompliance continued. On January 16, 2026, the Court issued a letter to Appellants noting the transcript should have been delivered and that Appellants' initial brief appeared overdue. The Court also noted that there had not been any information provided by Appellants as to the status of the transcript as required by the Appellate Court Rules. The Court requested a status update within ten days, or the appeal would be dismissed. However, Appellants failed to update the Court timely, and the Court dismissed this case on February 4, 2026.

In response to the dismissal, on February 13, 2026, Appellants mailed a letter to the Court explaining the reasons for noncompliance and requesting the appeal be reinstated. The County opposed that request. On April 1, 2026, the Court reinstated the appeal and ordered, "Appellants shall provide this court with an update on the status of the November 7, 2025^[4] hearing transcript within ten (10) days of the date of this order. Thereafter, Appellants must provide this court with written status updates regarding the progress of procuring the transcript every thirty (30) days. Failure to comply may result in dismissal of the appeal." Although Appellants provided the Court an initial status update on April 10, 2026, Appellants did not provide one by May 11, 2026, and did not provide another by June 10, 2026, as ordered by the Court.

⁴ This appears to be a typographical error. The County believes this to be in reference to a November 7, 2022 hearing transcript.

On April 15, 2026, the Court advised Appellant LA Express Logistics LLC of its need to secure counsel within 30 days because an LLC is not permitted to proceed pro se. No counsel appeared for Appellant LA Express Logistics LLC, and the Court ordered partial dismissal on May 29, 2026. Partial remittitur was issued on June 17, 2026. Accordingly, because of this dismissal, the County requests the Court tax costs in the amount of \$2500 against Appellant LA Express Logistics, LLC.⁵

Respectfully submitted,

SMITH ROBINSON

s/Austin T. Reed

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Attorneys for Respondent Sumter County

Columbia, South Carolina

June 24, 2026

⁵ The County recognizes this dismissal occurred prior to merits briefing and oral argument; however, the County believes the full attorney fee is appropriate in light of these facts to deter future appellate conduct.

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Appellants.

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 for Costs and Itemized Statement of Costs in this case has been served on the following, this 24th day of June, 2026, 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

June 24, 2026

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SC Court of Appeals

From: Jennifer Lisandrelli
Sent: 6/24/2026 11:32:57 AM
To: 'williespann30@gmail.com'
Cc: Murrell Smith; Austin Reed
Subject: Sumter Co v Spann 2025-001006
Attachments: 2026.06.24 Signed Itemization of Costs.pdf, 2026.06.24 Motion for Costs Against LA Express.pdf, 2026.06.24 POS motion for costs.pdf
Categories: Smokeball

Good morning Mr. Spann. Attached are your service is the Respondent's Motion for Costs and Itemization of Costs in the above matter. Thank you.



Sumter

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Sumter, SC 29150

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Camden: 803.432.1992

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