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Sep 15 2026
SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Marvin H. Dukes, III, Circuit Court Judge

Appellate Case No. 2026-001589
Case No. 2024-CP-10-04474

Exchange Club Fair of Charleston, Inc..... Appellant-Respondent,

v.

Charleston Area Regional Transportation Authority,..... Respondent-Appellant.

NOTICE OF CROSS-APPEAL

The Respondent-Appellant Charleston Area Regional Transportation Authority (“CARTA”) hereby cross appeals to the South Carolina Court of Appeals from the following Orders:

- (1) Order Granting Plaintiff/Landowner’s Motion for Summary Judgment issued by Circuit Court Judge Marvin H. Dukes, III and dated June 18, 2026; and
- (2) Form Order issued by Circuit Court Judge Marvin H. Dukes, III and dated October 14, 2024.

This Notice of Cross-Appeal is filed in response to the Notice of Appeal previously filed by the Appellant-Respondent Exchange Club Fair of Charleston, Inc. This Notice of Cross-Appeal is timely filed and served within five days of receipt of Appellant-Respondent’s Notice of

Appeal as a result of the automatic stay imposed by Rule 240(b), SCACR, during the pendency of the Respondent-Appellant's Motion to Dismiss which was filed July 23, 2026 and disposed of by this Court on September 15, 2026.

Respectfully submitted,

LINDEMANN LAW FIRM, P.A.

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Charleston Area Regional Transportation Authority

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Exchange Club Fair of Charleston, Inc. Appellant-Respondent,

v.

Charleston Area Regional Transportation Authority, Respondent-Appellant.

CERTIFICATE OF SERVICE

Pursuant to Section (d)(1) of the Supreme Court's Order RE: Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules (As Amended May 6, 2022), the undersigned employee of the Lindemann Law Firm, P.A., counsel for the Respondent-Appellant Charleston Area Regional Transportation Authority, does hereby certify that service of the **Notice of Cross-Appeal** was made upon all counsel of record by email only this the 15th day of September 2026, as follows:

Richard D. Bybee, Esquire
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Jeffrey S. Tibbals, Esquire
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**Also Admitted in North Carolina*

September 15, 2026

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SC Court of Appeals

Via Email Only

The Honorable Jenny Abbott Kitchings

Clerk of Court

South Carolina Court of Appeals

Email: ctappfilings@sccourts.org

RE: Exchange Club Fair of Charleston, Inc. v. Charleston Area Regional
Transportation Authority
Appellate Case Number: 2026-001589
Civil Action Number: 2024-CP-10-4474
Our File Number: 79.20916

Dear Ms. Kitchings:

Pursuant to Section (b)(2) of the Supreme Court's Amended Order Re: Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules, please find enclosed for filing by email only the **Notice of Cross-Appeal** (with the orders being appealed) in the above-referenced appeal. By copy of this letter, I am serving a copy on all counsel by email only pursuant to Section (d)(1) of the same Order. I am also forwarding the \$250 filing fee by U.S. Mail on this date.

Thank you for your assistance in this matter. If you have any questions, please advise.

LINDEMANN LAW FIRM, P.A.

Andrew F. Lindemann

AFL/

Enclosures

cc: Richard D. Bybee, Esquire (w/Enclosures)(via Email only)
Jeffrey S. Tibbals, Esquire (w/Enclosures)(via Email only)
Evan P. Williams, Esquire (w/Enclosures)(via Email only)
R. Stewart Miller, Jr., Esquire (w/Enclosures)(via Email only)
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