

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GEORGETOWN COUNTY
Benjamin H. Culbertson, Circuit Court Judge

Case No. 2009-CP-22-1045

John Steven Goodwin, Louise C. Goodwin, Thomas I. Puckett and Brenda C. Puckett, Robert Nahama and Jeanne E. Nahama, Thomas Holland and Sharon Louise Holland, Joyce K. Sobel, Robert W. Waruszewski, Richard N. Taylor, Robert K. Spillers (a/k/a Robert Spillers), and Deborah T. Spillers (a/k/a Deborah Spillers), Patrick A. DiAngelo and Deborah A. DiAngelo, Gary E. Owens and Joyce M. Owens, Fount L. Shults and Lynda M. Shults, Dennis Ridgeway and Teresa Lynn Ridgeway, Appellants,

71242

v.

Landquest Development, LLC, Kyle V. Corkum, South Bay Properties, LLC, C.R. Thompson and Sons, LLC, Ronald L. Charlton, Bonnie N. Charlton, James R. Charlton and Bayside Property Inc., The City of Georgetown, Hartford Casualty Insurance Company, Hartford Fire Insurance Company, and National Land Sales, Inc., f/k/a Source One Communities, LLC, a/k/a Source One Signature Communities, Respondents.

MOTION TO DISMISS APPEAL

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SC Court of Appeals

The Respondent City of Georgetown moves this Court to dismiss the Appellants' appeal on the basis that all claims by the Appellant against the Respondent City are moot, and as a result, this Court lacks jurisdiction.

The grounds for this motion are set forth in more detail in the supporting memorandum filed herewith.

In accordance with Rule 224(b), SCACR, the Respondent City of Georgetown respectfully requests that all time limits be held in abeyance while this motion remains pending.

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Columbia, South Carolina

February 5, 2014

THE STATE OF SOUTH CAROLINA
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Case No. 2009-CP-22-1045

John Steven Goodwin, Louise C. Goodwin, Thomas I. Puckett and Brenda C. Puckett, Robert Nahama and Jeanne E. Nahama, Thomas Holland and Sharon Louise Holland, Joyce K. Sobel, Robert W. Waruszewski, Richard N. Taylor, Robert K. Spillers (a/k/a Robert Spillers), and Deborah T. Spillers (a/k/a Deborah Spillers), Patrick A. DiAngelo and Deborah A. DiAngelo, Gary E. Owens and Joyce M. Owens, Fount L. Shults and Lynda M. Shults, Dennis Ridgeway and Teresa Lynn Ridgeway, Appellants,

v.

Landquest Development, LLC, Kyle V. Corkum, South Bay Properties, LLC, C.R. Thompson and Sons, LLC, Ronald L. Charlton, Bonnie N. Charlton, James R. Charlton and Bayside Property Inc., The City of Georgetown, Hartford Casualty Insurance Company, Hartford Fire Insurance Company, and National Land Sales, Inc., f/k/a Source One Communities, LLC, a/k/a Source One Signature Communities, Respondents.

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CERTIFICATE OF SERVICE

SC Court of Appeals

The undersigned employee of Davidson & Lindemann, P.A., attorneys for the Respondent City of Georgetown, does hereby certify that service of the **Motion to Dismiss Appeal** and **Memorandum in Support of Motion to Dismiss Appeal** in the above-captioned matter was made upon all counsel of record by placing copies in

the United States Mail, first class postage prepaid, at the below listed addresses clearly indicated on said envelope this the 5th day of February 2014:

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February 5, 2014

Of Counsel
Kenneth P. Woodington

Writer's Email: alindemann@dml-law.com

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: John Steven Goodwin, *et al.* v. Landquest Development, LLC, *et al.*
SCCA Case Number: 2013-001644
Civil Action Number: 2009-CP-22-1045
Our File Number: 79.7959

Dear Ms. Kitchings:

Please find enclosed for filing the originals and one copy each of the **Motion to Dismiss Appeal** and **Memorandum in Support of Motion to Dismiss Appeal** in the above referenced matter. Please file the originals and return a clocked-in copy of each document to me in the enclosed envelope. I have also enclosed my firm's \$25.00 check for the filing fee.

By copy of this letter, I am serving copies on all counsel of record.

Thank you for your assistance in this matter.

Sincerely,

DAVIDSON & LINDEMANN, P.A.



Andrew F. Lindemann

AFL/jmb
Enclosures

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The Honorable Jenny Abbott Kitchings
February 5, 2014
Page Two

cc: John M. Leiter, Esquire (*w/ Enclosure*)
K. Douglas Thornton, Esquire (*w/ Enclosure*)
Charles T. Smith, Esquire (*w/ Enclosure*)
James Lynn Werner, Esquire (*w/ Enclosure*)
Lawrence M. Hershon, Esquire (*w/ Enclosure*)
Joseph K. Qualey, Esquire (*w/ Enclosure*)
Donald G. Hunt, Jr., Esquire (*w/ Enclosure*)
Kristen G. Atkins, Esquire (*w/ Enclosure*)
Ronald L. Richter, Jr., Esquire (*w/ Enclosure*)
Elise F. Crosby, Esquire (*w/ Enclosure*)

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The Honorable Jenny Abbott Kitchings
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South Carolina Court of Appeals
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