

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

J.C. Nicholson, Jr., Circuit Court Judge

Case No. 2011-CP-10-2444

RECEIVED
FEB 04 2014
SC Court of Appeals

Stow Away Storage, LLC,.....Respondent,

v.

George W. Sisson, 4.0 LLC, The Sisson Foundation Limited Partnership,
Sweetgrass Hardware, Inc. and Timarand, Inc., Defendants,

Of whom George W. Sisson, 4.0 LLC, The Sisson Foundation Limited Partnership,
and Sweetgrass Hardware, Inc. are the.....Appellants.

APPELLANTS' RETURN TO
RESPONDENT'S MOTION TO REMAND

Pursuant to Rule 240(e) SCACR, the Appellants George W. Sisson, 4.0 LLC, The Sisson Foundation Limited Partnership, and Sweetgrass Hardware, Inc. submit this Return to the Respondent's Motion to Remand dated January 21, 2014.

For the reasons stated herein, the Appellants object to the Respondent's Motion to Remand and would request that the relief requested by the Respondent be denied.

The determination by Judge Nicholson is immediately appealable as it is a "final order affecting a substantial right..." of the parties. Kriti Ripley, LLC and Ashley River Props. II, LLC

v. Emerald Investments, LLC and Stuart Longman, 404 S.C. 367, 378, 746 S.E.2d 26, 32 (2013) (where a final foreclosure order was a final judgment on the merits). Judge Nicholson's Order finds in favor of the Respondent in that the License Agreement between Sweetgrass and Sisson was ineffective, thus granting the Respondent the right to shut off traffic entering and/or crossing the easement. The lawsuit is based on Sweetgrass' use of the easement. Both Judge Nicholson's Order entered on November 22, 2013 and the Order Denying the Defendants' Motion to Reconsider entered on December 11, 2013 deny Sweetgrass the use of the easement.

A final judgment is an order that "...dispose[s] of the whole subject-matter or" is a "...termination of the particular proceedings or action, leaving nothing to be done but to enforce by execution what has been determined." Id., 404 S.C. at 379, 746 S.E.2d at 32 (2013). Judge Nicholson made an "express determination" in that he immediately denied Sweetgrass the right to use the easement. The rights of the parties have been determined. The issues of damages and attorney's fees do not affect the merits of the case and do not form the whole or part of the outlined causes of action. See Ex parte Capital U-Drive-It, Inc. v. Rhett Alexander Beaver, 369 S.C. 1, 630 S.E.2d 464 (2006).

On the basis of SCRCP 54(b), it is respectfully submitted that the Respondent's Motion to Remand be denied as there are no remaining claims for adjudication.

January 31, 2014
Mt. Pleasant, South Carolina

Respectfully submitted,



Maria Kiehling Brees
Buist, Byars & Taylor, LLC
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Mt. Pleasant, SC 29464
(843) 856-4488
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STATE OF SOUTH CAROLINA
 COUNTY OF CHARLESTON
 IN THE COURT OF COMMON PLEAS

FORM 4

JUDGMENT IN A CIVIL CASE

CASE NO. 2011- CP-10-2444

RECEIVED
 FEB 04 2014

Stow Away Storage, LLC,

George W. Sisson, et al.,

SC Court of Appeals

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:

Attorney for : Plaintiff Defendant
 or
 Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other _____
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other _____
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX)**
 Affirmed; Reversed; Remanded; Other _____

2013 DEC 11 PM 12:14
 JULIE L. ARMSTRONG
 CLERK OF COURT
 FILED

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court: **The Court DENIES Defendant George W. Sisson, et al.'s Motion to Reconsider filed on December 6, 2013.**

ORDER INFORMATION

This order ends does not end the case.
 Additional Information for the Clerk : _____

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
N/A		\$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

[Signature]
 Circuit Court Judge

2117
 Judge Code

12/19/13
 Date

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

J.C. Nicholson, Jr., Circuit Court Judge

Case No. 2011-CP-10-2444

Stow Away Storage, LLC,.....Respondent,

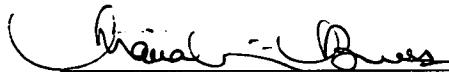
v.

George W. Sisson, 4.0 LLC, The Sisson Foundation Limited Partnership,
Sweetgrass Hardware, Inc. and Timarand, Inc., Defendants,

Of whom George W. Sisson, 4.0 LLC, The Sisson Foundation Limited Partnership,
and Sweetgrass Hardware, Inc. are the.....Appellants.

PROOF OF SERVICE

The undersigned hereby certifies that a true copy of the Appellants' Return to the Respondent's Motion to Remand has been served upon G. Dana Sinkler, counsel for the Respondent at P.O. Box 1254, Charleston, South Carolina, 29402, by United States Mail, first class, postage prepaid on the 31st day of January, 2014.



Maria Kiehling Brees
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January 31, 2014

MARIA KIEHLING BRES
ATTORNEY AT LAW
maria.brees@buistbyars.com

The Honorable Jenny Abbott Kitchings
Clerk of the South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211

Re: Stow Away Storage, LLC v. George W. Sisson, et al.
Case No. 2011-CP-10-2444
Ct. App. No. 2014-000155
Our File No. 2011040021

Dear Ms. Kitchings:

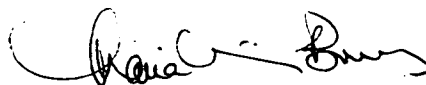
Please find enclosed for filing in the above-referenced matter the following:

1. An original and seven (7) copies of the Appellants' Return to Respondent's Motion to Remand;
2. An original and one (1) copy of a Proof of Service for the same.

Please file the originals and return the file-stamped copies to me in the enclosed envelope. By copy of this letter, I am serving the same upon G. Dana Sinkler, Esq., counsel for the Respondent.

Should you have any questions, please feel free to contact me. With kind regards, I am

Yours very truly,



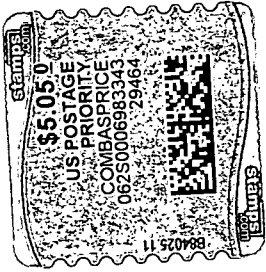
Maria Kiehling Brees

Enclosures
cc. (w/enc.) G. Dana Sinkler, Esq.

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SC Court of Appeals



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TAYLOR** LLC
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652 Coleman Blvd., Suite 200
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SC Court of Appeals

The Honorable Jenny Abbott Kitchings
Clerk of the South Carolina Court of Appeals
P.O. Box 11629
Columbia, South Carolina 29211