

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

RECEIVED

MAR 18 2014

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

SC Court of Appeals

Benjamin H. Culbertson  
Circuit Court Judge

Case No.: 2012-CP-26-8652

TriStar Investors, Inc., Minerva Realty, LLC, and  
Angeline Johnson, .....Appellants

v.

The Horry County Council and American Towers, LLC.....Respondents

Appellate Case No. 2013-001178

**RESPONDENT THE HORRY COUNTY COUNCIL'S  
MOTION PURSUANT TO RULES 240 AND 260,  
SCACR, FOR DISMISSAL OF APPEAL**

Emma Ruth Brittain, Esquire  
Thomas & Brittain, P.A.  
Post Office Box 1290  
Myrtle Beach, South Carolina 29578  
(843) 692-2628  
ATTORNEYS FOR RESPONDENT  
THE HORRY COUNTY COUNCIL

This Respondent, Horry County Council (“Respondent Horry County” or “Respondent”), mailed the Initial Brief and Designation of Matter to the Court and served the Appellants’ counsel on January 6, 2014. (See Attachment A).

Appellants’ Initial Reply Brief was received by Respondent Horry County on January 28, 2014. Rule 210(a) of the SCACR states “within thirty (30) days after service of the last brief, the appellant shall serve a copy of the Record on Appeal on each party who has served a brief.” The thirty (30) day deadline in which to serve the Record on Appeal was February 27, 2014. On March 5, 2014, Respondent checked the South Carolina Appellate Case Management System to determine if the Record on Appeal had been filed because it had not been received, and it had not been entered into the website at that time. (See Attachment B, a screen shot copied from the South Carolina Appellate Case Management System website on 3/5/14).

Unbeknownst to counsel for Respondent Horry County, Appellants’ counsel served counsel for Respondent American Towers, LLC with the Record on Appeal by mail on February 26, 2014. (See Attachment C, a copy of a letter obtained from the South Carolina Appellate Case Management System on 3/18/14). The Appellants’ Proof of Service, included in Attachment D, only lists the attorneys for Respondent American Towers, LLC. Appellants failed to serve Respondent Horry County with the Record on Appeal in the instant action even though Respondent Horry County has been a party of record to this action since the December 5, 2012. Moreover, the South Carolina Appellate Case Management System website lists each attorney of record including Respondent Horry County Council’s for the

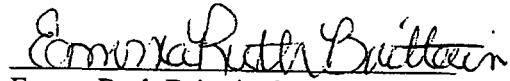
instant action (See Attachment B).

Respondent Horry County Council's counsel has experienced prior difficulties with service of documents by Appellants in this matter. An e-mail was sent from Respondent's counsel on August 8, 2013, to Appellant's counsel, notifying counsel of non-receipt of documents, including the Notice of Appeal. (See Attachment E). On August 7, 2013, Respondent Horry County notified Appellants' counsel that said Respondent had not received a copy of their May 24, 2013, request for transcript to the court reporter as required by Rule 207, SCACR. (See Attachment F). On May 23, 2013, the Appellants' Motion for Supersedeas was hand delivered to Respondent's County Attorney client instead of serving it on the Respondent's counsel of record. (See Attachment G, a copy of an e-mail from County Attorney forwarding Motion for Supersedeas to Respondent's counsel).

Based on the above, counsel for Respondent Horry County respectfully requests that the appeal of this action be dismissed on the grounds that Appellants have failed to comply with the requirements of the South Carolina Appellate Court Rules, as set forth herein, and that such dismissal is appropriate pursuant to the provisions of Rule 260(a), SCACR.

In the event the Court determines dismissal is not appropriate, Respondent Horry County requests that Appellants be ordered to pay its costs and fees in filing this motion, and that it be granted an appropriate extension of time for filing its Final Brief once it has been served with the Record on Appeal by Appellants.

Respectfully submitted,



Emma Ruth Brittain, Esquire

Thomas & Brittain, P.A.

Post Office Box 1290

Myrtle Beach, South Carolina 29578

(843) 692-2628

ATTORNEYS FOR RESPONDENT

THE HORRY COUNTY COUNCIL

# ATTACHMENT A

**THOMAS & BRITAIN, P.A.**

ATTORNEYS AT LAW

1314 PROFESSIONAL DRIVE

MYRTLE BEACH, SOUTH CAROLINA 29577

TELEPHONE (843) 692-2628

FACSIMILE (843) 692-0928

MAILING ADDRESS:  
POST OFFICE BOX 1290  
MYRTLE BEACH, SC 29578

EMMA RUTH BRITAIN\*  
ERBrittain@MYRIaw.com

\*CERTIFIED EMPLOYMENT  
& LABOR LAW SPECIALIST

January 6, 2014

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

Re: TriStar Investors, Inc., Minerva Realty, LLC and Angeline Johnson v.  
The Horry County Council and American Towers, LLC  
Civil Action No.: 2012-CP-26-8652  
Appellate Case No: 2013-001178

Dear Ms. Kitchings:

Our firm represents The Horry County Council in the above-referenced matter. Please find enclosed for filing the Respondent The Horry County Council's Initial Brief and Designation of Matter in this case. Please return a clocked copy of the documents to our office in the enclosed self-addressed stamped envelope.

Please do not hesitate to contact our office if you have any questions.

Sincerely yours,

THOMAS & BRITAIN, P.A.



Emma Ruth Brittain

ERB/kwn  
Enclosures

cc: Susan P. MacDonald, Esquire  
Michael J. Anzelmo, Esquire  
David C. Slough, Esquire  
Thomas C. Brittain, Esquire  
A. Preston Brittain, Esquire  
Jonathan L. Yates, Esquire  
Arrigo P. Carotti, Esquire, Horry County Attorney

# ATTACHMENT B

### South Carolina Appellate Case Management System

C-Track, the browser based CMS for Appellate Courts

Appellate Case No. ...

CLERK'S OFFICE  
SUPREME COURT  
COURT OF APPEALS

**Disclaimer:** The information and documents available here should not be relied upon as an official record of action. Only filed documents can be viewed. Some documents received in a case may not be available for viewing. Some documents originating from a lower court, including records and appendices, may not be available for viewing.

**Cases**

Case Search

Participant Search

**Case Information: 2013-001178**

**Court:** Court of Appeals      **Classification:** Appeal - Common Pleas - Other

**Short Title:** TriStar Investors v. The Horry County Council      **Case Status:** Held in Abeyance

[View Full Title](#)

**Consolidated:**

**Filed Date:** 05/22/2013      **Oral Argument Date:**

**Disposition Date:**

**Remittitur Date:**

**Lower Court or Tribunal:** Horry (2012CP2608652)      **Disposition Type:**

**- Party Information**

Appellate Role	Party Name	Former	Attorney(s)
Appellant	Angele Johnson	N	Susan Pardue MacDonald James Christopher Clark (Former) Michael J. Anzelmo L. Morgan Martin
Appellant	Minerva Realty, LLC	N	Susan Pardue MacDonald James Christopher Clark (Former) Michael J. Anzelmo L. Morgan Martin
Appellant	TriStar Investors, Inc.	N	Susan Pardue MacDonald James Christopher Clark (Former) L. Morgan Martin
Respondent	American Towers, LLC	N	David C. Slough Thomas C. Brittain Andrew Preston Brittain Jonathan L. Yates Thomas S. Tisdale, Jr. Elbert Stockman Dorn, Sr. Tanya Amber Gee Jason S. Smith
Respondent	The Horry County Council	N	Emma Ruth Brittain J. Jackson Thomas

**Views**

Display:

**Event Information**

Filed Date	Event Information	Doc
02/20/2014	Non-Dispositional Decision - Order	
01/30/2014	Motion - Relieve / Withdraw / Substitute as Counsel	
01/27/2014	Initial Brief - Reply	
01/22/2014	Non-Dispositional Decision - Extension Granted	
01/09/2014	Motion - Extension of Time (1st)	
01/09/2014	Designation of Matter - Designation of Matter Filed	
01/09/2014	Initial Brief - Respondent (Horry County Council)	
01/06/2014	Designation of Matter - Designation of Matter Filed	
01/06/2014	Initial Brief - Respondent (American Towers, LLC)	
12/06/2013	Non-Dispositional Decision - Extension Granted	
12/06/2013	Non-Dispositional Decision - Extension Granted	
12/05/2013	Non-Dispositional Decision - Extension Granted	
12/05/2013	Motion - Extension of Time (2nd) RIB/DOM American Towers)	
12/03/2013	Motion - Extension of Time (2nd) Horry County Council)	
11/18/2013	Correspondence - Outgoing	

2013-001178: Case View

11/13/2013	Non-Dispositional Decision - Extension Granted	
11/01/2013	Motion - Extension of Time (1st) (Horry County Council)	
11/01/2013	Motion - Extension of Time (1st) (RIB/DOM of American Towers)	
10/07/2013	Designation of Matter - Designation of Matter Filed	
10/07/2013	Initial Brief - Appellant	
09/18/2013	Non-Dispositional Decision - Extension Granted	
09/06/2013	Motion - Extension of Time (1st) (AIB/DOM)	
08/29/2013	Transcript Documents - Transcript Ordered	
08/09/2013	Transcript Documents - Transcript Delivered - Direct Appeal	
08/02/2013	Transcript Documents - Notification that Transcript has not been Received	
07/31/2013	Correspondence - Outgoing (Transcript OverDue)	
06/27/2013	Deficiency - Correction	
06/17/2013	Motion - Return (Horry Co. Council)	
06/13/2013	Non-Dispositional Decision - Order	
06/12/2013	Motion - Reply	
06/11/2013	Deficiency - Deficiency Letter Sent	
06/11/2013	Motion - Return (American Towers)	
06/07/2013	Non-Dispositional Decision - Order	
06/06/2013	Motion - Stay / Supersedeas (including lifting of automatic stay) (Expedited)	
06/05/2013	Non-Dispositional Decision - Order	
06/03/2013	Motion - Stay / Supersedeas (including lifting of automatic stay)	
06/03/2013	Notice of Appeal (Civil) - Initial	
05/28/2013	Transcript Documents - Transcript Ordered	

**ATTACHMENT C**

# Nelson Mullins

Nelson Mullins Riley & Scarborough LLP  
Attorneys and Counselors at Law  
1320 Main Street / 17th Floor / Columbia, SC 29201  
Tel: 803.799.2000 Fax: 803.255.9024  
www.nelsonmullins.com

Michael J. Anzelmo  
Tel: 803.255.9312  
Fax: 803.255.9024  
michael.anzelmo@nelsonmullins.com

February 26, 2014

Thomas S. Tisdale, Esquire  
Johnathan L. Yates, Esquire  
Jason S. Smith, Esquire  
Hellman Yates & Tisdale PA  
King & Queen Building  
145 King Street, Suite 102  
Charleston, SC 29401

David C. Slough, Esquire  
Nexsen Pruet, LLC  
1101 Johnson Avenue, Suite 300  
Myrtle Beach, SC 29577

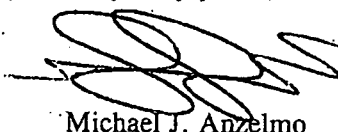
RE: TriStar Investors, Inc., Minerva Realty, LLC, and Angeline Johnson v. The  
Horry County Council, and American Tower Corporation  
Civil Action No. 2012-CP-26-08652  
Our File No. 39776/01501

Dear Gentlemen:

Pursuant to Rule 210, SCACR, we enclose and serve upon you one copy of the Record on Appeal in the above referenced matter.

By copy of this letter to the Honorable Jenny Kitchings, we are enclosing the original and one copy of our proof of service for filing as require. We ask that the clerk, return a clocked copy to us via our courier. Should you have any questions, please do not hesitate to contact me.

Very truly yours,



Michael J. Anzelmo

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FEB 26 2014

SC Court of Appeals

Myrtle Beach, SC 29577

February 26, 2014

Page 2

MJA:mws

Enclosures

cc: Honorable Jenny Kitchings, Clerk South Carolina Court of Appeals

**ATTACHMENT D**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

Benjamin H. Culbertson, Circuit Court Judge

Case No. 2012-CP-26-8652  
Appellate Case No. 2013-CP-26-08652

TriStar Investors, Inc., Minerva Realty, LLC, and  
Angeline Johnson, ..... Appellants,

v.

The Horry County Council and American Towers,  
LLC, ..... Respondents.

I, the undersigned Administrative Assistant of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Appellants Tristar Investors, Inc., Minerva Realty, LLC and Angeline Johnson, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings: RECORD ON APPEAL - TWO VOLUMES

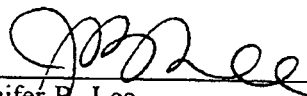
Counsel Served: David C. Slough, Esquire  
Nexsen Pruet, LLC  
1101 Johnson Avenue, Suite 300  
Myrtle Beach, SC 29577  
*Attorneys for Defendant American Tower, LLC*

Jonathan L. Yates, Esquire  
Hellman Yates & Tisdale, PA  
145 King Street, Suite 102  
Charleston, SC 29401  
*Attorneys for Defendant American Tower, LLC*

**RECEIVED**

FEB 26 2014

**SC Court of Appeals**



---

Jennifer B. Lee  
Administrative Assistant

February 26, 2014

# ATTACHMENT E

**Kim Nobles**

---

**From:** Emma Ruth Brittain  
**Sent:** Thursday, August 08, 2013 1:56 PM  
**To:** Tereasa Nelson  
**Cc:** Susan MacDonald  
**Subject:** RE: Tristar Investors, et al. v. The Horry County Council, et al.

Teresa,

This is one of several items I have not received from Susan in this case-including service of the notice of appeal. It is my understanding that David Slough also did not receive a copy of the letter to the court reporter. Additionally, one filing was served on my client (the County) instead of me. Can you check the mailing and e-mail addresses you are using for me?

Thanks,  
Emma Ruth

**From:** Tereasa Nelson [<mailto:tereasa.nelson@nelsonmullins.com>]  
**Sent:** Thursday, August 08, 2013 12:29 PM  
**To:** Susan MacDonald; Emma Ruth Brittain; Kim Nobles  
**Cc:** [dslough@nexsenpruet.com](mailto:dslough@nexsenpruet.com); [edorn@nexsenpruet.com](mailto:edorn@nexsenpruet.com); [jly@hellmanyates.com](mailto:jly@hellmanyates.com); [carottia@horrycounty.org](mailto:carottia@horrycounty.org); [tommy@brittainlawfirm.com](mailto:tommy@brittainlawfirm.com); [carterj@horrycounty.org](mailto:carterj@horrycounty.org)  
**Subject:** RE: Tristar Investors, et al. v. The Horry County Council, et al.

Please see copy of attached letter you requested.

**Nelson Mullins**

---

Tereasa Nelson  
Administrative Assistant  
[tereasa.nelson@nelsonmullins.com](mailto:tereasa.nelson@nelsonmullins.com)

Nelson Mullins Riley & Scarborough LLP

BNC Bank Corporate Center, Suite 300  
3751 Robert M. Grissom Parkway  
Myrtle Beach, SC 29577  
Tel: 843.429.5724

[www.nelsonmullins.com](http://www.nelsonmullins.com)

**From:** Susan MacDonald  
**Sent:** Wednesday, August 07, 2013 4:53 PM  
**To:** Tereasa Nelson  
**Subject:** FW: Tristar Investors, et al. v. The Horry County Council, et al.

Please send a copy

Susan P. MacDonald  
Nelson Mullins Riley & Scarborough, LLP  
3751 Robert Grissom Parkway, Suite 300  
Myrtle Beach, SC 29577  
Direct Dial 843.946.5654

**Fax 843.946.5641**

**From:** Kim Nobles [mailto:knobles@myrlaw.com]

**Sent:** Wednesday, August 07, 2013 4:52 PM

**To:** Susan MacDonald

**Cc:** [dslough@nexsenpruet.com](mailto:dslough@nexsenpruet.com); [edorn@nexsenpruet.com](mailto:edorn@nexsenpruet.com); [jly@hellmanyates.com](mailto:jly@hellmanyates.com); [tommy@brittainlawfirm.com](mailto:tommy@brittainlawfirm.com); Carotti, Arrigo; [carterj@horrycounty.org](mailto:carterj@horrycounty.org)

**Subject:** Tristar Investors, et al. v. The Horry County Council, et al.

Attached for your review is a letter from Mrs. Emma Ruth Brittain regarding the above-referenced matter.

Kim

Kim Nobles  
Assistant to Emma Ruth Brittain, Esquire  
Thomas & Brittain, P.A.  
Post Office Box 1290  
Myrtle Beach, South Carolina 29578  
Telephone: 843-692-2628  
Direct Line: 843-839-8049  
Fax: 843-692-0928

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To ensure compliance with the requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this communication (including the attachments) is not intended or written to be used, for the purpose of (a) avoiding penalties under the Internal Revenue Code or (b) promoting, marketing or recommending to another party any transaction or tax-related matter[s]. To provide you with a communication that could be used to avoid penalties under the Internal Revenue Code will necessarily entail additional investigations, analysis and conclusions on our part.

# ATTACHMENT F

THOMAS & BRITTAIN, P.A.

ATTORNEYS AT LAW

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POST OFFICE BOX 1290  
MYRTLE BEACH, SC 29578

EMMA RUTH BRITTAIN\*  
ERBrittain@MYRlaw.com

\*CERTIFIED EMPLOYMENT  
& LABOR LAW SPECIALIST

August 7, 2013

Susan P. MacDonald, Esquire  
Nelson Mullins Riley & Scarborough  
Post Office Box 3939  
Myrtle Beach, South Carolina 29577

Re: Tristar Investors, Inc., Minverva Realty, LLC and Angeline Johnson vs.  
The Horry County Council and American Tower Corporation  
Civil Action No.: 2012-CP-26-8652

Dear Susan:

Please be informed that we did not receive a copy of your May 24, 2013, request for transcript to Mr. Henry P. Young as required by Rule 207, SCACR. Please kindly provide us with a copy of the initial request as well as any other correspondence with the court reporter.

I look forward to receipt of the correspondence to Mr. Young at your earliest convenience. Please do not hesitate to contact me if you wish to discuss or if you have any questions.

With warm personal regards, I am

Sincerely yours,

THOMAS & BRITTAIN, P.A.



Emma Ruth Brittain

ERB/kwn

- cc: David C. Slough, Esquire
- Elbert Dorn, Esquire
- Jonathan Yates
- Arrigo P. Carotti, Esquire
- Janet Carter, Planning Director
- Thomas C. Brittain, Esquire

# ATTACHMENT G

**Emma Ruth Brittain**

---

**From:** Graves, Sanford <GravesS@HorryCounty.org>  
**Sent:** Thursday, May 23, 2013 10:50 AM  
**To:** Carotti, Arrigo; Emma Ruth Brittain  
**Subject:** TriStar (Motion for Supersedeas: attached)  
**Attachments:** 1 TriStar 20130523 motion.pdf; 2 TriStar 20130523 exhibit 1 2.pdf; 3 TriStar 20130523 exhibit 3 final order.pdf

These items were hand delivered to the office of the County Attorney at 10:20 this morning.

Please call if you have any questions.

Sam

Sanford Cox Graves | Chief Deputy County Attorney  
**Horry County Government**  
Horry County Attorney's Office  
1301 Second Avenue, Conway, South Carolina 29526  
Tel 843.915.7416 | Fax 843.915.6270 | [gravess@horrycounty.org](mailto:gravess@horrycounty.org)  
[www.horrycounty.org](http://www.horrycounty.org)

---

All e-mail correspondence to and from this address may be subject to public disclosure under the South Carolina Freedom of Information Act (FOIA). This correspondence is intended exclusively for the individual or entity to which it is addressed and may contain information that is proprietary, privileged, confidential or otherwise legally exempt from disclosure.

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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APPEAL FROM HORRY COUNTY  
Court of Common Pleas

Benjamin H. Culbertson  
Circuit Court Judge

---

Case No.: 2012-CP-26-8652  
Appellate Case No.: 2013-001178

---

TriStar Investors, Inc., Minerva Realty, LLC, and  
Angeline Johnson ..... Appellant

v.

The Horry County Council and American Towers, LLC ..... Respondents

---

PROOF OF SERVICE

---

I, Kimberly W. Nobles, legal assistant for the attorney representing Respondent  
The Horry County Council, hereby certify that I have served all counsel in this action  
with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by  
United States Mail, postage prepaid, to the following address(es):

Pleadings:

Respondent The Horry County Council's Motion Pursuant to Rules 240 and 260,  
SCACR, For Dismissal Of Appeal

## Counsel Served:

Susan P. MacDonald, Esquire  
Nelson, Mullins, Riley & Scarborough, LLP  
3751 Robert M. Grissom Parkway I Suite 300  
Post Office Box 3939 (29578-3939)  
Myrtle Beach, South Carolina 29577-3165

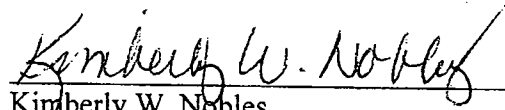
Michael J. Anzelmo, Esquire  
Nelson, Mullins, Riley & Scarborough, LLP  
1320 Main Street I 17th Floor  
Post Office Box 11070  
Columbia, South Carolina 29201  
Attorneys for Appellants TriStar Investors, Inc.,  
Minerva Realty, LLC, and Angeline Johnson

L. Morgan Martin, Esquire  
L. Morgan Martin, P.A.  
1121 Third Avenue  
Conway, South Carolina 29526

David C. Slough, Esquire  
Elbert S. Dorn, Sr., Esquire  
Tanya A. Gee, Esquire  
Nexsen Pruet, LLC  
1101 Johnson Avenue, Suite 300  
Myrtle Beach, SC 29577  
Attorneys for Defendant American Tower, ILC

Thomas C. Brittain, Esquire  
A. Preston Brittain, Esquire  
The Brittain Law Firm, P.A.  
4614 Oleander Drive  
Myrtle Beach, SC 29577  
Attorneys for Defendant American Tower, LLC

Jonathan L. Yates, Esquire  
Thomas S. Tisdale, Jr., Esquire  
Jason S. Smith, Esquire  
Hellman Yates & Tisdale, PA  
145 King Street, Suite 102  
Charleston, SC 29401  
Attorneys for Defendant American Tower, LLC



Kimberly W. Nobles  
THOMAS & BRITTAIN, P.A.  
Post Office Box 1290  
Myrtle Beach, South Carolina 29578  
(843) 692-2628

March 18, 2014

ATTORNEY KEVIN D. KEARSE, ESQUIRE  
ATTORNEYS AND COUNSELORS AT LAW  
107A PINE STREET  
MONCKS CORNER, SC 28461  
(843) 899-5111 FAX: (843) 899-5112

FACSIMILE TRANSMITTAL SHEET

TO: Jenny Kitchings	FROM: Kevin D. Kears, Esquire
COMPANY: S.C. Court of Appeals	DATE: 03-06-14
FAX NUMBER: 803-734-1839	TOTAL NO. OF PAGES INCLUDING COVER: 2
PHONE NUMBER: 803-734-1891	SENDER'S REFERENCE NUMBER:
RE: State v. William Cokley Docket No.: 12-GS-18-106, 107, & 108 Appellate Case No.: 2013-000258	

URGENT     FOR REVIEW     PLEASE COMMENT     PLEASE REPLY     PLEASE RECYCLE

NOTES/COMMENTS:

Please find enclosed a copy of the attached Motion To Be Relieved As Counsel with the date of the Motion changed.

Thank you,  
Kevin D. Kears

**NOTICE:** This fax may contain information that is **PERSONAL AND CONFIDENTIAL, NON-DISCLOSABLE AND PROTECTED BY ATTORNEY/CLIENT PRIVILEGE.** If you have received this fax in error, this does not constitute permission to examine, copy or distribute the accompanying material. If you receive this fax in error, please notify us by telephone as listed above immediately.

STATE OF SOUTH CAROLINA ) IN THE SOUTH CAROLINA COURT OF APPEALS

STATE,

APPELLATE CASE NO.: 2013-000258

Plaintiff,

NOTICE OF MOTION AND MOTION  
TO BE RELIEVED AS COUNSEL

WILLIAM LANARD COKLEY,

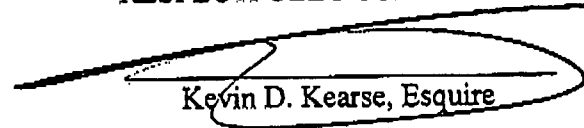
Defendant,

TO: THE DEFENDANT ABOVE-NAMED AND THE S.C. ATTORNEY GENERAL'S OFFICE:

Please take notice that as soon as this matter may be entertained, the undersigned attorney moves for an Order to be relieved as counsel for Defendant, William Lanard Cokley, in this matter. Said Motion is premised upon the fact that Defendant has provided several threatening letters sent via US Mail and also provided threatening text messages. Counsel would further ask that the Court stays all deadlines and grants the Defendant an extension of time to meet those time requirements when other appellate counsel has been retained. A sample copy of the above-referenced correspondence is attached hereto and incorporated into the terms of this Motion by reference thereto herein.

DATED this 6<sup>th</sup> day of March, 2014.

RESPECTFULLY SUBMITTED:

  
Kevin D. Kearse, Esquire

Post Office Box 365  
Moncks Corner, S.C. 29461  
(843)-899-5111  
(843)-899-5112(fax)  
kdk@attorneykevindkearse.com

THOMAS & BRITTAIN, P.A.  
ATTORNEYS AT LAW  
1314 PROFESSIONAL DRIVE  
MYRTLE BEACH, SOUTH CAROLINA 29577

RECEIVED

MAR 18 2014

SC Court of Appeals

EMMA RUTH BRITTAIN\*  
ERBrittain@MYRlaw.com

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FACSIMILE (843) 692-0928

MAILING ADDRESS:  
POST OFFICE BOX 1290  
MYRTLE BEACH, SC 29578

\*CERTIFIED EMPLOYMENT  
& LABOR LAW SPECIALIST

March 18, 2014

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

Re: TriStar Investors, Inc., Minerva Realty, LLC and Angeline Johnson v.  
The Horry County Council and American Towers, LLC  
Civil Action No.: 2012-CP-26-8652  
Appellate Case No: 2013-001178

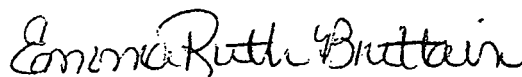
Dear Ms. Kitchings:

Our firm represents The Horry County Council in the above-referenced matter. Please find enclosed for filing the original and six copies of Respondent The Horry County Council's Motion Pursuant to Rule 240 and 260, SCACR, for Dismissal of Appeal in this case. Please return a clocked copy of the document to our office in the enclosed self-addressed stamped envelope. Also enclosed is our fee in the amount of \$25.00.

Please do not hesitate to contact our office if you have any questions.

Sincerely yours,

THOMAS & BRITTAIN, P.A.



Emma Ruth Brittain

ERB/kwn  
Enclosures

cc: Susan P. MacDonald, Esquire  
Michael J. Anzelmo, Esquire  
L. Morgan Martin, P.A.  
David C. Slough, Esquire

Elbert S. Dorn, Sr., Esquire  
Tanya A. Gee, Esquire  
Thomas C. Brittain, Esquire  
A. Preston Brittain, Esquire  
Jonathan L. Yates, Esquire  
Thomas S. Tisdale, Jr., Esquire  
Jason S. Smith, Esquire  
Arrigo P. Carotti, Esquire, Horry County Attorney

***Thomas & Brittain, P.A.***  
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**Myrtle Beach, South Carolina 29578**  
843/ 692-2628 (Phone)  
843/ 692-0928 (Facsimile)

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MAR 18 2014

**SC Court of Appeals**

*FROM THE OFFICE OF EMMA RUTH BRITTAIN:*

DATE: March 18, 2014  
TO: Amelia  
FAX: (803) 734-1839  
RE: TriStar Investors, Inc., Minerva Realty, LLC and Angeline Johnson v.  
The Horry County Council and American Towers, LLC  
Civil Action No.: 2012-CP-26-8652  
Appellate Case No: 2013-001178  
Pages: 28 (including cover sheet)  
MESSAGE:

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