

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM RICHLAND COUNTY
Court of Common Pleas

DeAndrea Gist Benjamin, Circuit Court Judge

Case No. 2013-CP-400-1643

Samuel T. Brick,

Appellant,

v.

Richland County Planning Commission,

Respondent,

Fairways Development, LLC, Intervenor,

Respondent.

RESPONDENT FAIRWAYS DEVELOPMENT,
LLC'S MOTION TO DISMISS APPEAL

The Respondent Fairways Development, LLC¹ ("Fairways") hereby moves this court to dismiss the above captioned appeal by Appellant Samuel T. Brick's (*Pro Se*) for failing to comply with applicable South Carolina Appellate Court Rules ("SCACR") despite being previously cautioned by this court. Specifically, Mr. Brick failed to notify


¹ Mr. Brick omits Fairways Development, LLC as a Respondent from the caption in his Notice of Appeal and in the cover page to his initial brief even though he is appealing an order granting Fairways' motion to dismiss his appeal to circuit court. Fairways was granted leave to intervene by Judge Benjamin on August 30, 2013 as set forth in her order granting Fairways motion to dismiss which is on appeal.

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this court or respondents that he had received the transcript from the court reporter as required by Rule 207 SCACR so that the court and respondent could properly calendar the due dates for Brick's Initial Brief and Designation of Matter to be included in the record on appeal. Brick previously failed to copy court administration with his initial request for the transcript and was notified by this court in a letter dated March 25, 2014 which should be part of this court's file. The first notice to Fairways that Brick received the transcript was receipt of Brick's 46 page Initial Brief and Designation of Matter.

Also as noted in the footnote, Brick failed to include Fairways in the caption of his Notice of Appeal and Initial Brief cover. This court should dismiss this appeal for Brick's failure to abide by the appellate court rules.

TOBIAS G. WARD, JR., PA



Tobias G. Ward, Jr.,
J. Derrick Jackson, SC Bar No.: 15192
P.O. Box 6138
Columbia, SC 29260
803-708-4200
Fax 803-403-8754
dj@tobywardlaw.com
Attorneys for Fairways Development, LLC

June 11, 2014
Columbia, SC

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DeAndrea Gist Benjamin, Circuit Court Judge

Case No. 2013-CP-400-1643

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PROOF OF SERVICE

I certify that I have served a copy of the Respondent Fairways Development, LLC's Motion To Dismiss Appeal on all parties, by depositing the same in the United States Mail, postage prepaid, on June 11, 2014, addressed as follows:

Samuel T. Brick
124 Runnymede Drive
Blythewood, SC 29016

Michael B. Wren, Esquire
Davidson & Lindemann, P.A.
Post Office Box 8568

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Columbia, South Carolina 29202-8568

TOBIAS G. WARD, JR., PA

A handwritten signature in black ink, appearing to read 'Tobias G. Ward, Jr.', written over a horizontal line.

Tobias G. Ward, Jr.,

J. Derrick Jackson, SC Bar No.: 15192

P.O. Box 6138

Columbia, SC 29260

803-708-4200

Fax 803-403-8754

dj@tobywardlaw.com

Attorneys for Fairways Development, LLC

June 11, 2014
Columbia, SC

TOBIAS G. WARD, JR., PA
— ATTORNEYS AT LAW —

TOBIAS G. WARD, JR.
tw@tobywardlaw.com

J. DERRICK JACKSON
dj@tobywardlaw.com

June 11, 2014

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SC Court of Appeals

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

RE: Samuel T. Brick v. Richland County Planning Commission
Civil Action No.: 2013-CP-40-001643
Case Tracking No. 2014-000583

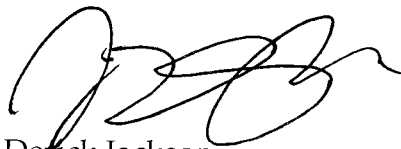
Dear Ms. Kitchings:

Enclosed for filing are the original and seven (7) copies of the Respondent Fairways Development, LLC's Motion To Dismiss Appeal and Proof of Service in the above referenced matter along with a check for \$25.00 for the filing fee. Please file the original and return a clocked copy in the envelope provided.

Along with a copy of this correspondence we are serving other parties of record.

Respectfully,

TOBIAS G. WARD, JR., PA



J. Derrick Jackson

Enclosures
TGW,Jr.:wrc

cc: Fairways Development, LLC, Intervenor (w / enclosures)
Michael B. Wren, Esquire(w / enclosures)
Samuel T. Brick, *pro se*

TOBIAS G. WARD, JR., PA
— ATTORNEYS AT LAW —

P.O. Box 6138, Columbia, SC 29260

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JUN 13 2014

SC Court of Appeals

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

