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March 22, 2012

**VIA U.S. MAIL**

The Honorable Daniel E. Shearouse  
Clerk of Court  
South Carolina Supreme Court  
Post Office Box 11330  
Columbia, South Carolina 29211

**RECEIVED**

MAR 28 2012

**S.C. SUPREME COURT**

Re: City of Myrtle Beach v. Tourism Expenditure Review Committee;  
Case No. 10-ALJ-30-0421-CC

Dear Mr. Shearouse:

We represent the Tourism Expenditure Review Committee, appellant in the above-referenced appeal. As you are aware, by order dated March 20, 2012, the Court has certified the above-captioned appeal from the Court of Appeals. The purpose of this letter is to make the Court aware of another appeal which is currently pending before the Court of Appeals between these parties.

Specifically, an appeal has been brought by our client, Appellant Tourism Expenditure Review Committee (TERC), in a case captioned Tourism Expenditure Review Committee v. City of Myrtle Beach, Case No. 2010-CP-40-3001, Court of Appeals Case Tracking Number of: 2011200407. The initial briefs in this appeal have been filed with the Court of Appeals, and under Rule 210, SCACR, the Record on Appeal is due by TERC on Friday, April 6, 2012. This appeal arises out of a declaratory judgment action filed by TERC involving the same parties, time period and some of the same facts as the above-captioned appeal.


Although the issues in these two appeals are related, they are different. The possibility of consolidating the two appeals was referenced in TERC's Final Brief of Appellant, p.2, n.1, of the appeal that is now certified by the Court. I bring this matter to your attention so that the Court

will be aware of the potential for certifying the appeal that remains pending in the Court of Appeals.

If you should have any questions, or need additional information, please do not hesitate to contact me. With best regards, I am

Sincerely,

**WILLOUGHBY & HOEFER, P.A.**

A handwritten signature in black ink, appearing to read "Chad Johnston", with a stylized flourish at the end.

Chad N. Johnston

CNJ/bim

Enclosures

cc: The Honorable Jenny A. Kitchings, Clerk of Court, South Carolina Court of Appeals  
Michael W. Battle, Esquire