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STATE OF SOUTH CAROLINA
COURT OF APPEALS

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MAY 14 2015

SC Court of Appeals

Appellate Case No. 2014-002372

Lake City College Preparatory Academy (LCCPA).....Appellant,

v.

South Carolina Public Charter School District.....Respondent.

**NOTICE OF MOTION AND MOTION TO REINSTATE APPEAL AND TO
ALLOW 30 DAYS FROM SUCH ORDER REINSTATING APPEAL TO FILE
FINAL BRIEFS BY THE PARTIES**

Johnny E. Watson, Sr., Esquire
Watson Law Firm
715 Edgewood Avenue
Post Office Box 2305
Columbia, South Carolina 29202
(803) 400-1600

Erik T. Norton, Esquire
Nelson, Mullins, Riley &
Scarborough, LLP
1320 Main Street, Meridian Bldg.
Columbia, S. C. 29201
(803) 799-2000

Counsel for Appellant

Counsel for Respondent

STATEMENT OF MOTION

PLEASE TAKE NOTICE that the above-named Appellant, by and through its counsel, undersigned, will move before the Presiding Judge of the South Carolina Court of Appeals, State of South Carolina, immediately, or as soon as this matter may be heard, for an Order reinstating its appeal and designating the time for the parties to file their Final briefs based on the statutory and common laws of this state, the Rules of Appellate procedure and the following facts:

- A. The Lake City College Preparatory Academy (LCCPA) is a charter school whose charter was revoked by the Respondent and that decision was upheld by the Honorable John D. McLeod of the South Carolina Administrative Law Court in its decision dated October 9, 2015.
- B. The Appellant timely filed its Notice of Appeal on November 7, 2014.
- C. The Appellant filed its initial brief on January 26, 2015 and the Respondent filed its initial brief on _____.
- D. The next document due was the Reply Brief of the Appellant. However, the attorney for the Appellant requested and received a continuance due to his involvement a federal trial.
- E. After the trial the Clerk of this Court issued a letter on April 15, 2015 (exhibit A) directing that the record on appeal be filed within 10 days. This letter was received shortly before attorney Watson's grandson was accidentally shot in a main artery by a stray bullet.
- F. In response to that letter the Appellant filed its Initial Reply Brief which was the next thing due, since the due date for the initial Reply Brief was continued due to the trial of Ms. Benita Dinkins-Robinson in federal court, and requested direction as to the filing of the

record on appeal. Ms. Dinkins-Robinson was represented by attorney Johnny Watson and attorney Eleazer Carter and the trial lasted for three weeks.

- G. After the three weeks trial and months of preparation, attorney Watson, a sole practitioner, had many pending matters to catch up on and he proceeded to resolve those matters until the clerk's letter of April 15, 2015 noted above.
- H. Thereafter, on April 29, 2015 the clerk of this court issued its order dismissing Appellants appeal (exhibit B).
- I. The Appellant hereby seeks, pursuant to Rule 260 of this court, reinstatement of the Appellant's case since the record on appeal was filed on May 13, 2015.
- J. The Respondent is not prejudiced by extending the time for filing the record on appeal for approximately 3 weeks.

Respectfully submitted,

BY:

Johnny E. Watson, Sr.
Attorney at Law, SCB# 5967
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watsonlawfirm@sc.twcabc.com

Columbia, South Carolina
Dated: May 14, 2015

CERTIFICATE OF SERVICE

I, Johnny E Watson, Attorney for the Lake City College Preparatory Academy (LCCPA), hereby certify that I have served the individual named below with a copy of the document

described herein by depositing it in the U. S. Mail, postage prepaid, to the person named at the address listed herein below or by delivering said document by hand or via U.S. Mail, postage prepaid to the address below:

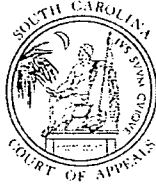
PERSON SERVED: Erik T. Norton, Esquire
Nelson, Mullins, Riley & Scarborough, LLP
1320 Main Street, Meridian Bldg.
Columbia, South Carolina 29201

Attorney for the SCPCSD

DOCUMENT SERVED: **NOTICE OF MOTION AND MOTION TO REINSTATE
APPEAL AND TO ALLOW 30 DAYS FROM SUCH ORDER
REINSTATING APPEAL TO FILE FINAL BRIEFS BY THE
PARTIES**

DATE SERVED: May 14, 2015 _____
Johnny E. Watson, Document Server

Columbia, South Carolina
Date: May 14, 2015



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
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1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
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April 15, 2015

Mr. Johnny Elliot Watson, Sr., Esquire
PO Box 2305 (29202)
2715 Edgewood Avenue 29204
Columbia SC 29204

Mr. Mark W. Buyck, III, Esquire
PO Box 1909
Florence SC 29503

Re: Lake City College v. SC Public Charter School District
Appellate Case No. 2014-002372

Dear Counsel:

Our records reflect your record on appeal should have been filed with the Court. Within ten days from the date of this letter the record on appeal must be served and filed or your appeal will be dismissed.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Jay A. King".

CLERK

cc: Erik Tison Norton, Esquire
Allen Mattison Bogan, Esquire

EXA

The South Carolina Court of Appeals

Lake City College Preparatory Academy (LCCPA),
Appellant,

v.

South Carolina Public Charter School District,
Respondent.

Appellate Case No. 2014-002372

The Honorable The Honorable John D. McLeod
Trial Court Case No. 2014ALJ300256AP

ORDER

Appellant has failed to timely serve and file the record on appeal, as required by Rule 210 of the South Carolina Appellate Court Rules, and the Court's letter dated April 15, 2015. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

BY V. Claire Allen, Deputy
CLERK

Columbia, South Carolina

cc:

EX B

Johnny Elliot Watson, Sr., Esquire
Mark W. Buyck, III, Esquire
Erik Tison Norton, Esquire
Allen Mattison Bogan, Esquire

FILED
SF 4/29/15

RULE 260
DISMISSAL AND REINSTATEMENT

(a) Involuntary Dismissal and Reinstatement. Whenever it appears that an appellant or a petitioner has failed to comply with the requirements of these Rules, the clerk shall issue an order of dismissal, which shall have the same force and effect as an order of the appellate court. A case shall not be reinstated except by leave of the court, upon good cause shown, after notice to all parties. The clerk shall remit the case to the lower court or administrative tribunal in accordance with Rule 221 unless a motion to reinstate the appeal has been actually received by the court within fifteen (15) days of filing of the order of dismissal (the day of filing being excluded).

(b) Agreed Dismissal. If the parties to an appeal or other proceeding shall sign and file with the clerk of the appellate court an agreement that the proceeding be dismissed, the appellate court may enter an order of dismissal. The agreement may contain a provision altering the costs to be assessed under Rule 222 and/or other settlement terms subject to the provisions of Rule 261.

(c) Withdrawal. An appeal or other proceeding may be dismissed on motion of the appellant or petitioner upon such terms as may be fixed by the court.

Last amended by Order dated January 29, 2009, effective April 29, 2009, by Order of the same date.