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STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

William H. Seals, Jr., Circuit Court Judge

**RECEIVED**

JUN 30 2015

SC Court of Appeals

Court of Appeals Case No.: 2013-002793

K N S Foundation, LLC d/b/a Elite ..... Appellant

v.

City of Myrtle Beach ..... Respondent

APPELLANT'S  
MOTION TO ALLOW ORAL ARGUMENTS

John M. Leiter, Esquire  
LAW OFFICES OF JOHN M. LEITER, PA  
1203 48<sup>th</sup> Avenue North, Suite 109  
Myrtle Beach, South Carolina 29577  
(843) 692449-1451

Howell V. Bellamy, Esquire  
BELLAMY, RUTENBERG, COPELAND  
EPPS, GRAVELY & BOWERS, P.A.  
1009 29<sup>TH</sup> Avenue North  
Myrtle Beach, South Carolina 29577  
(843) 448-2400

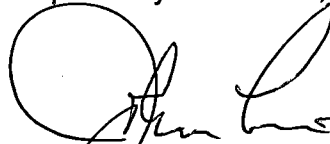
Armand G. Derfner, Esq.  
DERFNER, ALTMAN & WILBORN  
575 King Street, Suite B  
Charleston, SC 29403  
(843) 723-9804

COMES NOW the Appellant, KNS Foundation, LLC, d/b/a Elite, by counsel, and moves this Court for an opportunity to present oral arguments to the Court as permitted by Rule 219, S.C.A.C.R., on the grounds that there are complex issues that oral argument would aid the Court in resolving. The Appellants would show that oral argument would assist the Court in clarifying the issues concerning the record that was before the Circuit Court and the evidentiary standard of proof required when fraud is alleged in a business license revocation context. The Court would also be aided by oral arguments in the clarification of the interplay between the City of Myrtle Beach's business license ordinances and its zoning ordinances. Lastly, the Appellant believes that oral arguments would assist the Court in understanding Appellant's argument that there is no evidence in the record to support the finding of the City that the Appellant made any false representations to the City of Myrtle Beach.

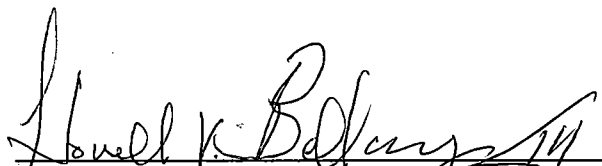
Appellant's counsel attempted consultation with opposing counsel, to no avail.

WHEREFORE, Appellant prays that this Court allow the parties to present oral arguments before this Court.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John M. Leiter", is written over a horizontal line. The signature is stylized and cursive.

John M. Leiter, Esquire  
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1203 48<sup>th</sup> Avenue North, Suite 109  
Myrtle Beach, South Carolina 29577  
(843) 692449-1451



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1009 29<sup>TH</sup> Avenue North  
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575 King Street, Suite B  
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June 26, 2015

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In the Court of Appeals

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APPEAL FROM HORRY COUNTY  
Court of Common Pleas

SC Court of Appeals

William H. Seals, Jr., Circuit Court Judge  
Trial Court Case No.: 2013-CP-26-04103

Appellate Case No. 2013-002793

K N S Foundation, LLC d/b/a Elite ..... Appellant

v.

City of Myrtle Beach ..... Respondent

PROOF OF SERVICE

John M. Leiter, Esquire  
LAW OFFICES OF JOHN M. LEITER, PA  
1203 48<sup>th</sup> Avenue North, Suite 109  
Myrtle Beach, South Carolina 29577  
(843) 449-1451

Howell V. Bellamy, Esquire  
BELLAMY, RUTENBERG, COPELAND  
EPPS, GRAVELY & BOWERS, P.A.  
1009 29<sup>TH</sup> Avenue North  
Myrtle Beach, South Carolina 29577  
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Armand G. Derfner, Esq.  
DERFNER, ALTMAN & WILBORN  
575 King Street, Suite B  
Charleston, SC 29403  
(843) 723-9804

I certify that I have served a copy of the Appellant's MOTION TO ALLOW ORAL ARGUMENTS by depositing a copy of it in the U.S. Mail on June 26, 2015, addressed to the attorneys of record:

Michael W. Battle, Esq.  
Battle & Vaught, PA  
900 Main Street, Suite C  
Conway SC 29526

Howell V. Bellamy, Esquire  
BELLAMY, RUTENBERG, COPELAND  
EPPS, GRAVELY & BOWERS, P.A.  
1009 29<sup>TH</sup> Avenue North  
Myrtle Beach, South Carolina 29577

Armand G. Derfner, Esq.  
DERFNER, ALTMAN & WILBORN  
575 King Street, Suite B  
Charleston, SC 29403

Thomas E. Ellenburg, Esq.  
City of Myrtle Beach  
PO Box 2468  
Myrtle Beach, SC 29577



Suzy Pettipas, Paralegal  
LAW OFFICES OF JOHN M. LEITER, PA  
1203 48<sup>th</sup> Ave., North, Suite 109  
Myrtle Beach, SC 29577  
(843) 449-1451

June 26, 2015

LAW OFFICES OF  
**JOHN M. LEITER, PA**  
ATTORNEY AND COUNSELOR AT LAW

1203 48TH AVE. N. SUITE 109  
MYRTLE BEACH, SC 29577

TELEPHONE (843) 449-1451  
FACSIMILE (843) 449-4884  
E-MAIL jleiter@48th.com

June 26, 2015

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JUN 30 2015

SC Court of Appeals

Honorable Jenny Abbott Kitchings  
Clerk of the Court  
South Carolina Court of Appeals  
Post Office Box 116929  
Columbia, South Carolina 29211

Re: *KNS Foundation v City of Myrtle Beach*  
Appellate Case No. 2013-002793

Dear Ms. Kitchings:

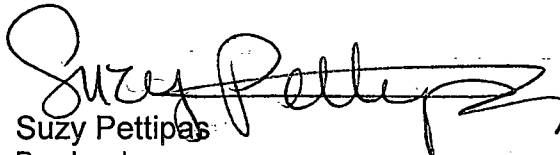
I am enclosing the original and one (1) copy of the Appellant's Motion to Allow Oral Arguments in the above-referenced case. I would appreciate your filing the original and returning a clocked copy to me in the enclosed, self-addressed, stamped envelope.

To cover the cost of filing this Motion, I am enclosing this firm's check in the amount of \$25.00.

Should you have any questions regarding this matter, feel free to contact me or Mr. Leiter.

Sincerely yours,

**LAW OFFICES OF JOHN M. LEITER, PA**

  
Suzy Pettipas  
Paralegal

/smp  
encl.

cc: Michael Warner Battle, Esq.  
Howell V. Bellamy, III, Esq.  
Thomas Eugene Ellenburg, Esq.  
Armand G. Derfner, Esq.

LAW OFFICES OF  
**JOHN M. LEITER, PA**  
ATTORNEY AND COUNSELOR AT LAW  
1203 48TH AVE. N. SUITE 109  
MYRTLE BEACH, SC 29577



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Honorable Jenny Abbott Kitchings  
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