

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

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JUL 30 2015

SC Court of Appeals

Appeal from Charleston County  
Court of Common Pleas

The Honorable R. Markley Dennis, Jr., Circuit Court Judge

Appellate Case No. 2014-000582

Tipperary Sales, d/b/a La-Z-Boy Furniture Gallery,

Appellant,

v.

South Carolina Department of Transportation; South Carolina Department  
of Health and Environmental Control; City of North Charleston;  
Charleston Water System; Associated Developers, Inc., Parkhill, LLC,

Defendants,

Of Which South Carolina Department of Transportation; South Carolina  
Department of Health and Environmental Control; City of North  
Charleston; and Charleston Water System are the

Respondents.

**JOINT MOTION TO STAY APPEAL**

Pursuant to 240(b), the Appellant and all Respondents move the Court to stay this appeal and hold all deadlines in abeyance pending their attempt to pursue settlement negotiations. In support of this motion, the Parties would show unto the Court as follows.

This case is brought by the Appellant for damages to its business location in the Northwoods Pointe Shopping Center as a result of various flooding events in North Charleston over a course of years. The Appellant seeks compensation under theories of negligence/gross negligence, inverse condemnation, and trespass from four governmental entities – Respondents South Carolina Department of Transportation, South Carolina Department of Health and Environmental Control, City of North Charleston, and

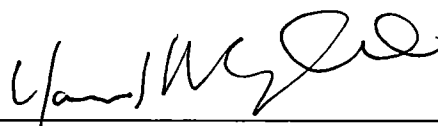
Charleston Water System. As alleged by the Appellant, the core problem is the recurrent flooding in this area of Charleston County. The Appellant has alleged that each of the Respondent Governmental Entities have some degree of responsibility for the flooding through their actions/inactions in managing storm water drainage in the area.

The case is currently pending before the Court on the Appellant's appeal from the orders of the Trial Court granting summary judgment to SCDOT and SCDHEC, and dismissing the claims against the City of North Charleston and Charleston Water System. The last filing in this appeal was the Initial Brief filed on behalf of all the Respondents on June 11, 2015.

Currently, the Parties are attempting to negotiate a settlement that would include infrastructure project(s) to address the storm water issue(s). The Parties represent to the Court that this motion is not interposed for any purpose of delay. The Parties are conscientiously attempting to reach an agreement with the goal of not only settling the damage claims pending in this action, but also addressing the underlying flooding/storm water management issues. However, this process will involve a series of coordinated efforts by the appropriate/responsible governmental entities through the proper planning/administrative processes and approvals. It is anticipated that this could take a minimum of at least six (6) months.

Wherefore, based on the foregoing, the Parties move the Court to stay this appeal and hold all deadlines in abeyance for a period of six (6) months.

Respectfully submitted,



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*for all Respondents with permission*

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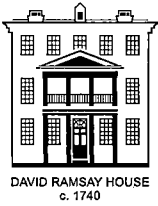
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COMMERCIAL LITIGATION • CONSTRUCTION • ENVIRONMENTAL

July 28, 2015

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JUL 30 2015

SC Court of Appeals

**VIA US MAIL**

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
1015 Sumter Street  
Columbia, SC 29201

Re: Tipperary Sales d/b/a La-Z-Boy Furniture Gallery v. South Carolina Department  
of Transportation, et al.  
Case No.: 2012-CP-10-6922

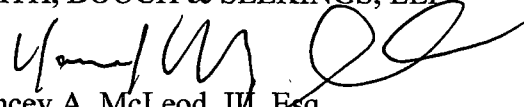
Dear Ms. Kitchings:

Enclosed please find the original and one copy of a Joint Motion to Stay Appeal in the above referenced case. The parties are working diligently to resolve this matter and the circumstances surrounding the terms of the possible settlement make a stay necessary. By copy of this letter, I am forwarding a copy of this filing to all counsel of record.

Thank you and with best regards, I am

Very truly yours,

LEATH, BOUCH & SEEKINGS, LLP

  
Yancey A. McLeod, III, Esq.

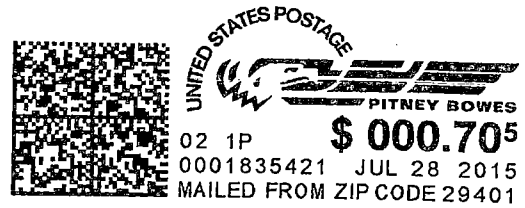
Enclosures (as stated)

cc: All counsel of Record



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