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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Perry M. Buckner, Circuit Court Judge

Appellate Case No. 2015-001969

RECEIVED

JAN 07 2016

SC Court of Appeals

Brad Lightner, Individually, and on behalf of all others similarly situated Appellant,

v.

Hampton Hall Club, Inc., State of South Carolina, South Carolina Department of Revenue,
Beaufort County, and John Doe, Defendants,

Of whom State of South Carolina and South Carolina Department
of Revenue are Respondents.

MOTION TO WITHDRAW APPEAL AND VACATE ORDER

Brad Lightner, Individually, and on behalf of all others similarly situated (“Appellant”) moves this Court for an order dismissing this appeal without prejudice and vacating the Court’s December 22, 2015 Order dismissing a portion of the case as unappealable. The basis for this motion is that the South Carolina Supreme Court granted a petition for writ of certiorari filed by the State of South Carolina and South Carolina Department of Revenue’s (“Respondents”) under Rule 245, SCACR. (Exh. 1, Order granting petition). Two days after Appellant filed a Notice of Appeal with this Court, Respondents filed the petition for writ of certiorari in the Supreme Court for the same orders Appellants appealed in the above-referenced appeal. On October 21, 2015, the Supreme Court granted the petition in Appellate Case No. 2015-001952, now pending in the

Supreme Court. Therefore, at the time this Court issued its December 22, 2015 Order, the Supreme Court had jurisdiction over this case. Appellant moves to withdraw this appeal without prejudice to its appeal of and arguments regarding the orders on appeal before the Supreme Court in Appellate Case No. 2015-001952.

Dated: December 30, 2015

PETERS, MURDAUGH, PARKER,
ELTZROTH & DETRICK, P.A.

By: Kathleen C. Barnes

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ATTORNEYS FOR APPELLANT

The Supreme Court of South Carolina

Brad Lightner, individually, and on behalf of all others
similarly situated, Respondent,

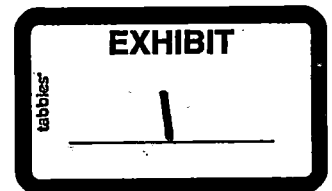
v.

Hampton Hall Club, Inc., State of South Carolina, South
Carolina Department of Revenue, Beaufort County and
John Doe, Defendants,

of whom State of South Carolina and South Carolina
Department of Revenue are Petitioners.

Appellate Case No. 2015-001952

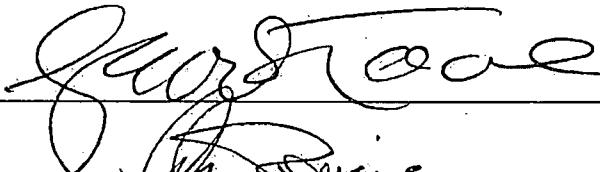

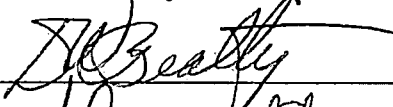
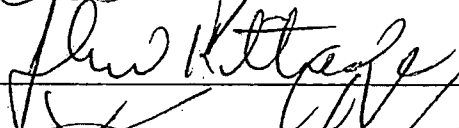
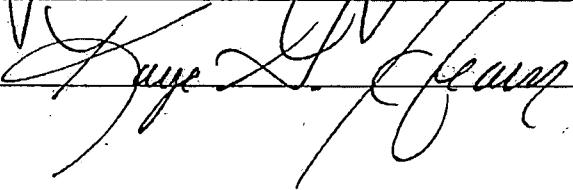
ORDER



Petitioners have filed a petition for a writ of certiorari in this Court's original jurisdiction. Respondent has filed a return in opposition to the petition. Petitioners have filed a reply to the return to the petition for a writ of certiorari. The petition for a writ of certiorari is granted.

Within thirty days of the date of this order, petitioners shall serve and file their initial brief and designation of matter to be included in the record in accordance with Rules 208 and 209, SCACR. Respondent shall have thirty days after service of petitioners' brief to serve and file his initial brief and designation of matter to be included in the record. Thereafter, petitioners shall have ten days to serve and file their initial reply brief and designate any additional matter to be included in the record.

Within thirty days after service of the initial reply brief, petitioners shall serve and file the record on appeal in accordance with Rule 210, SCACR. Thereafter, final briefs shall be served and filed as set forth in Rule 211, SCACR. The parties will be notified if oral argument is to be held.


C.J.

J.

J.

J.

J.

Columbia, South Carolina

October 21, 2015

cc:

Alan McCrory Wilson, Esquire
Courtney Edwards Lowell, Esquire
Tasha B. Thompson, Esquire
Milton Gary Kimpson, Esquire
William Franklin Barnes, III, Esquire
Kathleen Chewing Barnes, Esquire
Ronnie Lanier Crosby, Esquire
Terry A. Finger, Esquire
Eugene Richardson LaBruce, Esquire
Mary Bass Lohr, Esquire

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Perry M. Buckner, Circuit Court Judge

Case No. 2014-CP-07-0723

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SC Court of Appeals

Brad Lightner, Individually, and on behalf of all others similarly situated Appellant,

v.

Hampton Hall Club, Inc., State of South Carolina, South Carolina Department of Revenue,
Beaufort County, and John Doe, Defendants,

Of whom, State of South Carolina and South Carolina
Department of Revenue are Respondents.

CERTIFICATE OF SERVICE

This is to certify that I, William F. Barnes, III, with the Law Firm of Peters, Murdaugh,
Parker, Eltzroth & Detrick, P.A., Attorney for the Respondents, have this date mailed via the
U.S. Postal Service with first class postage prepaid, a true and correct copy of the within
Appellant's Motion to Withdraw Appeal and Vacate Order to:

Milton G. Kimpson, Esquire
Tasha B. Thompson, Esquire
Office of General Counsel for Litigation
Post Office Box 12265
Columbia, SC 29211

Attorney for Respondent, South Carolina Department of Revenue

Alan Wilson, Esquire
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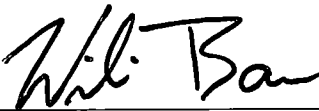
Attorney for Respondent, State of South Carolina

Mary Bass Lohr, Esquire
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Beaufort, SC 29901
Attorney for Defendant, Beaufort County

Terry A. Finger, Esquire
E. Richardson LaBruce, Esquire
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Attorney for Defendant, Hampton Hall Club, Inc.

PETERS, MURDAUGH, PARKER, ELTZROTH
& DETRICK, P.A.

January 5, 2016
Hampton, South Carolina

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J. ROBERT PETERS, JR.
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JAN 07 2016
SC Court of Appeals
January 5, 2016

The Honorable Jenny Abbott Kitchings
S.C. Court of Appeals Clerk of Court
Post Office Box 11629
Columbia, SC 29211-1629

Re: Brad Lightner v. Hampton Hall Club
Civil Action No.: 2014-CP-07-723
Appellate Case No.: 2015-001969

Dear Ms. Kitchings:

Please find enclosed the original and seven (7) copies of *Appellant's Motion to Withdraw Appeal and Vacate Order and Certificate of Service* in the above referenced matter. Please file the original and return one clocked-in copy in the envelope provided. Also enclosed is our firm's check in the amount of \$25.00 for the filing fee.

By copy of this letter, Appellant's Motion is being served on all counsel of record.

With kind regards, I am

Sincerely,



William F. Barnes, III

WFB/mcd
Enclosures as stated

cc: Milton G. Kimpson, Esquire / Tasha B. Thompson, Esquire
Terry A. Finger, Esquire / E. Richardson LaBruce, Esquire
Mary Bass Lohr, Esquire
Kathleen C. Barnes, Esquire



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JAN 07 2016

SC Court of Appeals

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Professional Associates
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TO:

The Honorable Jenny Abbott Kitchings
S.C. Court of Appeals Clerk of Court
Post Office Box 11629
Columbia, SC 29211-1629