

**BROWN &  
VARNADO** LLC  
ATTORNEYS AT LAW

103 CHURCH STREET (29464)  
POST OFFICE BOX 1127  
MT. PLEASANT, SC 29465  
OFFICE: (843) 737-7300  
FACSIMILE: (843) 654-5109

ROBERT B. VARNADO  
DIRECT: (843) 737-7301  
EMAIL: rvarnado@brown-varnado.com

July 14, 2016

**Via Fedex & Facsimile**

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201  
Fax No.: 803-734-1839

**RECEIVED**

JUL 15 2016

SC Court of Appeals

**RE: Skydive Myrtle Beach, Inc. v. Horry County**  
Appellate Case No.: 2015-001868  
Our File No.: 6247 - 1

Dear Ms. Abbott Kitchings:

We are in receipt of your office's letter of July 12, 2016 in the above appeal. We respectfully ask that you do not dismiss the appeal pending confirmation by your office of the following information:

- This firm is co-counsel for the Appellant Skydive Myrtle Beach, Inc. with Mr. Robert G. Eastman. Mr. Eastman seeks to be relieved as counsel but Brown & Varnado, LLC (myself and Ms. Wimberly) will continue as counsel for Appellant.
- In reply to your office's letter of May 9, 2016, Mr. Eastman furnished a letter to your office dated May 13, 2016 with a Proof of Service to the client (attached as Exhibit A).
- In reply to your office's letter of July 5, 2016, Mr. Eastman furnished a letter to your office dated July 10, 2016, with a new Proof of Service, indicating he again served the client Skydive Myrtle Beach, Inc. with his motion to be relieved (attached as Exhibit B).
- Perhaps the confusion results from the fact that both his May 13 and July 10 cover letters reference the wrong appellate case number while the Proofs of Service have the correct one.
- In conformity with Rule 210(a), SCACR, on **July 5, 2016**, the undersigned served Messrs. Battle and Carotti, counsel for the Respondent Horry County, with a copy of the Record on Appeal, along with copies of the Proof of Service [Rule 210(a), SCACR] and Certificate of Counsel [Rule 210(g), SCACR] contemporaneously sent to your office (attached as Exhibit C).

The Honorable Jenny Abbott Kitchings  
Appellate Case No.: 2015-001868  
July 14, 2016  
Page 2

• We were unaware that the appeal had been held in abeyance. Consequently, in light of the July 5, 2016 service of the Record on Appeal, the requests for extensions of May 27 and June 3 are moot (attached as Exhibit D).

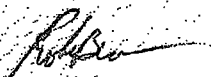
Accordingly, Appellant requests that: (1) the Court proceed with relief of Mr. Eastman, insofar as it will have no effect whatsoever on completion of the appeal and (2) the Court confirm the receipt of the Proof and the Certificate of the Record on Appeal, thus bringing Appellant to compliance with your July 12 letter, and permit regular requests for extensions.

Of course, should there be any questions or concerns, please do not hesitate to contact my office at your convenience.

With kindest regards, I remain,

Very truly yours,

**BROWN & VARNADO, LLC**



Robert B. Varnado

RBV/kfg

Enclosure(s): as stated

cc: Arrigo P. Carotti, Esquire (*via email only*)  
Michael W. Battle, Esquire (*via email only*)  
Robert G. Eastman, Esquire (*via email only*)

# Exhibit A

# EASTMAN & ASSOCIATES, LLC

Haslachstrasse 39  
79868 Feldberg-Falkau  
GERMANY

ATTORNEYS AT LAW  
POST OFFICE BOX 180  
CHARLESTON, SOUTH CAROLINA 29402  
USA

PHONE: (843) 329-9657  
FAX: (843) 723-0005  
roberteastman@msn.com

ROBERT G. EASTMAN  
ADMITTED IN DE, FL, GA, MD, NJ, PA, & SC

May 13, 2016

The Honorable Jenny Abbott Kitchings  
Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

Re: *Skydive Myrtle Beach, Inc. v. Horry County*,  
Appellate Case No. 2015-002491  
Motion to Withdraw Deficiency Correction

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Dear Ms. Kitchings:

Enclosed please find a Proof of Service correcting the deficiency identified in your May 9, 2016, correspondence in the above styled appeal.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Very truly yours,



Robert G. Eastman

Encl: (1)

cc: Aaron Holly (via email aholly@me.com)  
Robert Varnado, Esq. (via email rvarnado@brown-varnado.com)  
Michael W. Battle, Esq.

RGE/ub

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM Horry COUNTY  
Court of Common Pleas

Larry B. Hyman, Jr., Circuit County Judge

Case No. 2014-CP-26-4965  
Appellate Case No. 2015-001868

Skydive Myrtle Beach, Inc., .....Appellant,

v.

Horry County, Horry County Department of Airports, .....Respondents.

PROOF OF SERVICE

I certify that I have served the Appellant's Attorney's Motion to Withdraw received by the court on April 25, 2016, and a copy of this Proof of Service on Skydive Myrtle Beach, Inc., electronically to aholly@me.com (as stipulated) and to co-counsel Robert B. Varnado, Esquire to rvarnado@brown-varnado.com (as stipulated) on April 22, 2016, and May 13, 2016, respectively, and Respondents Horry County by depositing a copy of each in the United States Mail, postage prepaid, on April 22, 2016, and May 13, 2016, respectively, addressed to the attorneys of record, Michael W. Battle, Esquire, Battle Law Firm, LLC, P.O. Box 530, Conway, SC 29529.



Robert G. Eastman, Esquire  
3980 South Tropical Trail  
Merritt Island, FL 32952  
(843) 329-9657  
Attorney for Appellant

Dated: May 13, 2016

# Exhibit B

**EASTMAN & ASSOCIATES, LLC**

Haslachstrasse 39  
79868 Feldberg-Falkau  
GERMANY

**ATTORNEYS AT LAW**  
POST OFFICE BOX 180  
CHARLESTON, SOUTH CAROLINA 29402  
USA

PHONE: (843) 329-9657  
FAX: (843) 723-0005  
roberteastman@msn.com

**ROBERT G. EASTMAN**  
ADMITTED IN DE, FL, GA, MD, NJ, PA, & SC

July 10, 2016

The Honorable V. Claire Allen  
Deputy Clerk, South Carolina Court of Appeals  
Post Office Box 11629  
Columbia, South Carolina 29211

**Re: Skydive Myrtle Beach, Inc. v. Horry County,  
Appellate Case No. 2015-002491  
Motion to Withdraw Deficiency Correction**

Dear Ms. Allen:

Thank you for your correspondence dated July 5, 2016. I have enclosed an additional Proof of Service indicating that I have served Skydive Myrtle Beach, Inc. through its president Mr. Aaron Holly, electronically with my Motion to Withdraw, electronically, as stipulated, on April 22, 2016, May 13, 2016, and electronically and by hard copy to its corporate address on today's date, July 10, 2016. I have also served counsel of record a copy of this correspondence and a copy of the Proof of Service to Skydive Myrtle Beach, Inc. to its corporate address:

Aaron Holly, President  
Skydive Myrtle Beach, Inc.  
3032 Falls River Ave.  
Raleigh, NC 37614

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact me.

Very truly yours,



Robert G. Eastman

Encl.: (1)

cc: Aaron Holly (via email aholly@me.com) / (US mail)  
Robert Varnado, Esq. (via email rvarnado@brown-varnado.com)  
Michael W. Battle, Esq.

RGE/tub

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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM Horry COUNTY  
Court of Common Pleas

Larry B. Hyman, Jr., Circuit County Judge

Case No. 2014-CP-26-4965  
Appellate Case No. 2015-001868

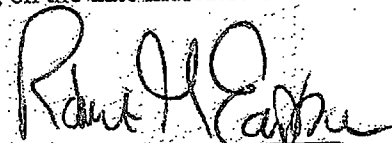
Skydive Myrtle Beach, Inc., ..... Appellant,

v.

Horry County, Horry County Department of Airports, ..... Respondents.

PROOF OF SERVICE

I certify that I have served the Appellant's Attorney's Motion to Withdraw received by the court on April 25, 2016, and a copy of this Proof of Service on Skydive Myrtle Beach, Inc., electronically to aholly@mc.com (as stipulated) and to co-counsel Robert B. Varnado, Esquire to rvarnado@brown-varnado.com (as stipulated) on April 22, 2016, and May 13, 2016, respectively, and Respondents Horry County by depositing a copy of each in the United States Mail, postage prepaid, on April 22, 2016, May 13, 2016, and a copy of this Proof of Service respectively, addressed to the attorneys of record, Michael W. Battle, Esquire, Battle Law Firm, LLC, P.O. Box 530, Conway, SC 29529. I further certify that I have mailed a hard copy of the Motion to Withdraw (dated April 22, 2016) and this Proof of Service to Skydive Myrtle Beach, Inc. to its president, Aaron Holly, at its corporate address, 3032 Falls River Ave., Raleigh, NC 37614, on the date indicated below.



Robert G. Eastman, Esquire  
3980 South Tropical Trail  
Merritt Island, FL 32952  
(843) 329-9657  
Attorney for Appellant

Dated: July 10, 2016

# Exhibit C

**BROWN &  
VARNADO** LLC

ATTORNEYS AT LAW

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POST OFFICE BOX 1127  
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FACSIMILE: (843) 654-5109KATHARINA F. GARVIN  
DIRECT: (843) 737-7300  
EMAIL: kgarvin@brown-varnado.com

July 5, 2016

**Via US Mail**Michael W. Battle, Esquire  
Battle law Firm, LLC  
P.O. Box 530  
Conway, SC 29529Arrigo P. Carotti, Esquire  
Horry County Attorney  
1301 2<sup>nd</sup> Ave  
Conway, SC 29526**RE: Skydive Myrtle Beach, Inc. v. Horry County**  
Appellate Case No.: 2015-001868  
Our File No.: 6247 - 1

Gentlemen:

Enclosed please find one copy each of the following:

- *Certificate of Counsel;*
- *Proof of Service – Record on Appeal;*
- *Letter to The Honorable Jenny Abbot Kutchings upon which you were copied; and*
- *Appellant's Record on Appeal*

Should there be any questions or concerns, please do not hesitate to contact my office.

With kind regards, I remain

Very truly yours,

**BROWN & VARNADO, LLC**Katharina F. Garvin  
Paralegal

/kfg

Enclosure(s): as stated

# BROWN & VARNADO LLC

ATTORNEYS AT LAW

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FACSIMILE: (843) 654-5109

ROBERT B. VARNADO  
DIRECT: (843) 737-7301  
EMAIL: rvarnado@brown-varnado.com

July 5, 2016

**Via US Mail**

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201

**RE: Skydive Myrtle Beach, Inc. v. Horry County**  
Appellate Case No.: 2015-001868  
Our File No.: 6247 - 1

Dear Ms. Abbott Kitchings:


Enclosed please find the originals and one copy each of the *Certificate of Counsel* and *Proof of Service - Record on Appeal* with regard to the above referenced matter. Please file the originals and upon filing the copies, please return them to our office in the postage paid envelope provided.

Should there be any questions or concerns, please do not hesitate to contact my office.

With kindest regards, I remain,

Very truly yours,

**BROWN & VARNADO, LLC**



Robert B. Varnado

RBV/kfg

Enclosure(s): as stated

cc: Arrigo P. Carotti, Esquire (via Email & US Mail)  
Michael W. Battle, Esquire (via Email & US Mail)

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

The Honorable Larry B. Hyman, Jr.  
Circuit Court Judge

APPELLATE CASE NO. 2015-001868

SKYDIVE MYRTLE BEACH, INC. ....Appellant

v.

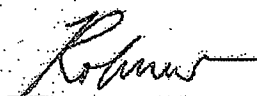
HORRY COUNTY ..... Respondent

**PROOF OF SERVICE – RECORD ON APPEAL**

The undersigned attorney for Appellants hereby certify that a true copy of the *Record on Appeal* in the above-referenced matter has been served on all counsel of record by sending a copy via U.S. Mail on this the 5<sup>th</sup> day of July, 2016 to the following:

Michael W. Battle, Esquire  
Battle Law Firm, LLC  
P.O. Box 530  
Conway, SC 29528

Arrigo P. Carotti, Esquire  
Horry County Attorney  
1301 2nd Avenue  
Conway, SC 29526  
*Attorneys for Respondent*



Robert B. Varnado  
Alexis M. Wimberly  
BROWN & VARNADO LLC  
P.O. Box 1127  
Mount Pleasant, South Carolina 29465  
(843) 737-7300  
*Attorneys for Appellants*

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

The Honorable Larry B. Hyman, Jr.  
Circuit Court Judge

APPELLATE CASE NO. 2015-001868


SKYDIVE MYRTLE BEACH, INC. .... Appellant

v.

HORRY COUNTY ..... Respondent

CERTIFICATE OF COUNSEL

The undersigned hereby certifies that the *Record on Appeal* contains all material proposed to be included by any of the parties, not any other material.



Robert B. Varnado  
Alexis M. Wimberly  
BROWN & VARNADO, LLC  
P.O. Box 1127  
Mount Pleasant, South Carolina 29465  
(843) 737-7300  
*Attorneys for Appellants*

July 5, 2016

# Exhibit D

# BROWN & VARNADO LLC

ATTORNEYS AT LAW

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ROBERT B. VARNADO  
DIRECT: (843) 737-7301  
EMAIL: rvarnado@brown-varnado.com

April 27, 2016

Via Fedex

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201

**RE:** *Skydive Myrtle Beach, Inc. v. Horry County*  
Appellate Case No.: 2015-001868  
Our File No.: 6247 - 1

Dear Ms. Abbott Kitchings:


The Appellant Skydive Myrtle Beach respectfully requests a thirty (30) day extension to submit and serve the *Record on Appeal*. My firm's check in the amount of \$25.00 for the motion fee is attached herewith.

Of course, should there be any questions or concerns, please do not hesitate to contact my office.

With kindest regards, I remain,

Very truly yours,

BROWN & VARNADO LLC

  
Robert B. Varnado

RBV/qai

Enclosure(s): as stated

cc: Arrigo P. Carotti, Esquire (via email only)  
Michael W. Battle, Esquire (via email only)  
Robert G. Eastman, Esquire (via email only)

# BROWN & VARNADO LLC

ATTORNEYS AT LAW

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ROBERT B. VARNADO  
DIRECT: (843) 737-7301  
EMAIL: rvarnado@brown-varnado.com

June 3, 2016

**Via Fedex & Facsimile**

The Honorable Jenny Abbott Kitchings  
Clerk of Court  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201  
Fax (803) 734-1839

**RE: Skydive Myrtle Beach, Inc. v. Horry County**  
Appellate Case No.: 2015-001868  
Our File No.: 6247 - 1

Dear Ms. Abbott Kitchings:

The Appellant Skydive Myrtle Beach, Inc. respectfully requests a second thirty (30) day extension to submit and serve the *Record on Appeal*. My firm's check in the amount of \$25.00 for the motion fee is attached herewith.

Of course, should there be any questions or concerns, please do not hesitate to contact my office.

With kindest regards, I remain,

Very truly yours,

BROWN & VARNADO LLC



Robert B. Varnado

RBV/kfg

Enclosure(s): as stated

cc: Arrigo P. Carotti, Esquire (via Email & US Mail)  
Michael W. Battle, Esquire (via Email & US Mail)

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM Horry COUNTY  
Court of Common Pleas

The Honorable Larry B. Hyman, Jr.  
Circuit Court Judge

APPELLATE CASE NO. 2015-001868

SKYDIVE MYRTLE BEACH, INC. ....Appellant

v.

Horry COUNTY ..... Respondent

COMES NOW THE Appellant Skydive Myrtle Beach, Inc., who by and through its undersigned counsel would move this Honorable Court for a second extension to submit and serve the Record on Appeal.



Robert B. Varnado  
Alexis M. Wimberly  
BROWN & VARNADO LLC  
P.O. Box 1127  
Mount Pleasant, South Carolina 29465  
(843) 737-7300  
*Attorneys for Appellant*

**Other Counsel of Record:**

Michael W. Battle, Esquire  
Battle Law Firm, LLC  
P.O. Box 530  
Conway, SC 29528

Arrigo P. Carotti, Esquire  
Horry County Attorney  
1301 2nd Avenue  
Conway, SC 29526  
*Attorneys for Respondent*

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

**RECEIVED**

JUL 15 2016

APPEAL FROM HORRY COUNTY  
Court of Common Pleas

SC Court of Appeals

The Honorable Larry B. Hyman, Jr.  
Circuit Court Judge

APPELLATE CASE NO. 2015-001868

SKYDIVE MYRTLE BEACH, INC.....Appellant

v.

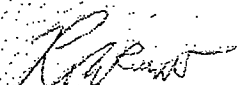
HORRY COUNTY..... Respondent

**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that a true copy of the *Motion for Second Extension* in the above referenced case has been served upon counsel of record by mailing a copy in an envelope properly addressed with postage prepaid on this day to the following:

Michael Battle, Esquire  
Battle Law Firm, LLC  
P.O. Box 530  
Conway, SC 29528

Arrigo P. Carotti, Esquire  
Horry County Attorney  
1301 2nd Ave.  
Conway, SC 29526



Robert B. Varnado (S.C. Bar # 0007850)  
BROWN & VARNADO LLC  
P.O. Box 1127  
Mount Pleasant, South Carolina 29465  
(843) 737-7300

June 3, 2016  
Mount Pleasant, South Carolina