

BROWN & VARNADO_{LLC}

ATTORNEYS AT LAW

103 CHURCH STREET (29464)
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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
robertgeastman@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

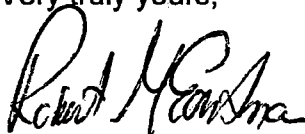
**Re: Skydive Myrtle Beach, Inc. v. Horry County,
Appellate Case No. 2015-002491
Motion to Withdraw Deficiency Correction**

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/fub

**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**

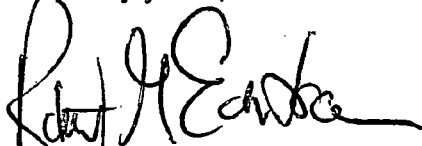
Dear Ms. Allen:

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) / *usmail*
Robert Varnado, Esq. (via email rvarnado@brown-varnado.com)
Michael W. Battle, Esq.

RGE/fub

**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**

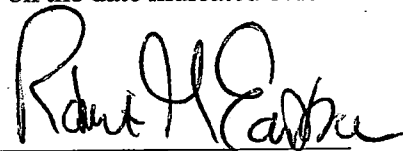
Skydive Myrtle Beach, Inc.,Appellant,

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, 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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KATHARINA 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 29529

Arrigo P. Carotti, Esquire
Horry County Attorney
1301 2nd 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 Kitchings 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

103 CHURCH STREET (29464)
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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 5th 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

103 CHURCH STREET (29464)
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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

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.

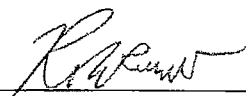
HORRY COUNTY,..... Respondent

CERTIFICATE OF 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

ORIGIN ID: CHSA (843) 737-7300
BROWN & VARNADO LLC

PO BOX 1127

MOUNT PLEASANT, SC 29465
UNITED STATES US

SHIP DATE: 14JUL16
ACTWGT: 2.50 LB
CAD: 102685876/INET3730

BILL SENDER

TO **MS. JENNY A. KITCHINGS**
SOUTH CAROLINA COURT OF APPEALS
1220 SENATE STREET

COLUMBIA SC 29201

(843) 737-7300

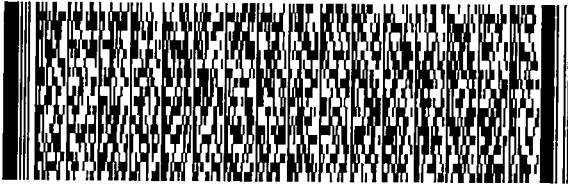
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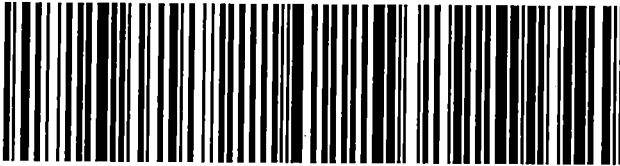
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FRI - 15 JUL 3:00P
STANDARD OVERNIGHT

TRK# **7767 5001 7757**
0201

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29201
SC-US CAE



RECEIVED

JUL 15 2016

SC Court of Appeals