

BELK, COBB, INFINGER AND GOLDSTEIN, P.A.

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July 9, 2018

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Ms. V. Claire Allen,
Deputy Clerk of Court
South Carolina Court of Appeals,
ATTN.: Jessica, case manager
P. O. Box 11629
Columbia, S. C. 29211

Re: Cricket Store vs. City of Columbia, 2016-CP-40-03478
Appellate Tracking Number: 2017-000561
Appellate Tracking Number: 2018-001062

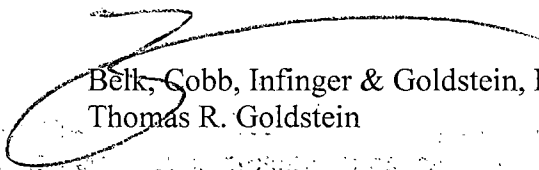
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Dear Ms. Allen,

I am writing to you in the hopes that you can provide guidance on the peculiar posture of these appeals. There are now two appeals pending in the same case involving the same parties and the same legal issues. The first appeal resulted from the City of Columbia's Board of Zoning Appeals refusing to allow the appellant to be heard on an application for special exception. While that case is pending in your court—the record on appeal and the final briefs are filed—the City of Columbia scheduled its counterclaim on the case. Appellant pointed out to the circuit court that the case was already on appeal, but the circuit court moved forward on defendant's counterclaim and entered an Order adverse to the appellant, which resulted in the second appeal.

I have never encountered this procedure before, and I anticipate filing a motion to consolidate under Rule 214. However, since Rule 214 speaks to two or more cases raising the same legal issue "in two or more appeals in different cases," I am asking if it is possible that your policy might be to consolidate automatically when two appeals are raised in the same case? I realize you're your office does not provide legal advice to litigants, but I thought it prudent to check with you prior to burdening the Court with a motion to consolidate. I would be grateful to you for any guidance you can provide in light of this unusual procedural history. With kind regards, I am

Very truly yours,


Belk, Cobb, Infinger & Goldstein, P.A.
Thomas R. Goldstein

TRG/

cc: Mr. Peter M. Balthazor
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