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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM SOUTH CAROLINA ADMINISTRATIVE LAW COURT

Deborah Brooks Durden, Administrative Law Court Judge

Case No. 18-ALJ-17-00005-CC

**RECEIVED**  
OCT 05 2018  
SC Court of Appeals

Five Points Roost, LLC, d/b/a Five Points Roost.....Appellant,

v.

South Carolina Department of Revenue, Agency .....Respondent,

and

Thomas R. Gottshall and April C. Lucas, Intervenors .....Respondents,

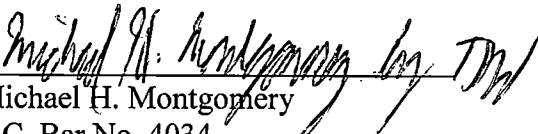
APPELLANT’S MOTION FOR VOLUNTARY WITHDRAWAL OF APPEAL

Appellant, Five Points Roost, LLC, d/b/a Five Points Roost hereby moves the Court, pursuant to Rule 260(c) of the South Carolina Appellate Court Rules, to Order that its Appeal be withdrawn. In support of this motion, the Appellant states as follows:

1. Appellant’s business is closed.
2. Appellant has all of the business assets under contract for sale.
3. Appellant has no intention to re-open or pursue business as Five Points Roost, LLC and will be commencing the termination of that entity.
4. Because of these facts, the only remedy possibly available to the Appellants, the issuance of a Alcoholic Beverage licenses is not available to them.
5. These facts render the Appeal moot.

Accordingly, the Appellant moves to withdraw its appeal currently before the Court of Appeals. The Appellant requests that the Court issue its order allowing the voluntary withdrawal of this appeal, with each side to bear its own costs. Undersigned counsel has been informed that Counsel for the Intervenor intends to oppose the Voluntary Withdrawal of this Appeal by Appellant.

Montgomery Willard, LLC

  
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*Attorneys for Appellant*

October 5, 2018

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PROOF OF SERVICE

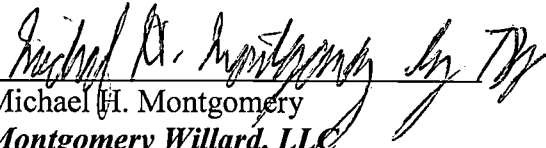
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I certify that I have served all parties the Motion for Voluntary Dismissal by Appellant's by hand-delivery and depositing a copy of it in the United States Mail, postage prepaid, on October 5, 2018, addressed to their attorneys of record,

**Richard A. Harpootlian**  
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**Columbia, South Carolina 29202**  
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(Signature page to follow)

  
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October 5, 2018

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October 5, 2018

**VIA HAND DELIVERY**

South Carolina Court of Appeals  
1220 Senate Street  
Columbia, South Carolina 29201

**RECEIVED**  
OCT 05 2018  
SC Court of Appeals

**Re: *Five Points Roost, LLC dba Five Points Roost v. South Carolina  
Department of Revenue  
Case Number: 18-ALJ-0005-CC  
Our File number: 2176157***

Dear Ms. Kitchings:

Attached is the original and three copies of the Appellant's Motion for Voluntary Dismissal for the above referenced matter.

Please clock the original and return the copies to the individual that has hand-delivered this package.

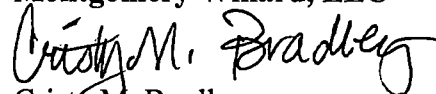
By copy of this letter, I am serving all counsel of record with a copy of the same.

If you have any questions or concerns, please do not hesitate to contact our office.

With kind regards, I am

Very Truly Yours,

Montgomery Willard, LLC



Cristy M. Bradley  
Paralegal for  
Michael H. Montgomery

Enclosures

cc:

Elisabeth Shields, Esquire  
Richard A. Harpootlian, Esquire