

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY  
Court of Common Pleas  
The Honorable Roger M. Young, Sr., Circuit Court Judge

RECEIVED  
OCT 25 2018  
SC Court of Appeals

Appellate Case No. 2018-000906

Sea Island Food Group, LLC d/b/a Squeeze..... Respondent/Appellant,

v.

Yaschik Development Company, Inc., d/b/a Yaschik Enterprises,  
Hilton Smith, East Bay Company, Ltd., Michael J. Quillen Family  
Limited Partnership..... Defendants,

Of which Yaschik Development Company, Inc., d/b/a Yaschik  
Enterprises is the..... Appellant/Respondent,

And of which Hilton Smith, East Bay Company, Ltd., and the Michael J.  
Quillen Family Limited Partnership are ..... Respondents.

Michael J. Quillen Family Limited Partnership..... Third-Party Plaintiff, Respondent,

v.

Top of the Bay, LLC..... Third-Party Defendant, Respondent/Appellant.

Top of the Bay, LLC d/b/a Club Light ..... Fourth-Party Plaintiff, Respondent/Appellant,

v.

Yaschik Development Company, Inc.,  
d/b/a Yaschik Enterprises ..... Fourth-Party Defendant, Appellant/Respondent.

**CONSENT MOTION TO HOLD APPEAL IN ABEYANCE**

Pursuant to South Carolina Appellate Court Rules 240 and 263(b), and by consent,  
Appellant/Respondent Yaschik Development Company, Inc., d/b/a Yaschik Enterprises

(“Yaschik”), Respondent/Appellant Sea Island Food Group, LLC d/b/a Squeeze (“Squeeze”), Respondent Michael J. Quillen Family Limited Partnership (“Quillen”), Respondent/Appellant Top of the Bay, Inc. d/b/a Club Light (“TOTB”), and Respondent East Bay Company, Ltd. and Hilton Smith Jr. (“EBC”) (Yaschik, Squeeze, Quillen, TOTB, and EBC are collectively referred to as the “Parties”) respectfully request that the above-captioned appeal be held in abeyance in order to complete settlement negotiations and mediation. In support of this Motion, the Parties present the following.

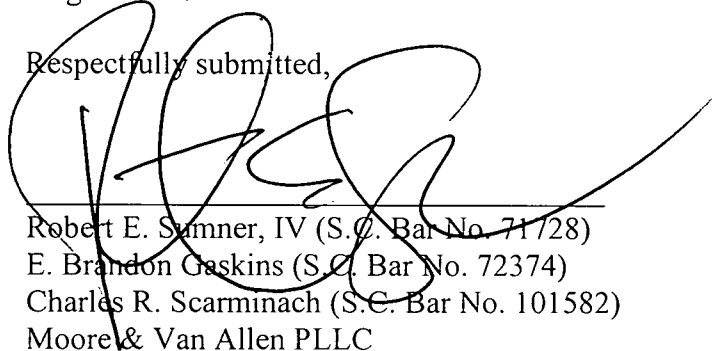
The Appellant/Respondent and Respondent/Appellants’ Initial Briefs and Designations of Matter are currently due to be filed and served by November 5, 2018. However, the Parties are in the process of scheduling a mediation with mediator Costa Pleicones in December of 2018. If the Parties are able to agree on terms of a settlement at or following mediation, such settlement agreement will resolve all matters pending in the instant appeal and obviate the need for judicial review.

Accordingly, an order holding this appeal in abeyance will serve judicial economy and prevent the unnecessary expenditure of the resources of the Court and the Parties. Further, recognizing that the Court disfavors holding appeals in abeyance for indefinite periods of time, the Parties agree that in the event the Parties are unable to resolve this matter at mediation or immediately thereafter, the Parties will notify the Court by December 22, 2018, and the appeal will be reactivated.

In the event the appeal is reactivated, the Yaschik, Squeeze, and TOTB’s Initial Briefs and Designations of Matter will be due by January 22, 2019.

For the reasons set forth herein, counsel for the Parties expressly consent to and join in this Motion and respectfully request that the Court issue an order holding this appeal in abeyance to allow the Parties to complete their settlement negotiations.

Respectfully submitted,



Robert E. Sumner, IV (S.C. Bar No. 71728)  
E. Brandon Gaskins (S.C. Bar No. 72374)  
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*Attorneys for Appellant Yaschik Development Company, Inc., d/b/a Yaschik Enterprises*

October 22, 2018

**WE SO CONSENT:**

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Curtis L. Ott, Esquire  
Shelley S. Montague, Esquire  
Jessica A. Waller, Esquire

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October 22, 2018

**WE SO CONSENT:**

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*Lindsey W. Cooper signed by Christina Humphries with permission of Lindsey W. Cooper*  
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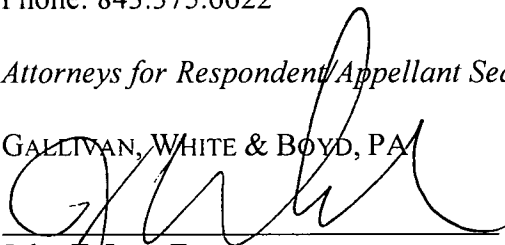
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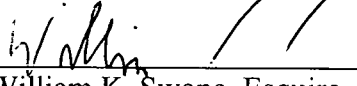
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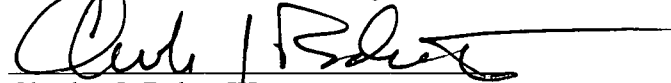
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**PROOF OF SERVICE**

This is to certify that I have this day served counsel for the Respondents in the foregoing matter with a copy of the foregoing *Joint Consent Motion to Hold Appeal in Abeyance* by depositing the same in the United States Mail with adequate postage affixed thereon to ensure delivery, addressed as follows:

Lindsey W. Cooper, Jr., Esquire  
Margarete Linsay Allio, Esquire  
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October 23, 2018  
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October 23, 2018

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The Honorable Jenny Abbott Kitchings  
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**Re: Sea Island Food Group, LLC d/b/a SQUEEZE v. Yaschik Development Company, Inc.,  
d/b/a Yaschik Enterprises, et al.  
Appellate Case No. 2018-000906  
Our File Number: 029018.000023**

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Dear Ms. Kitchings:

Enclosed Please find the original and seven copies of a Joint Consent Motion to Hold Appeal in Abeyance in the above-referenced matter along with Proof of Service and a check in the amount of \$50.00 as the required filing fee. Please file the original and return a filed stamped copy to me in the enclosed self-addressed stamped envelope.

Thank you for your assistance with this matter and please call me with any questions.

Very truly yours,

**MOORE & VAN ALLEN PLLC**

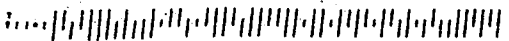
Robert E. Sumner

Enclosures: as stated.

cc w/enc.: Lindsey W. Cooper, Jr., Esquire  
Margarete Lindsay Allio, Esquire  
John T. Lay, Esquire  
Curtis L. Ott, Esquire  
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Charleston, SC



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