

The South Carolina Court of Appeals

Ex Parte: Representative Chip Huggins, Appellant.

In re: WKSC, LLC, d/b/a Savannah's Gentlemen's Club
& Steakhouse, Petitioner, Respondent,

v.

South Carolina Department of Revenue, Respondent.

Appellate Case No. 2018-001613

ORDER

First, Respondent WKSC, LLC filed a motion to dismiss based on appealability. The motion is denied.

Second, Respondent WKSC, LLC filed a motion to dismiss based on mootness. Respondent WKSC, LLC asserted in the motion that "it will consent to allow [A]ppellant to intervene in the Administrative Court Proceedings." Appellant filed a return, stating only "informal discussions between counsel regarding an agreement to intervene" had occurred, and "no formal agreement has been entered into at this time." This court requested a reply, but no reply was filed. Because Respondent WKSC has not formally consented to allow Appellant to intervene, the issue is not moot and the motion to dismiss is denied.

Third, Appellant's motion to stay proceedings before the Administrative Law Court is granted while the appeal is pending before this court.


FOR THE COURT

Columbia, South Carolina

FILED

November 2, 2018

cc:

Jason Phillip Luther, Esquire

Patrick Alan McCabe, Esquire

Kenneth E. Allen, Esquire

Andrew Luther Richardson, Jr., Esquire

S. Jahue Moore, Esquire

The Honorable S. Phillip Lenski