

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas
The Honorable R. Markley Dennis, Jr., Circuit Court Judge

App. Case No. 2015-002297

RECEIVED
NOV 16 2018
SC Court of Appeals

John Doe,

Appellant,

v.

Board of Zoning Appeals (BZA) and
Town of Sullivans Island (S.I.),
S. I. Zoning Administrator, and
S. I. Building Dept., Individually
and In Official Capacity,

Respondents.

EXPEDITED MOTION AND MOTION TO HOLD IN ABEYANCE

Appellant respectfully files expedited motion with abeyance request regarding timely filed and served notice of appeal for the lower court Order entered May 22, 2018. The issues on appeal of the Order entered May 22, 2018, have not been briefed, and the Court was timely notified by correspondence, copy attached, and in follow-up with return of the voided refund check, copy attached. The record reflects lack of diligence and/or dereliction of duty by the Clerk and/or staff. Accordingly, appellant respectfully requests Order for separate appeal on the Order entered May 22, 2018, with acknowledgment of receipt by the Clerk of the Court of Appeals of the voided refund check and timely payment of the filing fee. In the alternative, appellant requests that the current briefs be returned for briefing on the additional issues involving the Order entered May 22, 2018, with refund of the filing fee timely paid with filing the notice of appeal of the Order entered May 22, 2018.


CONCLUSION

For the foregoing reasons and for substantial justice affecting substantial rights, plaintiff respectfully submits this expedited motion with abeyance request. Specifically, this Court should grant the following:

- a. Order acknowledging separate appeal on the Order entered May 22, 2018,
- b. Order acknowledging return of voided refund check for the filing fee,
- c. Abeyance pending resolution of expedited motion,
- d. In the alternative, Order for return of the current briefs for briefing of the additional issues on the Order entered May 22, 2018,
- e. Order for refund of the filing fee timely paid with the notice of appeal of the Order entered May 22, 2018, and
- f. Abeyance pending resolution of expedited motion.

Respectfully submitted,

RECEIVED
NOV 16 2018
SC Court of Appeals


C. Holmes
PO Box 187
Sullivans Island, SC 29482
843.883.3010

C. HOLMES, MD, JD
P.O. Box 187
SULLIVANS ISLAND, SC 29482
843.883.3010

20 July 2018

Fax: 803.734.1839

Clerk, South Carolina Court of Appeals
1220 Senate Street
Post Office Box 11629
Columbia, SC 29201/29211

Re: Doe v. BZA
Appeal filed July 9, 2018

Dear Jenny:

Thank you for your correspondence, however, there has been a misunderstanding. The issues on appeal in the July 9, 2018, appeal are not related to the issues in the prior appeal, and they have not been briefed. As such, the appeal filed July 9, 2018, is a new appeal.

Please do not hesitate to contact us with any questions. Thanking you in advance, I am

Very truly yours,

RECEIVED
NOV 16 2018
SC Court of Appeals

C. HOLMES, MD, JD
P.O. Box 187
SULLIVANS ISLAND, SC 29482
843.883.3010

Second Request

9 August 2018

20 July 2018

Fax: 803.734.1839

Clerk, South Carolina Court of Appeals
1220 Senate Street
Post Office Box 11629
Columbia, SC 29201/29211

RECEIVED
NOV 16 2018
SC Court of Appeals

Re: Doe v. BZA
Appeal filed July 9, 2018

Dear Jenny:

Thank you for your correspondence, however, there has been a misunderstanding. The issues on appeal in the July 9, 2018, appeal are not related to the issues in the prior appeal, and they have not been briefed. As such, the appeal filed July 9, 2018, is a new appeal.

Please do not hesitate to contact us with any questions. Thanking you in advance, I am

Very truly yours,

Addendum: Enclosed please find the voided refund check for the filing fee.

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

The Honorable R. Markley Dennis, Jr., Circuit Court Judge

App. Case No. 2015-002297

John Doe,

Appellant,

RECEIVED

v.

NOV 16 2018

SC Court of Appeals


Board of Zoning Appeals (BZA) and
Town of Sullivans Island (S.I.),
S. I. Zoning Administrator, and
S. I. Building Dept., Individually
and In Official Capacity,

Respondents.

PROOF OF SERVICE

I certify that I have served a copy of the foregoing on the Respondents by depositing a copy in the United States Mail, postage prepaid, addressed to Respondents' counsel (843.727.2200) on this date at 66 Hasell St., Chas., SC 29401. All parties required to be served have been served.

Dated November 10, 2018.


C. Holmes
POB 187
SI, SC 29482-0187
843.883.3010

RECEIVED
NOV 16 2018
SC Court of Appeals

2 of 2

C. HOLMES, M.D.

P.O. Box 187
Sullivans Island, SC 29482
843.883.3010

The Honorable Jenny Kitchings
SCCOA
1220 Senate St.
Columbia, SC 29201

RECEIVED

NOV 16 2018

SC Court of Appeals

Re: Doe v. BZA et al
#15-002297

Dear Jenny:

Enclosed for filing please find the original Expedited Motion with request for abeyance. Also, enclosed please find the following:

- (1) Seven (7) copies,
- (2) Original and one (1) copy of proof of service, and
- (3) Filing fee and a stamped, self-addressed envelope for return of copies.

If you have any questions, please do not hesitate to contact me. Thank you for your kind attention to this matter.

Sincerely,

cc:

T.Walker
66 Hasell St.
Charleston, SC 29401

RECEIVED
NOV 16 2018
SC Court of Appeals



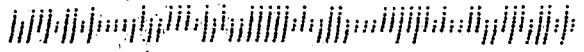
RECEIVED

NOV 16 2018

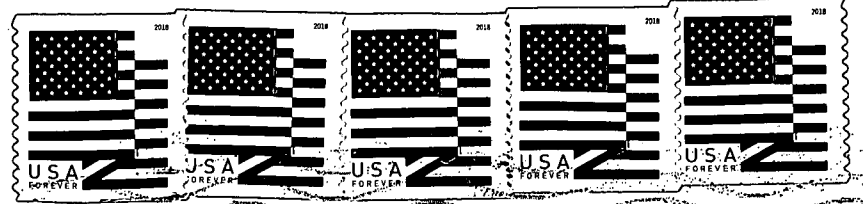
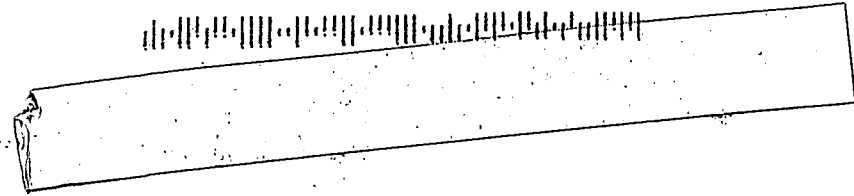
SC Court of Appeals

SCCOA
1220 Senate St.
Cola., SC 29201

2920133769 0076



29482-0187



CHARLESTON SC 294
WEB 14 NOV 2018 AM

RECEIVED
NOV 16 2018
SC Court of Appeals

SCCOA
1220 SENATE ST.
COLUMBIA, SC

29201