

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,

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.

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**DEC 19 2018**  
**SC Court of Appeals**

REPLY TO EXPEDITED MOTION AND MOTION TO HOLD IN ABEYANCE

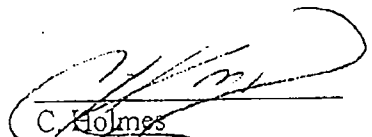
Appellant respectfully files reply to expedited motion with abeyance request regarding timely filed and served notice of appeal for the lower court Order entered May 22, 2018. The attached affidavit confirms the fact that the issues on appeal for the Order entered May 22, 2018, have not been briefed, and the Clerk was timely notified by correspondence. When there was no response to the request for response, follow-up correspondence was forwarded. 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 the timely filing of 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,

  
C. Holmes  
PO Box 187  
Sullivan's Island, SC 29482  
843.883.3010

STATE OF SOUTH CAROLINA )

)

AFFIDAVIT

COUNTY OF CHARLESTON )

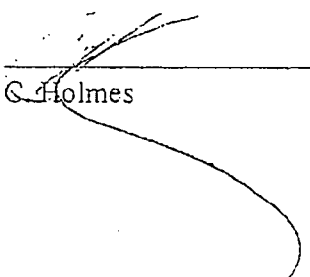
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Personally came and appeared before me, Notary Public, C. Holmes, M.D., who upon being duly sworn did depose and say the following:

1. I am the appellant, and based on personal knowledge, this affidavit is submitted in support of the attached Reply in COA App. Case No. 15-2297.
2. The issues on appeal of the Order entered May 22, 2018, have not been briefed, and the Clerk was timely notified by correspondence dated July 20, 2018.
3. When there was no response to the appellant's request for response, follow-up correspondence was forwarded on or about August 9, 2018.
4. When there was no response to the "Second Request" for response, follow-up correspondence was forwarded on or about November 3, 2018. While there was a timely response to other matters included in that correspondence, there was no timely response to the express request for response regarding the filing fee and the July 9, 2018, notice of appeal.
5. Jenny Kitchings' lack of even-handedness, lack of fundamental fairness, and repeated instances of irregularities and (mis)handling of funds and/or appeals when she thinks no one is looking, has required Expedited Motion herein.

FURTHER THE AFFIANT SAITH NOT.

  
C. Holmes

Subscribed and sworn to before me,  
Notary Public, this 14 day  
of December, 2018.

Elizabeth Anderson

NOTARY PUBLIC

My commission expires: 4/4/23

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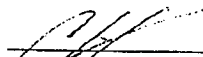
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PROOF OF SERVICE

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 December 19, 2018.

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



C. Holmes, M.D.  
P.O. Box 187  
Sullivan's Island, SC 29482  
843.883.3010

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

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**SC Court of Appeals**

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

Dear Jenny:

Enclosed for filing please find the original Reply to 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:

DURST FAMILY MEDICINE, LLC

(843) 883-3176

(843) 883-3459

FACSIMILE TRANSMITTAL SHEET

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