

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

DEC 21 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.

SECOND 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 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, Quillen, TOTB, and EBC are collectively referred to as the "Parties") respectfully request that the above-captioned appeal be held in abeyance until January 14, 2019, in order to complete settlement negotiations and mediation.¹ The Parties also request that the deadline to file and serve Initial Briefs and Designations of Matter be extended to February 14, 2019. In support of this Motion, the Parties present the following.

The Parties initially filed a Consent Motion to Hold Appeal in Abeyance on October 22, 2018. The motion sought to hold the case in abeyance so that the Parties could schedule and attend mediation with mediator Costa Pleicones in December of 2018. The Court granted the Motion on November 7, 2018, and stated that the filing deadlines for this appeal would be held in abeyance until December 31, 2018. Counsel for Yaschik subsequently sent a letter to the Court on November 19, 2018, and requested clarification on the procedure for resuming the appeal and also the new deadline for the Parties to file their Initial Briefs and Designations of Matter. The Court responded to counsel for Yaschik's letter on November 28, 2018, and stated that the Parties must notify the Court no later than December 22, 2018, if settlement negotiations are unsuccessful, and also that the Parties must file and serve their Initial Briefs and Designation of Matter no later than January 22, 2019.

The Parties attempted to schedule a mediation with mediator Costa Pleicones in December of 2018, however, given the number of attorneys involved and holiday season, the Parties and mediator were not able to identify a date in December that worked for mediation. The Parties also reached out to several other mediators in an attempt to schedule a mediation in December, but

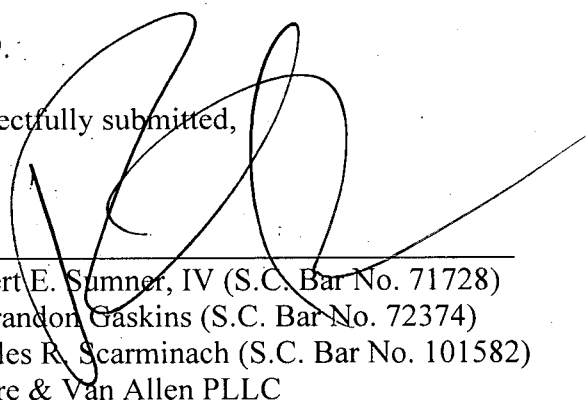
¹ Respondent/Appellant Sea Island Food Group, LLC d/b/a Squeeze was dismissed from this case pursuant to the Agreement of Dismissal filed with the Court on December 11, 2018.

were unsuccessful in those efforts. The Parties were ultimately able to schedule a mediation with mediator Costa Pleicones on January 7, 2019.

Pursuant to the Court's November 7, 2018, this appeal is currently being held in abeyance until December 31, 2018. Given that the mediation is not scheduled to take place until January 7, 2019, the Parties are now requesting that the case be held in abeyance until January 14, 2019. 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 until January 14, 2019, will serve judicial economy and prevent the unnecessary expenditure of the resources of the Court and the Parties.

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 until January 14, 2019, and extending the deadline for the Parties to file and serve their Initial Briefs and Designation of Matter until February 14, 2019.

Respectfully submitted,



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December 20, 2018

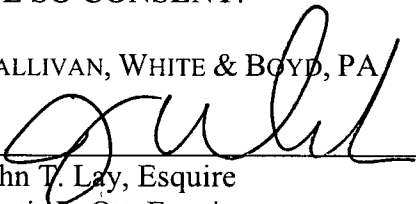
*Attorneys for Appellant Yaschik Development
Company, Inc., d/b/a Yaschik Enterprises*

December 17, 2018

Company, Inc., d/b/a Yaschik Enterprises

WE SO CONSENT:

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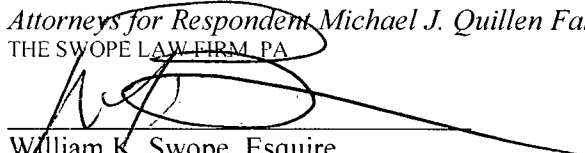
Company, Inc., d/b/a Yaschik Enterprises

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Attorney for Respondents East Bay Company, Ltd. and Hilton Smith Jr.

December __, 2018

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

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 *Second 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:

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Curtis L. Ott, Esquire
Shelley S. Montague, Esquire
Jessica A. Waller, Esquire
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Attorneys for Respondent Michael J. Quillen Family Limited Partnership

William K. Swope, Esquire
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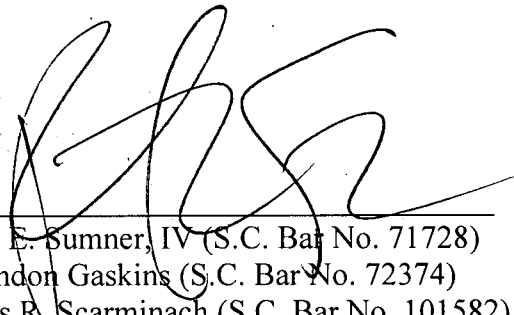
-and -

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Attorney for Respondents East Bay Company, Ltd. and Hilton Smith Jr.



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*Attorneys for Appellant Yaschik Development
Company, Inc., d/b/a Yaschik Enterprises*

December 20, 2018
Charleston, South Carolina

December 20, 2018

Robert E. Sumner, IV
Attorney at Law

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VIA OVERNIGHT MAIL

The Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
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**Re: Sea Island Food Group, LLC doing business as SQUEEZE v. Yaschik
Development Company, Inc., doing business as Yaschik Enterprises, et al.
Case No.: 2013-CP-10-7107
Appellate Case No.: 2018-000906
MVA File No.: 029018.23**

Dear Ms. Kitchings:

Enclosed for filing please find an original and seven (7) copies of a Second Consent Motion to Hold Appeal in Abeyance and Proof of Service in the above-referenced matter, along with our firm check no. 35426 for the requisite \$50.00 filing fee. Please file the original and return a filed-stamped copy to our office in the self-addressed stamped envelope provided.

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

Yours very truly,

MOORE & VAN ALLEN PLLC


Robert E. Sumner, IV

Enclosures: as stated.

cc w/enc.: John T. Lay, Esquire
Curtis L. Ott, Esquire
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Shelley S. Montague, Esquire
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William K. Swope, Esquire
Charles J. Baker III, Esquire

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City: CHARLESTON State: SC Zip: 29403-1428

2 To
Recipient Name: THE HONORABLE WENNAFRED KITCHINGAS
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