

92009

THE STATE OF SOUTH CAROLINA
South Carolina Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Honorable Marvin H. Dukes, III

Appellate Case No.: 2017-000620

RECEIVED
JAN 28 2020
SC Court of Appeals

BURTON FIRE DISTRICT.....Respondent,

vs.

CITY OF BEAUFORT.....Appellant.

And

BURTON FIRE DISTRICT.....Respondent,

vs.

TOWN OF PORT ROYAL.....Appellant.

CONSENT MOTION TO RECALL REMITTITUR
AND ACCEPT PETITION FOR REHEARING

Please take notice that the Appellants, City of Beaufort and Town of Port Royal, through their undersigned attorneys, hereby move before the South Carolina Court of Appeals for an order recalling the Remittitur in this case and to accept the Appellant's Petition for Rehearing. The Petition was mailed, but was not received prior to Remittitur being issued.

It is respectfully requested that the South Carolina Court of Appeals recall the Remittitur and accept for filing and consideration the Appellant's Petition for Rehearing.

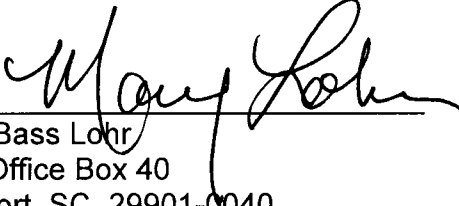
Undersigned counsel has consulted with opposing counsel and received consent to this motion as noted below.

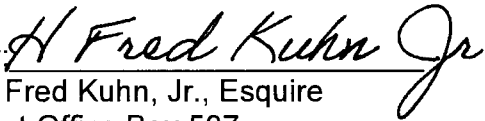
WE MOVE:

WE CONSENT:

HOWELL, GIBSON & HUGHES, P.A.

MOSS, KUHN & FLEMING, P.A.

By: 
Mary Bass Lohr
Post Office Box 40
Beaufort, SC 29901-0040
(843) 522-2400
Attorney for Appellants
Bar No: 16927

By: 
H. Fred Kuhn, Jr., Esquire
Post Office Box 507
Beaufort, SC 29901-0507
(843) 524-3373
Attorney for Respondent

Beaufort, South Carolina

January 27, 2020

THE STATE OF SOUTH CAROLINA
South Carolina Court of Appeals

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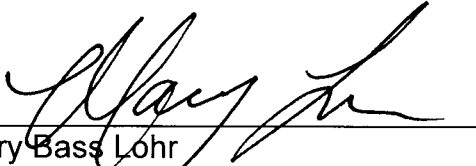
TOWN OF PORT ROYAL.....Appellant.

PROOF OF SERVICE

The undersigned counsel hereby certifies that she has served the foregoing Consent Motion to Recall Remittitur and Accept Petition for Rehearing upon all counsel of record by affixing same with proper postage and placing same with the United States Postal Service on 27 day of January, 2020 addressed to the following:

H. Fred Kuhn, Jr., Esquire
Moss, Kuhn & Fleming, P.A.
Post Office Drawer 507
Beaufort, SC 29901-0507

HOWELL, GIBSON & HUGHES, P.A.

By: 
Mary Bass Lohr
Post Office Box 40
Beaufort, SC 29901-0040
(843) 522-2400
Attorney for Appellants

Beaufort, South Carolina

January 23, 2020

HOWELL, GIBSON AND HUGHES, P.A.
ATTORNEYS AT LAW

Post Office Box 40
Beaufort, South Carolina 29901-0040
www.hghpa.com

25 RUE DU BOIS
LADY'S ISLAND
BEAUFORT, SOUTH CAROLINA 29907

STEPHEN P. HUGHES
PATRICK M. HIGGINS *
ROBERT W. ACHURCH III *
DAVID S. BLACK *
MARY BASS LOHR
THOMAS A. BENDLE, JR.

WILLIAM H. COX, III
NATHAN E. AKERS
CATHERINE L. FLOEDER

JAMES S. GIBSON, JR *
Of Counsel

* Certified Mediator

TELEPHONE: 843 - 522-2400
FAX NUMBER: 843 - 522-2429
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DIRECT E-MAIL: mlohr@hghpa.com
PARALEGAL E-MAIL: adarden@hghpa.com

January 27, 2020

(Via Facsimile 803-734-1839 and
Fed Ex: Tracking Number 7776 0885 7811)
Hon. Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1015 Sumter Street
Columbia, SC 29201

RECEIVED
JAN 28 2020
SC Court of Appeals

Re: Burton Fire District vs. Town of Port Royal and City of Beaufort
Civil Action No.: Appellate Case No.: 2017-000620
Our File No: 11279 MBL

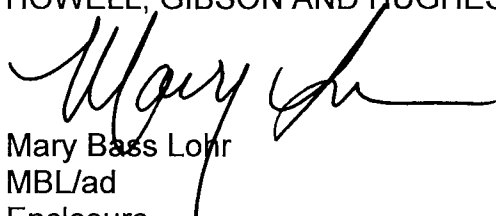
Dear Ms. Kitchings:

Please find enclosed herewith for filing an original and six (6) copies of the Consent Motion to Recall Remittitur and Accept Petition for Rehearing and Proof of Service with regard to the above referenced matter. Also enclosed is the firm's check in the amount of \$50.00 representing the appropriate filing fee. I would appreciate your filing the same and returning a filed clocked copy to me in the enclosed self-addressed, stamped envelope provided for your convenience.

With kindest regards, I am

Yours truly,

HOWELL, GIBSON AND HUGHES, P.A.



Mary Bass Lohr
MBL/ad
Enclosure

cc: H. Fred Kuhn, Jr. (via U.S. Mail)

ORIGIN ID:BNFA (843) 522-2400
HOWELL GIBSON HUGHES PA

25 RUE DU BOIS

BEAUFORT, SC 29907
UNITED STATES US

SHIP DATE: 27 JAN 20
ACTWGT: 1.00 LB
CAD: 106721029/INET4220

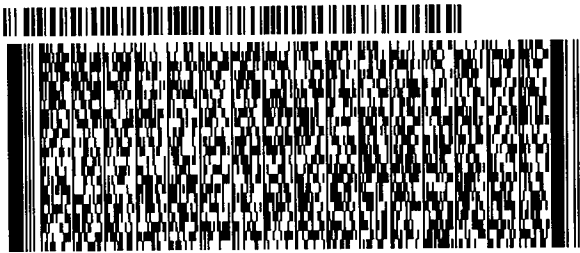
BILL SENDER

TO **HON. JENNY ABBOTT KITCHINGS**
SOUTH CAROLINA COURT OF APPEALS
1015 SUMTER STREET
CLERK OF COURT
COLUMBIA SC 29201

56B.J2JDF82FE4A

(803) 734-1890
INV:
PO:

REF: 11279 MBL
DEPT:

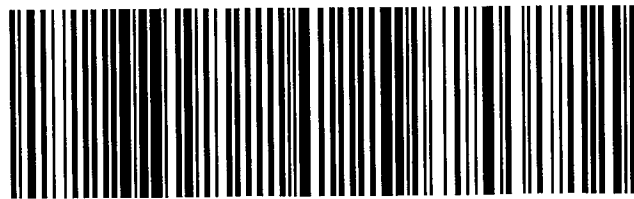


TUE - 28 JAN 10:30A
PRIORITY OVERNIGHT

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JAN 28 2020
SC Court of Appeals

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