

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Edward W. Miller, Circuit Court Judge

RECEIVED
FEB 12 2020
SC Court of Appeals

CASE NO.: 2017-CP-10-4947
APPELLATE CASE NO.: 2019-001843

Dana and John Stortz.....Appellants,

v.


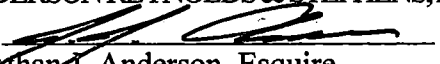


The State of South Carolina, City of North Charleston, County of Charleston, Department of Health and Environmental Control, South Carolina Department of Transportation, John Doe (Engineering Firm/Engineer), Coosaw Creek Owners' Association, Inc.,Defendants.

Of which State of South Carolina, City of North Charleston, County of Charleston, Department of Health and Environmental Control, South Carolina Department of Transportation, and Coosaw Creek Owners' Association, Inc. are..... Respondents.

**AN AGREEMENT FOR DISMISSAL OF THE APPEAL PROCEEDINGS AGAINST
RESPONDENTS DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
AND SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION**

Pursuant to Rule 260 (b), it is hereby agreed by and between Appellants and Respondent Department of Health and Environmental Control (DHEC) and Respondent South Carolina Department of Transportation (SCDOT) the appeal against that portion of the Circuit Court's Order granting the dismissal of the action against DHEC and SCDOT is hereby withdrawn.

This agreement to dismiss the proceedings is applicable to only that portion of the appeal that applies to the Respondents DHEC and SCDOT. All other Respondents are unaffected by the dismissal of the proceedings against Respondents DHEC and SCDOT.

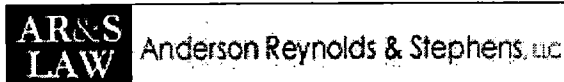
<p>WE AGREE</p> <p>MCCARTY LAW FIRM, PC By:  Ivon Keith McCarty, Esquire PO Box 330055 Charleston, SC 29417 Phone: (843) 793-1272</p> <p>WIGGER LAW FIRM, INC</p> <p>Jarrel L. Wigger, Esquire 8086 Rivers Ave, Suite A North Charleston, SC 29406 Phone: 843-553-9800 Attorney for Plaintiffs</p>	<p>WE AGREE</p> <p>ANDERSON REYNOLDS & STEPHENS, LLC By:  Jonathan J. Anderson, Esquire W. Coleman Lawrimore, Esquire 37 1/2 Broad Street P.O. Box 87 Charleston, SC 29401 Phone: (843) 723-0185 Attorneys for Department of Health and Environmental Control and South Carolina Department of Transportation</p>
<p>WE AGREE / <i>Do not oppose - see attached e-mail</i> WALL TEMPLETON & HALDRUP, PA By: _____ Neil S. Haldrup, Esquire Thomas B. Boger, Esquire 145 King Street, Ste 300 (29401) PO Box 1200 Charleston, SC 29402 Phone: (843) 329-9500 Attorneys for Coosaw Creek Owners Association, Inc.</p>	<p>I AGREE</p> <p>BARNWELL WHALEY By:  Phillip Verderigos, Esquire 288 Meeting Street, Suite 200 Charleston SC 29401 Phone: (843) 577-7700 Attorney for City of North Charleston</p>
<p>WE AGREE</p> <p>BUYCK, SANDERS & SIMMONS, LLC By:  G. Wade Cooper, Esquire Hugh W. Buyck, Esquire H. Lucius Laffitte, III, Esquire P.O. Box 2424 Mt. Pleasant, SC 29465-2424 Phone: (843) 377-1400 Attorneys for County of Charleston and State of South Carolina</p>	

Felicity J. Moore

From: JJ Anderson
Sent: Wednesday, February 5, 2020 10:57 AM
To: keith mccarty; Jerry Wigger
Cc: Felicity J. Moore
Subject: RE: FW: Stortz v. SCDOT and DHEC Appeal

My paralegal Felicity Moore will be circulating the agreement with the change requested to all counsel requesting permission for me to sign for them. Let me know if you have additional questions.

J. J. Anderson



From: keith mccarty <ikeithmccarty@gmail.com>
Sent: Wednesday, February 5, 2020 10:36 AM
To: JJ Anderson <janderson@arlawsc.com>; Jerry Wigger <jwigger@wiggerlawfirm.com>
Subject: Re: FW: Stortz v. SCDOT and DHEC Appeal

JJ, good speaking with you this morning. If you agree to delete the language "As having been improvidently taken by the Appellants" , we can get this done today. let me know. Keith

On Wed, Feb 5, 2020 at 10:10 AM JJ Anderson <janderson@arlawsc.com> wrote:

Here is my proposed dismissal.

J. J. Anderson



From: JJ Anderson
Sent: Monday, February 3, 2020 4:35 PM
To: Jerry Wigger <jwigger@wiggerlawfirm.com>
Subject: Stortz v. SCDOT and DHEC Appeal
Importance: High

Felicity J. Moore

From: Phillip Ferderigos <pferderigos@barnwell-whaley.com>
Sent: Wednesday, February 5, 2020 11:50 AM
To: Felicity J. Moore; Jerry Wigger; ikeithmccarty@gmail.com; neil.haldrup@walltempleton.com; tommy.boger@walltempleton.com; Hugh Buyck; gwc@buyckfirm.com; Lucius Laffitte; Chase, Catherine; Highfield, Duke
Cc: 'Rebeca Powell'; amy.eversole@walltempleton.com; Gaye DuPre; Melissia Ford; Bates, Tiffany; Justman, Aimee; JJ Anderson; Cole Lawrimore
Subject: RE: Dana and John Stortz v. DHEC, SCDOT, et al - Case No. 2017-CP-10-4947 - Appellate Case No. 2019-001843

You can sign for my client City of Charleston thanks

PHILLIP S. FERDERIGOS
BARNWELL WHALEY PATTERSON & HELMS, LLC
288 Meeting Street, Suite 200 | Charleston SC 29401 | 843.577.7700 | 843.329.5309 (D)
pferderigos@barnwell-whaley.com | [Firm Website](#) | [Bio](#) | [vCard](#)



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From: Felicity J. Moore <fmoore@arlawsc.com>
Sent: Wednesday, February 5, 2020 11:13 AM
To: Jerry Wigger <jwigger@wiggerlawfirm.com>; ikeithmccarty@gmail.com; neil.haldrup@walltempleton.com; tommy.boger@walltempleton.com; Phillip Ferderigos <pferderigos@barnwell-whaley.com>; Hugh Buyck <HWB@buyckfirm.com>; gwc@buyckfirm.com; Lucius Laffitte <Lucius@Buyckfirm.com>; Chase, Catherine <CChase@ycrlaw.com>; Highfield, Duke <dhighfield@ycrlaw.com>
Cc: 'Rebeca Powell' <rpowell@wiggerlawfirm.com>; amy.eversole@walltempleton.com; Gaye DuPre <gdupre@barnwell-whaley.com>; Melissia Ford <MGF@Buyckfirm.com>; Bates, Tiffany <tbates@ycrlaw.com>; Justman, Aimee <AJustman@ycrlaw.com>; JJ Anderson <jjanderson@arlawsc.com>; Cole Lawrimore <clawrimore@arlawsc.com>
Subject: Dana and John Stortz v. DHEC, SCDOT, et al - Case No. 2017-CP-10-4947 - Appellate Case No. 2019-001843

Good Morning,

Attached please find an agreement for dismissal of SCDOT and DHEC from the appeal proceedings. Please review and let me know if we have your express written consent to sign for you.

Sincerely,

Felicity J. Moore

From: Wade C <GWC@Buyckfirm.com>
Sent: Thursday, February 6, 2020 1:34 PM
To: Felicity J. Moore
Cc: Melissia Ford; Justman, Aimee; JJ Anderson; Cole Lawrimore; Chase, Catherine
Subject: RE: Dana and John Stortz v. DHEC, SCDOT, et al - Case No. 2017-CP-10-4947 - Appellate Case No. 2019-001843

On behalf of Defendants State of South Carolina and Charleston County, I consent and you have permission to e-sign on my behalf. Also, please remove Catherine Chase/Duke Highfield from the signature page, as they are not involved in the matter on appeal.

Let me know if you need anything else from us.

Thanks,

G. Wade Cooper, Esq.
Buyck & Sanders, LLC
P.O. Box 2424
Mt. Pleasant, SC 29465 – 2424
Ph: (843) 377-1400

From: Felicity J. Moore <fmoore@arslawsc.com>
Sent: Wednesday, February 5, 2020 11:13 AM
To: Jerry Wigger <jwigger@wiggerlawfirm.com>; ikeithmccarty@gmail.com; neil.haldrup@walltempleton.com; tommy.boger@walltempleton.com; Phillip Ferderigos <pferderigos@barnwell-whaley.com>; Hugh W. Buyck <HWB@Buyckfirm.com>; Wade C <GWC@Buyckfirm.com>; Lucius Laffitte <Lucius@Buyckfirm.com>; Chase, Catherine <CChase@ycrlaw.com>; Highfield, Duke <dhighfield@ycrlaw.com>
Cc: 'Rebeca Powell' <rpowell@wiggerlawfirm.com>; amy.eversole@walltempleton.com; Gaye DuPre <gdupre@barnwell-whaley.com>; Melissia Ford <MGF@Buyckfirm.com>; Bates, Tiffany <tbates@ycrlaw.com>; Justman, Aimee <AJustman@ycrlaw.com>; JJ Anderson <janderson@arslawsc.com>; Cole Lawrimore <clawrimore@arslawsc.com>
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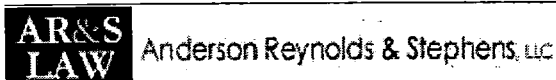
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Sincerely,

Felicity Moore

Paralegal to J.J. Anderson, W. Coleman Lawrimore, and Jonathan L. Anderson



Street Address: 37 ½ Broad Street Charleston, SC 29401
Mailing Address: P.O. Box 87 Charleston, SC 29402
Email: fmoore@arslawsc.com
Phone: 843-723-0185

Felicity J. Moore

From: Neil S. Haldrup <Neil.Haldrup@WallTempleton.com>
Sent: Friday, February 7, 2020 1:06 PM
To: Felicity J. Moore; JJ Anderson
Cc: Amy Eversole; David Nasrollahi; Tommy Boger
Subject: RE: Dana and John Stortz v. DHEC, SCDOT, et al - Case No. 2017-CP-10-4947 - Appellate Case No. 2019-001843

Felicity,

We do not oppose the dismissal, but do not think we can take a position based on our contention that the Appellate Courts may not have jurisdiction regarding our client in this appeal and we are not a proper party to the underlying action or to the appeal.

**Neil Sigurd Haldrup
Attorney**

Telephone: (843) 329-9500
Facsimile: (843) 329-9501



Wall Templeton & Haldrup, P.A.
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Charleston, South Carolina 29402
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To: Jerry Wigger <jwigger@wiggerlawfirm.com>; ikeithmccarty@gmail.com; Neil S. Haldrup <Neil.Haldrup@WallTempleton.com>; Tommy Boger <Tommy.Boger@WallTempleton.com>; Phillip Ferderigos <pferderigos@barnwell-whaley.com>; Hugh Buyck <HWB@buyckfirm.com>; gwc@buyckfirm.com; Lucius Laffitte <Lucius@Buyckfirm.com>; Chase, Catherine <CChase@ycrlaw.com>; Highfield, Duke <dhighfield@ycrlaw.com>
Cc: 'Rebeca Powell' <rpowell@wiggerlawfirm.com>; Amy Eversole <amy.eversole@WallTempleton.com>; Gaye DuPre <gdupre@barnwell-whaley.com>; Melissa Ford <MGF@Buyckfirm.com>; Bates, Tiffany <tbates@ycrlaw.com>; Justman, Aimee <AJustman@ycrlaw.com>; JJ Anderson <jjanderson@arlawsc.com>; Cole Lawrimore <clawrimore@arlawsc.com>
Subject: Dana and John Stortz v. DHEC, SCDOT, et al - Case No. 2017-CP-10-4947 - Appellate Case No. 2019-001843

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ANDERSON REYNOLDS & STEPHENS, LLC

ATTORNEYS AT LAW
37 ½ BROAD STREET
POST OFFICE BOX 87
CHARLESTON, SOUTH CAROLINA 29402

JONATHAN J. ANDERSON
LISA A. REYNOLDS
SHANNA M. STEPHENS
W. COLEMAN LAWRIEMORE
JONATHAN L. ANDERSON

TEL. 843-723-0185
FAX. 843-405-0313
DIRECT. 843-576-2070
email: janderson@arslawsc.com

February 10, 2020

VIA US MAIL

The Honorable Jenny Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RECEIVED
FEB 12 2020
SC Court of Appeals

RE: Dana and John Stortz v. The State of South Carolina, City of North Charleston, County of Charleston, Department of Health and Environmental Control, South Carolina Department of Transportation, John Doe (Engineering Firm/Engineer), Coosaw Creek Owners' Association, Inc., Defendants

Of which State of South Carolina, City of North Charleston, County of Charleston, Department of Health and Environmental Control, South Carolina Department of Transportation, and Coosaw Creek Owners' Association, Inc. are the Respondents.

Appellate Case Number: 2019-001843

Dear Ms. Kitchings:

Please find enclosed the originals and two (2) copies each of the following:

- 1) An Agreement for Dismissal of the Appeal Proceedings against Respondents Department of Health and Environmental Control and South Carolina Department of Transportation and
- 2) Authorization to sign on behalf of the other Counselors.

Please contact me if you require additional information at this time. I am

Sincerely yours,


J.J. Anderson

JJA/fjm
Enclosures

The Honorable Jenny Kitchings

Page 2 of 2

February 10, 2020

Via US mail

cc: Jarrel L. Wigger, Esquire
Ivon Keith McCarty, Esquire
Phillip Ferderigos, Esquire
Hugh W. Buyck, Esquire
G. Wade Cooper, Esquire
H. Lucius Laffitte, III, Esquire
Neil S. Haldrup, Esquire
Thomas B. Boger, Esquire



ANDERSON REYNOLDS & STEPHENS, LLC
37 1/2 Broad Street
Post Office Box 87
Charleston, S.C. 29402

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