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IN THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

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APR 02 2020

SC Court of Appeals

Honorable Alex Kinlaw, Jr., Circuit Court Judge

Civil Action No.: 2017-CP-10-5382
Appellate Case No.: 2019-001125

South Carolina Department of Commerce,
Division of Public RailwaysAppellant,

v.

Gateway Properties of Greater Charleston, LLCRespondent,

And

NBSC a division of Synovus Bank, VFC Partners 15 LLC, Capella Carolinas, LLC,
Donivan Glassburn, and the Loft Pilates Center, LLC,

Other Condemnees.

JOINT MOTION TO EXPEDITE DISPOSITION OF APPEAL

COMES NOW Respondent Gateway Properties of Greater Charleston, LLC and Appellant South Carolina Department of Commerce, Division of Public Railways (“Appellant”) and jointly request this appeal from the trial of a condemnation action be heard and decided on an expedited basis.

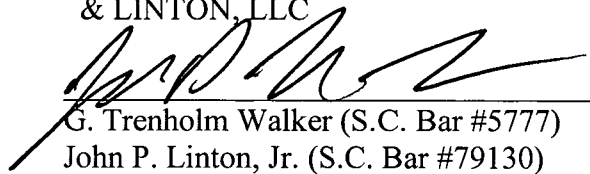
Appellant commenced this condemnation action on October 19, 2017. The case was tried March 25 through March 28, 2019. Following an Order on Appellant’s post-trial motions, Appellant filed a notice of appeal on July 10, 2019. The parties have now completed the briefing process, and the case is ripe for consideration by the Court.

Now, the parties to the appeal jointly request the appeal be heard and decided on an expedited basis. The General Assembly has recognized that the disposition of cases involving the government's exercise of its right to condemn privately owned property for a public purpose should take precedence over other types of lawsuits. See S.C. Code §28-2-310(C) ("If either the condemnor or the landowner so demands, the action must be given precedence over other civil cases for trial."). While the statute speaks specifically to the trial docket, the policy reasons for expedited disposition of condemnation cases apply with equal force to proceedings on appeal. Therefore, the parties jointly request expedited hearing and disposition of the appeal.

Dated: 3-31-20

Respectfully Submitted,

WALKER GRESSETTE FREEMAN
& LINTON, LLC



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John P. Linton, Jr. (S.C. Bar #79130)

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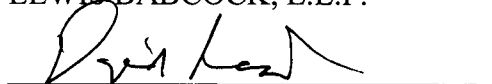
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THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

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Alex Kinlaw, Jr., Circuit Court Judge
Common Pleas Case No. 2017-CP-10-53
Appellate Case No. 2019-001125

SC Court of Appeals

South Carolina Department of Commerce, Division of Public Railways,Appellant,

v.

Gateway Properties of Greater Charleston, LLC,Respondent,

and

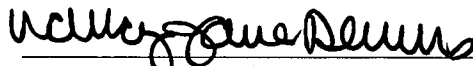
NBSC a division of Synovus Bank, VFC Partners 15 LLC, Capella Carolinas, LLC, Donivon
Glassburn, and the Loft Pilates Center, LLC, Other Condemnees.

PROOF OF SERVICE

I certify that I have served the **Joint Motion to Expedite Disposition of Appeal and Proof of Service** by electronic mail, on March 31, 2020, addressed to the attorneys primary e-mail address listed in the AIS:

- Keith M. Babcock at kmb@lewisbabcock.com
- Ariail E. King at aek@lewisbabcock.com
- David L. Paavola at dlp@lewisbabcock.com
- Derek F. Dean, Esq. at dfdean@charestonattorneys.net

Attorneys for Appellant



Nancy Jane Dennis
Paralegal

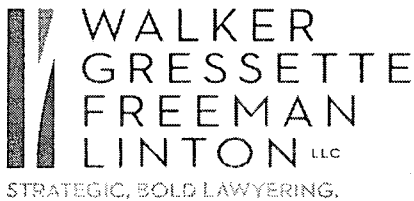
Nancy Jane Dennis

From: Nancy Jane Dennis
Sent: Tuesday, March 31, 2020 2:03 PM
To: Keith M. Babcock; David Paavola; Ariail E. King; dfdean@charlestonattorneys.net
Cc: John P. Linton, Jr.; Trenholm Walker
Subject: SC Dept of Commerce v Gateway Appellate Case No. 2019-001125
Attachments: 03-31-20 Jt Motion Expedite with LT COA and POS.pdf

Counsel,

Please see attached correspondence to the Clerk of Court and Joint Motion to Expedite Disposition of Appeal with Proof of Service by e-mail only. The motion is being faxed to the Clerk's office today for filing.

Sincerely,
Nancy Jane Dennis
Paralegal



NANCY JANE DENNIS, Paralegal
843.727.2222 direct
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March 31, 2020

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Honorable Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

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SC Court of Appeals

Re: S.C. Dept. of Commerce, Div. of Public Railways v. Gateway Properties
Appellate Case No. 2019-001125
WGFL File No.: 8068.002

Dear Ms. Kitchings:

Enclosed please find Joint Motion to Expedite Disposition of Appeal, Proof of Service with copy of the sent e-mail to opposing counsel, and \$50 filing fee.

Thank you for filing the enclosures with the Court. With kind regards, I am.

Sincerely yours,

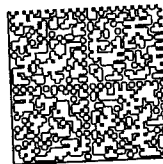
WALKER GRESSETTE FREEMAN & LINTON, LLC

Nancy Jane Dennis
Paralegal

Enclosures (As Stated)

c: Keith M. Babcock, Esq. (e-mail only)
David L. Paavola, Esq. (e-mail only)
Ariail E. King, Esq. (e-mail only)
Derek F. Dean, Esq. (e-mail only)

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