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THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM HORRY COUNTY
In the Court of Common Pleas for the Fifteenth Judicial Circuit
Hon. Benjamin H. Culbertson, Circuit Court Judge

Appellate Case No. 2020-000407

Douglas Kelsey Plaintiff,

v.

House of Blues Myrtle Beach Restaurant Corporation;
HOB Entertainment, Inc.; and Travis Scott Wagoner Defendants,

AND

House of Blues Myrtle Beach Restaurant Corporation Third-Party Plaintiff,

v.

Throttlefest, LLC; American Outlaw Spirits Incorporated; Full Throttle, LLC; and Full Throttle
Sloon Shine, LLC Third-Party Defendants,

of which House of Blues Myrtle Beach Restaurant Corporation is the Appellant
and Throttlefest, LLC is the Respondent.

MOTION TO DISMISS

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APR 30 2021

SC Court of Appeals

M. Dawes Cooke, Jr., Esq.
Jeffrey M. Bogdan, Esq.
BARNWELL WHALEY PATTERSON &
HELMS, LLC
288 Meeting Street, Suite 200 (29401)29401
P.O. Drawer H
Charleston, SC 29402
(843) 577-7700 Fax: (843) 577-7708
Counsel for Respondent

The Respondent, Throttlefest, LLC, hereby moves to Dismiss the Appeal of the Appellant because the South Carolina Court of Appeals does not have jurisdiction to entertain an appeal from an interlocutory order of the Circuit Court. This Motion is supported by the Memorandum of Law, which is attached hereto.

April 28, 2020

Respectfully submitted,

BARNWELL WHALEY PATTERSON &
HELMS, LLC

By: 

M. Dawes Cooke, Jr., Esq.

Jeffrey M. Bogdan, Esq.

288 Meeting Street (29401)

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Counsel for Respondent

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Sloon Shine, LLC Third-Party Defendants,

of which House of Blues Myrtle Beach Restaurant Corporation is the Appellant
and Throttlefest, LLC is the Respondent.

PROOF OF SERVICE

I certify that I have served the Motion to Dismiss and Memorandum in Support of Motion
to Dismiss on the above-referenced Appellant by depositing a copy of it in the United States Mail,
postage prepaid, on April 28, 2020, addressed its attorneys of record, as follows:

Christian Stegmaier, Esq.
Collins & Lacy
P.O. Box 12487
Columbia, SC 29211

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SC Court of Appeals

Amy Lynn Neuschafer, Esq.
11945 Grandhaven Dr., Suite D
Murrells Inlet, SC 29576

Laura Ruth Baer, Esq.
Collins & Lacy
1330 Lady Street, Sixth Floor
Columbia, SC 29201

April 28, 2020

BARNWELL WHALEY PATTERSON &
HELMS, LLC

By: 
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Counsel for Respondent



Jeffrey M. Bogdan, Esquire
jbogdan@barnwell-whaley.com

Reply to Charleston Office

April 28, 2020

59.037

The Honorable Jenny Abbott Kitchings
Clerk of Court
SC Court of Appeals
1220 Senate Street
Columbia, SC 29201

Re: Douglas Kelsey v. House of Blues Myrtle Beach
Appellate Case No. 2020-000407

Dear Ms. Kitchings,

Enclosed please find Respondent's Motion to Dismiss, Memorandum in Support of Motion to Dismiss and Proof of Service of the same. I have also enclosed a \$50.00 check for the filing fee. Pursuant to the recent Order from the South Carolina Supreme Court, only the originals are enclosed for filing. No additional copies have been provided at this time.

Thank you for your assistance.

Yours truly,

Jeffrey Bogdan

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SC Court of Appeals

JMB/jgc
Enclosures

cc: Christian Stegmaier, Esq.
Amy Lynn Neuschafer, Esq.
Laura Ruth Baer, Esq.

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REPRESENTING CLIENTS IN ALL COURTS IN SOUTH CAROLINA AND NORTH CAROLINA AND IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BARNWELL
WHALEY

PATTERSON & HELMS LLC

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YEARS

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The Honorable Jenny Abbott Kitchings
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