

92743

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED
MAY 26 2020
SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY

Deadra L. Jefferson and Maite Murphy, Circuit Court Judges

Appellate Case No. 2019-001951

Alan G. Nix, Norma J. Nix, and the Estate of Norma J. NixAppellants,

v.

Churchill Park, Churchill Park Homeowner's Association, Inc., Churchill Park at Parkwest, Inc., Churchill Park at Park West Association, Inc., Southern Community Services, LLC, Park West Master Association, Inc., LPPM, Inc., McCabe, Trotter & Beverly, PC, Larry Ridlehover, Stephanie Trotter, Ryan McCabe, Jamie McSweeney, Mike Hurd, Sheri Cothran, David Brown, Catherine Brown, Stephen Sumner, Richard Riccoboni, Rick Cumberland, Park West Master Association, Inc., Park West Amenity Association, Inc., C. Richard Dobson Builders, Inc., D.R. Horton, Inc., Brian Gardner, Dodds & Hennessey LLP, Kim Atkeson, Jennifer Williamson, Jessica Turner, Kevin Steelman, Landtech Development, LLC, Landtech Incorporated of South Carolina, Land Tech Charleston, LLC, Park West Development, Inc., Rogers, Townsend Thomas, PC, Henry Munn, Individually Directors, Officers, Agents, Attorneys, Accountants, Independent Contractors, Investors, Successors, Predecessors, Parents, Subsidiaries, Sister and Affiliated entities, Partners, and Members of all named Entities . . .
.....Respondents.

**RESPONDENTS CHURCHILL PARK, IMPROPERLY NAMED AS
CHURCHILL PARK AT PARK WEST, INC. AND IMPROPERLY NAMED AS
CHURCHILL PARK AT PARK WEST ASSOCIATION, INC., AND STEPHEN
SUMNER'S MOTION TO DISMISS**

The Respondents, Churchill Park, improperly named as Churchill Park at Park West, Inc. and improperly named as Churchill Park at Park West Association, Inc., and Stephen Sumner, pursuant to Rule 260(a), SCACR, respectfully move the Court for an order dismissing the appeal filed by the Appellants for failure to timely file and serve his initial brief as required by Rule 208(a)(1), SCACR.

This appeal arises from a Complaint filed by Appellants on January 4, 2019 in the Court of Commons Pleas for Charleston County. Respondents filed a Motion to Dismiss on May 24, 2019, which was never ruled on by the trial court; however, the trial court did rule in favor of other Respondents, and issued its Order dismissing the action on October 17, 2019. It does not appear Appellant properly filed a Notice of Appeal with the trial court pursuant to Rule 203(d)(1)(B), SCACR.

It also appears Appellants received the transcript no later than February 29, 2020, as evidenced by Appellants' correspondence submitting the transcript to this Court on that date for inclusion in this appeal.

Pursuant to Rule 208(a)(1), SCACR, Appellants' deadline to file and serve the initial brief was, at the latest, March 30, 2020. Pursuant to South Carolina Supreme Court Order 2020-000447, regarding Operation of the Appellate Courts During the Coronavirus Emergency, the due date for all Appellate Court filings are extended twenty (20) days, which would extend Appellants' deadline to file and serve the initial brief until April 20, 2020. To date, Appellants have not filed and served any brief in this matter or requested an extension of time related to brief filing.

For these reasons, Respondents respectfully request that Appellants' appeal be dismissed with prejudice and for such other and further relief as the court deems just and appropriate.

Attorney Signature Page to Follow

Respectfully submitted,

LUZURIAGA MIMS, LLP

By: 

Kevin W. Mims

50 Immigration St, Suite 200

Charleston, SC 29403

kmims@lmlawllp.com

*Attorneys for Respondents Churchill Park and
Stephen Sumner*

Charleston, South Carolina

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

RECEIVED

MAY 26 2020

SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY

Deadra L. Jefferson and Maite Murphy, Circuit Court Judges

Appellate Case No. 2019-001951

Alan G. Nix, Norma J. Nix, and the Estate of Norma J. NixAppellants,

v.

Churchill Park, Churchill Park Homeowner's Association, Inc., Churchill Park at Parkwest, Inc., Churchill Park at Park West Association, Inc., Southern Community Services, LLC, Park West Master Association, Inc., LPPM, Inc., McCabe, Trotter & Beverly, PC, Larry Ridlehover, Stephanie Trotter, Ryan McCabe, Jamie McSweeney, Mike Hurd, Sheri Cothran, David Brown, Catherine Brown, Stephen Sumner, Richard Riccoboni, Rick Cumberland, Park West Master Association, Inc., Park West Amenity Association, Inc., C. Richard Dobson Builders, Inc., D.R. Horton, Inc., Brian Gardner, Dodds & Hennessey LLP, Kim Atkeson, Jennifer Williamson, Jessica Turner, Kevin Steelman, Landtech Development, LLC, Landtech Incorporated of South Carolina, Land Tech Charleston, LLC, Park West Development, Inc., Rogers, Townsend Thomas, PC, Henry Munn, Individually Directors, Officers, Agents, Attorneys, Accountants, Independent Contractors, Investors, Successors, Predecessors, Parents, Subsidiaries, Sister and Affiliated entities, Partners, and Members of all named Entities . . .
.....Respondents.

PROOF OF SERVICE

The undersigned certifies that a copy of *Respondents' Motion to Dismiss* has been served upon the following pro se party and counsel of record by mailing a copy of the same by United States Mail, addressed as shown below this 19 day of May, 2020.

Alan G. Nix
1401 Densmore Circle
Mount Pleasant, SC 29466
Pro Se Appellant

Andrew W. Countryman, Esquire
Countryman Law Firm
321 Wingo Way, Suite 102
Mt. Pleasant, SC 29464
*Attorney for Respondents McCabe,
Trotter & Beverly, P.C., Stephanie
Trotter, Ryan McCabe and Jamie
McSweeney*

G. Troy Thames, Esq.
Willson, Jones, Carter & Baxley, P.A.
421 Wando Park Boulevard, Suite 100
Mount Pleasant, SC 29464
Attorney for Respondents David Brown and Catherine Brown

Respectfully submitted,

LUZURIAGA MIMS, LLP

By: 

Kevin W. Mims

50 Immigration St, Suite 200

Charleston, SC 29403

kmims@lmlawllp.com

*Attorneys for Respondents Churchill Park and
Stephen Sumner*

Charleston, South Carolina



May 21, 2020

VIA U.S. MAIL

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

RECEIVED
MAY 26 2020
SC Court of Appeals

Re: Alan Nix v. Churchill Park, et al.
Appellate Case No.: 2019-001951
Claim Number: 072-0000125-2017
LM File Number: 114-20177015

Dear Ms. Kitchings:

Enclosed please find a check in the amount of \$50.00 for recently filed Motion to Dismiss in the above-referenced matter. Thank you for your assistance in this matter and if you have any questions, please do not hesitate to contact me.

With kindest regards, I am

Sincerely,

LUZURIAGA MIMS, LLP

s/J. Barnwell Fishburne, Jr.

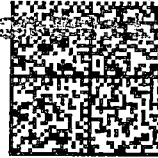
JBF/rjh
Enclosures



CHARLESTON SC 294

22 MAY

FIRST-CLASS



02 1P \$ 000.50⁰
0001185157 MAY 21 2020
MAILED FROM ZIP CODE 29403

VIA U.S. MAIL

South Carolina Court of Appeals

Attn.: Clerk, Jenny Abbott Kitchings

P.O. Box 11629

Columbia, SC 29211

RECEIVED

MAY 26 2020

SC Court of Appeals

29211-162929

