

THE STATE OF SOUTH CAROLINA
In the Supreme Court

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S.C. SUPREME COURT

APPEAL FROM HORRY COUNTY

Appellate Case No. 2019-001133

City of Myrtle Beach, For Itself and a Class of Similarly Situated Plaintiffs,Respondent,

v.

Horry County, Appellant.

CONSENT MOTION TO HOLD APPEAL IN ABEYANCE

Pursuant to Rule 240, SCACR, the parties in the above-captioned appeal, by and through their undersigned counsel, submit the within Consent Motion to Hold Appeal in Abeyance. In support thereof, the parties would respectfully show unto the Court as follows:

1. This case is an appeal from orders of the Honorable William H. Seals, Jr. dated June 21, 2019, July 10, 2019, and July 17, 2019, granting a motion of Respondent City of Myrtle Beach (“City”) for an injunction against the Appellant Horry County (“County”) and declining to stay or supersede its injunction orders. R. pp. 1365-91.

2. By virtue of an order dated July 18, 2019, Judge Seals stayed further proceedings in the action during the pendency of the instant appeal other than a mediation of the matter in dispute before the circuit court. R. pp. 29-31. As a result of that mediation, the parties have now reached a Settlement Agreement in Principle in this matter, which became effective on September 4, 2020.

3. The parties desire to file a motion in the circuit court for an order lifting its stay and thereby permit the parties to pursue the matters subsumed within this their Settlement Agreement in Principle.

4. In view of the foregoing, the parties respectfully request that this appeal be held in abeyance so that the circuit court may lift its stay and take up the matters contemplated in the parties' Settlement Agreement in Principle.

4. Should the circuit court not approve the settlement contemplated by the parties' Settlement Agreement in Principle, they would so notify this Court and request that the pending appeal proceed.

Respectfully submitted,

We so move and consent:

s/ Chad N. Johnston
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September 4, 2020

We so move and consent:

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