

WILLOUGHBY & HOEFER, P.A.

ATTORNEYS & COUNSELORS AT LAW

MITCHELL M. WILLOUGHBY
JOHN M.S. HOEFER
RANDOLPH R. LOWELL**
TRACEY C. GREEN
CHAD N. JOHNSTON
ELIZABETH ZECK*
ELIZABETHANN L. CARROLL
JOHN W. ROBERTS
R. WALKER HUMPHREY, II***
ANDREW R. HAND****
J. JOSEPH OWENS

ELIZABETH S. MABRY
J. PATRICK HUDSON
OF COUNSEL

JOSEPH H. FARRELL, III
SPECIAL COUNSEL

*ALSO ADMITTED IN TEXAS

**ALSO ADMITTED IN WASHINGTON, D.C.

***ALSO ADMITTED IN CALIFORNIA

****ALSO ADMITTED IN NORTH CAROLINA

September 8, 2020

VIA ELECTRONIC FILING AND HAND DELIVERY

The Honorable Daniel E. Shearouse
Clerk of Court
South Carolina Supreme Court
1231 Gervais Street
Columbia, South Carolina 29201

RECEIVED

Sep 08 2020

S.C. SUPREME COURT

RE: City of Myrtle Beach, For Itself and a Class of Similarly Situated Plaintiffs, Respondents, *v.* Horry County, Appellant;
Appellate Case No. 2019-001134

Dear Mr. Shearouse:

Attached for filing please find a Consent Motion to Hold Appeal in Abeyance submitted on behalf of the parties in the above-referenced appeal.

As you are aware, the Court held oral arguments in the above-captioned appeal on August 19, 2020, at which time it questioned counsel regarding media reports concerning a potential settlement between the parties to this appeal. As indicated during oral argument, although a proposed settlement agreement in principle (“SIP”) had been approved by the governing bodies of the City of Myrtle Beach and Horry County on August 18, 2020, the document had not yet been executed by the parties and the governing bodies of the other municipalities within Horry County participating in the proposed SIP had not yet taken the necessary action to make its terms operative.

I am pleased to now report to the Court that, effective September 4, 2020, the last municipal governing body needed to take formal action to make the terms of the SIP operative has done so. Accordingly, and in accordance with the procedures governing electronic filing under Supreme Court Order 2020-05-29-02, parts (c)(5), (f), and (g)(3), and pursuant to Rule 240, of the South Carolina Appellate Court Rules, the parties therefore now submit the attached Consent Motion to Hold Appeal in

OFFICES:

COLUMBIA | 930 RICHLAND STREET, COLUMBIA, SC 29201 | 803.252.3300 FAX 803.256.8062

CHARLESTON | 133 RIVER LANDING DRIVE, SUITE 200, CHARLESTON, SC 29492 | 843.619.4426 FAX 843.619.4490

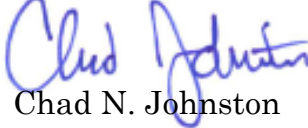
Abeyance. As permitted by Order 2020-05-29-02, part (d), the parties are not submitting to the Court any copies of these documents.

Of course, we will keep the Court apprised of the status of the proceedings in the circuit court. If the terms and conditions set out in the SIP are approved and given effect by the circuit court, the parties will jointly request that the instant appeal be dismissed.

Also enclosed, please find a check in the amount of \$50.00 for the filing fee associated with this motion. By copy of this letter, we are serving counsel for Appellant Horry County electronically and enclose a proof of service to that effect, with transmittal email, as provided for under Order 2020-05-29-02, part (g)(3). If you have any questions or if you need any additional information, please do not hesitate to contact me. With best regards, I am,

Very truly yours,

WILLOUGHBY & HOEFER, P.A.


Chad N. Johnston

cc: James K. Gilliam, Esquire (via Electronic Mail with enclosure)
Henrietta U. Golding, Esquire (via Electronic Mail with enclosure)
Adam R. Artigliere, Esquire (via Electronic Mail with enclosure)
W. Grayson Lambert, Esquire (via Electronic Mail with enclosure)