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SC Court of Appeals

ELECTRONICALLY FILED - 2021 Feb 12 9:49 AM - ANDERSON - COMMON PLEAS - CASE#2020CP0401809

THE STATE OF SOUTH CAROLINA
In the Circuit Court of Anderson County

APPEAL FROM THE
CITY COUNCIL OF THE CITY OF ANDERSON
Case Number: 2020-CP-04-01809

Moats Construction, Inc.Appellant,

v.

City Council of the City of AndersonRespondents,

ORDER

Presiding Judge: R. Scott Sprouse
Hearing Date: February 8, 2020
Appellant's Attorney: C. David Beale, Jr.
Respondent's Attorney: J. Franklin McClain

This matter is before me upon Appellant's appeal from the Determination of City Council affirming the Decision of the City Manager in a procurement matter. The Respondent has filed a Motion to Dismiss the appeal.

FINDINGS OF FACT

Moats Construction Company requested a review of City Council Decision of the City Manager involving the award of a bid in a procurement matter. Pursuant to the City of Anderson Procurement Code, the decision of City Council is appealable to the Circuit Court.

The Determination of City Council was filed on March 17, 2020. Appellant received written notice of the Determination on March 25, 2020. The Notice of Appeal to the Circuit Court was filed on September 29, 2020, over six months after receipt of notice of the Determination.

CONCLUSION OF LAW

Rule 74 of the South Carolina Rule of Civil Procedure provides that "Notice of Appeal" to the Circuit Court must be served on all parties within 30 days after receipt of written notice of the judgment, order or decision appealed from. South Carolina Appellant Court Rule 203 provides that the appeal shall be dismissed if not timely filed.

Based upon the failure of Moats Construction Company to file the appeal in a timely manner, Respondent's Motion to Dismiss is hereby granted.

IT IS SO ORDERED

Date: _____

R. Scott Sprouse, Judge
Tenth Judicial Circuit



Anderson Common Pleas

Case Caption: Moats Construction, Inc. VS City Council Of City Of Anderson
Case Number: 2020CP0401809
Type: Order/Dismissal

s/R. Scott Sprouse, Judge #2752

Tenth Judicial Circuit

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