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STATE OF SOUTH CAROLINA
COURT OF APPEALS

Case No. 2013-000525

Mary L. Dinkins Higher Learning Academy (MLD).....Appellant,

V.

South Carolina Public Charter School District.....Respondent.

**NOTICE OF MOTION AND MOTION TO REINSTATE APPEAL
AND TO ALLOW 30 DAYS FROM SUCH ORDER REINSTATING
APPEAL TO FILE INITIAL BRIEF AND DESIGNATED MATERIAL TO
BE INCLUDED IN THE RECORD ON APPEAL**

Johnny E. Watson, Sr., Esquire

Watson Law Firm
2715 Edgewood Avenue
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Columbia, South Carolina 29202
(803) 400-1600

Counsel for Appellant

Karl S. Bowers, Jr, Esquire

Womble Carlyle Sandbridge
Rice, LLP
1727 Hampton Street

Columbia, S. C. 29201
(803) 454-6504

Counsel for Respondent

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APR 22 2013

SC Court of Appeals

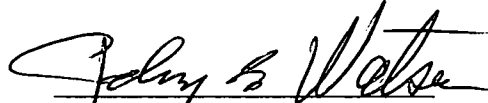
STATEMENT OF MOTION

PLEASE TAKE NOTICE that the above-named Appellant, by and through its counsel, undersigned, will move before the Presiding Judge of the South Carolina Court of Appeals, State of South Carolina, immediately, or as soon as this matter may be heard, for an Order reinstating its appeal and extending the time for it to file its initial brief and designated material to be included in the record on appeal based on the statutory and common laws of this state, the Rules of Appellate procedure and the following facts:

- A. The Mary L. Dinkins Higher Learning Academy (MLD) is a charter school whose charter was revoked by the Respondent and that decision was upheld by the Honorable Shirley C. Chisolm of the South Carolina Administrative Law Court in its decision dated March 1, 2013,
- B. The Appellant timely filed its Notice of Appeal on March 14, 2013,
- C. The attorney for the Appellant, below signed, believed that the initial brief and designated material to be included in the record on appeal or its request to extend the time for filing such documents would be April 24, 2013 after the allowed 10 days to order any applicable transcripts and allowed 30 days to file the brief after receipt of the transcript if one existed,
- D. The attorney for the Appellant sought and received permission for a 30 days extension from the attorney for the Respondent to file the initial brief and designated material to be included in the record on appeal (exhibit A).
- E. Prior to filing its motion for the extension of time to file the initial brief and designated material to be included in the record on appeal the attorney for the Appellant received the Order of dismissal (exhibit B).

F. The Respondent is not prejudiced by extending the time for filing the initial brief and designated material to be included in the record on appeal as evidenced by its grant of the requested extension as requested.

Respectfully submitted,

BY: 

Johnny E. Watson, Sr.
Attorney at Law, SCB# 5967
P. O. Box 2305 (29202)
2715 Edgewood Avenue
Columbia, South Carolina 29204
(803) 400-1600 Phone
(803) 400-1200 Fax

watsonlawfirm@sc.twcbc.com

Columbia, South Carolina
Dated: April 22, 2013

CERTIFICATE OF SERVICE

I, Johnny E Watson, Attorney for the Mary L. Dinkins Higher Learning Academy (MLD), hereby certify that I have served the individual named below with a copy of the document described herein by depositing it in the U. S. Mail, postage prepaid, to the person named at the address listed herein below or by delivering said document by hand to the address below:

PERSON SERVED: Butch Bowers
Attorney for the SCPCSD
1727 Hampton Street
Columbia, South Carolina 29201


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APR 22 2013

SC Court of Appeals

DOCUMENT SERVED: **NOTICE OF MOTION AND MOTION TO REINSTATE APPEAL AND TO ALLOW 30 DAYS FROM SUCH ORDER REINSTATING APPEAL TO FILE INITIAL BRIEF AND DESIGNATED MATERIAL TO BE INCLUDED IN THE RECORD ON APPEAL.**

DATE SERVED: April 22, 2013



Johnny E. Watson, Document Server

Columbia, South Carolina
Date: April 22, 2013



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CMECF

DANTWAN

david henley

FMCT JUDGE MCLIN

HR BLOCK (1)

Junk Mail

MARGARET

MLD Academy

MLD Emails

NEWSPAPER

NORTON ANTIVIRUS

SC BAR NEWS

SHIQUANA

SLED

YORK COUNTY

Move to: Drafts

OK

Date: Thursday, April 18, 2013 3:19 PM

From: Carroll, Todd <Todd.Carroll@wcsr.com>

To: watsonlawfirm@sc.twcbc.com <watsonlawfirm@sc.twcbc.com>, Bowers, Butch <Butch.Bowers@wcsr.com>

Subject: RE: SC Public Charter School District v. MLD Academy

Size: 8 KB

Johnny,

Thanks for the email. As far as the proposed order to Judge James goes, we cannot agree to the changes proposed by your board. If they won't agree to our draft, we will need to revisit this with the Court.

As far as the extension to the Court of Appeals goes, I'm glad to consent, and you may represent to the Court that we consulted and that I consent to the proposed 30-day extension for the brief and the designation of record.

Also, please copy both Butch and me on future emails. It'll help ensure a timely response. Thanks,

Todd

-----Original Message-----

From: watsonlawfirm@sc.twcbc.com [watsonlawfirm@sc.twcbc.com]

Sent: Thursday, April 18, 2013 1:51 PM

To: Carroll, Todd

Subject: RE: SC Public Charter School District v. MLD Academy

Todd:

Greeting! What is the stste of the Lee County Order. I have not heard from you since my fax on Friday.

Also, I will file a motion for a 30 extention to file the initial brief and designated record. Would like to say in the motion that I consulted you and you consented.

let me know on both counts ASAP.

Thanks

johnny

---- "Carroll wrote:

> Judge James,

>

> We wanted to update Your Honor on the status of the settlement order. Mr. Watson and I have spoken on the telephone, and I understand that he is revisiting the order with the school's board of directors. We anticipate submitting a joint proposed order to the Court at the beginning of next week.

>

> Thank you again for your time and consideration in this case, and
> please do not hesitate to call on us if we can provide the Court with
> any additional information. Have a good weekend,

>

> Todd

>

> Todd Carroll

EXHIBIT A

Usage

You are using 81% of your mailbox (90 MB out of 110 MB)

The South Carolina Court of Appeals

Mary L. Dinkins Higher Learning Academy, Appellant,

v.

South Carolina Public Charter School District,
Respondent.

Appellate Case No. 2013-000525

The Honorable Shirley C. Robinson
Trial Court Case No. 2012ALJ300281AP

ORDER

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APR 22 2013

SC Court of Appeals

Appellant has failed to timely order the transcript or serve and file the appellant's initial brief, as required by Rules 207 and 208 of the South Carolina Appellate Court Rules. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.

FOR THE COURT

BY: V. Claire Allen, Deputy
CLERK

Columbia, South Carolina

cc:

Johnny Elliot Watson, Sr.
Karl Smith Bowers, Jr.
Alan McCrory Wilson

FILED
sf 4/19/13

EXHIBIT B