

THE STATE OF SOUTH CAROLINA
South Carolina Court of Appeals

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SC Court of Appeals

via email

APPEAL FROM THE ADMINISTRATIVE LAW COURT
Shirley C. Robinson, Administrative Law Judge

Case No. 11-ALJ-17-0461-CC2013 - 000534

Daniel Island Club.....Respondent,

vs.

Berkeley County Assessor.....Appellant.

MOTION TO REINSTATE

TO: ARIAIL B. KIRK, ESQUIRE AND CELESTE T. JONES, ESQUIRE,
ATTORNEYS FOR RESPONDENT:

YOU WILL PLEASE TAKE NOTICE that the Appellant, Berkeley County, by and through its undersigned counsel, Howell, Gibson and Hughes, P.A., will appear before the Presiding Judge, The South Carolina Supreme Court, on the tenth (10th) day after service hereof, or at such other time and place as may be directed by the Court, and then and there move for reinstatement and appropriate alteration and/or amendment of the Court's Order of April 19, 2013.

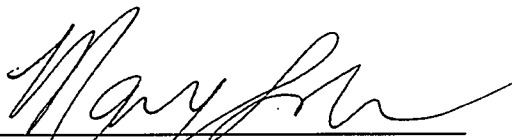
The within motion is made pursuant to Rule 260, SCRCP, and is based upon the grounds that:

1. The case was dismissed for failure to timely order the transcript or serve and file the appellant's initial brief.

2. By letter dated March 14, 2013, the transcript was timely ordered, but a copy of that letter was erroneously not sent to the Court or opposing counsel [attached hereto as Exhibit A].
3. As soon as opposing counsel brought this to the Appellant's attention by letter dated April 17, 2013, the error was remedied and a copy of the letter ordering the transcript was sent to Respondent's counsel and the Courts.

Based upon the foregoing, and for good cause being shown, it is respectfully requested this appeal be reinstated.

HOWELL, GIBSON & HUGHES, P.A.

By: 
Mary Bass Lohr
Post Office Box 40
Beaufort, SC 29901
(843) 522-2400
Attorney for Appellant

Beaufort, South Carolina

April 22, 2013

EXHIBIT A



BERKELEY COUNTY

Office of the County Attorney

1003 Highway 52 Post Office Box 6122
Moncks Corner, SC 29461
843.719.4011 phone
843.719.4306 fax

Nicole Scott Ewing
County Attorney

Ginger Gaskins-Weiss
Paralegal

Elizabeth Smith Cannon
Assistant County Attorney

VIA U.S. MAIL AND E-MAIL (CRYSTAL@CREELREPORTING.COM)

March 14, 2013

Ms. Andrea R. Taylor
Court Reporter
Creel Court Reporting, Inc.
1230 Richland St.
Columbia, SC 29201

Re: Transcript Request: Daniel Island Club v. Berkeley County Assessor
Docket Number 11-ALJ-17-0461-CC

Dear Ms. Taylor:

I am writing to request a transcript of the above-referenced hearing in the Administrative Law Court. The hearing was held on June 26 and June 27, 2012, before Judge Shirley C. Robinson. Please transcribe the entire hearing. I spoke with Crystal at Creel Court Reporting, who gave me an estimate of \$1,957.50 to prepare the transcript. Please let me know in advance if the cost will exceed this amount.

Please send an electronic copy of the transcript to me at ecannon@berkeleycountysc.gov, and send the hard copy of the transcript to:

Mary B. Lohr, Esq.
Howell, Gibson & Hughes, P.A.
P.O. Box 40
Beaufort, SC 29901

Should you have any questions, please do not hesitate to contact me at (843) 719-4011.

With kind regards, I remain

Sincerely yours,

Elizabeth Smith Cannon

CC: Mary B. Lohr, Esq. (via e-mail)

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CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that she has served the foregoing Motion to Reinstate upon all counsel of record by affixing same with proper postage and placing same with the United States Postal Service on the 21 day of April, 2013 addressed to the following:

Ariail B. Kirk, Esquire
McNair Law Firm, P.A.
Post Office Box 11390
Columbia, SC 29211

Celeste T. Jones, Esquire
McNair Law Firm, P.A.
Post Office Box 11390
Columbia, SC 29211

-and-

Elizabeth Smith Cannon, Esquire
Berkley County Legal Department
1003 Highway 52
Post Office Box 6122
Moncks Corner, SC 29461

Nicole Scott Ewing, Esquire
Berkley County Legal Department
1003 Highway 52
Post Office Box 6122
Moncks Corner, SC 29461

HOWELL, GIBSON & HUGHES, P.A.

By: 

Mary Bass Lohr
Post Office Box 40
Beaufort, SC 29901
(843) 522-2400
Attorney for Appellant

Beaufort, South Carolina

March 20, 2013