

**RECEIVED**

**Jan 11 2022**

**SC Court of Appeals**

**THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

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Appeal from Charleston County  
Court of Common Pleas

Bentley D. Price, Circuit Court Judge

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Appellate Case No. 2022-  
Circuit Court Case No. 2021-CP-10-00562

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Clam Farm Partnership, LLC,

Respondent,

v.

The South Carolina Department of Health and Environmental  
Control, Office of Ocean and Coastal Resource Management,  
Charleston County, and The City of Folly Beach,

Defendants.

Of Whom The City of Folly Beach is,

Appellant.

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**NOTICE OF APPEAL**

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CLEMENT RIVERS, LLP  
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Russell G. Hines (SC Bar No. 72100)  
Chandler D. Rowh (SC Bar No. 103687)  
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*Attorneys for Defendants Charleston County*

Defendant, The City of Folly Beach (“Appellant”), hereby appeals the following orders of the Honorable Bentley D. Price, Circuit Court Judge:

- **Order Granting Plaintiff’s Motion for Partial Summary Judgment and Preliminary Injunction**, filed November 18, 2021, and
- **Order Denying Defendant’s Motion to Reconsider**, filed December 14, 2021.

Copies of the appealed orders are attached hereto and incorporated herein by reference. Appellant received written notice of entry of the most recent order on December 14, 2021.

Respectfully submitted,

CLEMENT RIVERS, LLP



By:

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Charleston, South Carolina

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Of Whom The City of Folly Beach is,

Appellant.

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**PROOF OF SERVICE**

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CLEMENT RIVERS, LLP  
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*Attorneys for The City of Folly Beach*

I, Stephen L. Brown, of Clement Rivers, LLP, attorneys for Appellant, hereby certify that Appellant's **NOTICE OF APPEAL** was served on Respondent, Clam Farm Partnership, LLC, on January 11, 2022, by emailing (see attached) a copy of the same to Respondent's counsel of record as well as all other counsel of record:

Matthew Tillman, Esquire [Matthew.Tillman@wbd-us.com](mailto:Matthew.Tillman@wbd-us.com)  
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Charleston, SC 29402-0747  
*Attorneys for Defendants Charleston County*

I also certify that a copy of this **NOTICE OF APPEAL** in this day, January 11, 2022, being E-Filed with the lower court (which will also, i.e., in addition to service by email, effect service of the notice today on Respondent's above-identified counsel of record via the E-Filing System).

*(Signature on next page)*

*(Signature page for Notice of Appeal, Circuit Court Case No. 2021-CP-10-00562)*

CLEMENT RIVERS, LLP

By:



\_\_\_\_\_  
Stephen L. Brown

*Attorneys for The City of Folly Beach*

Charleston, South Carolina

January 11, 2022

## Bell, Pollyana (Polly)

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**From:** Bell, Pollyana (Polly)  
**Sent:** Tuesday, January 11, 2022 3:40 PM  
**To:** 'dan.orvin@wbd-us.com'; 'Matthew.Tillman@wbd-us.com'; 'rstoney@barnwell-whaley.com'; 'mdc@barnwell-whaley.com'; 'mmason@barnwell-whaley.com'; 'aburns@barnwell-whaley.com'; 'choy@barnwell-whaley.com'; 'bmitton@barnwell-whaley.com'; 'ashalio@bellsouth.net'; 'sgiblin@bellsouth.net'  
**Cc:** 'Stephen Brown (sbrown@ycrlaw.com)'; Rowh, Chandler; Justman, Aimee  
**Subject:** Clam Farm v. City of Folly Beach; 2021-CP-10-00562  
**Attachments:** Notice of Appeal.pdf; Order Denying MTR.pdf; Order Granting MPSJ and PI.pdf

Good afternoon, enclosed please find a Notice of Appeal and the orders referenced therein in the above-referenced matter which will be filed today with the Court of Appeals.

Thank you,

Pollyana Bell  
Project Assistant  
Commercial Litigation Practice Group  
Phone:(843)720-5488 | Fax:(843)579-1369



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January 11, 2022

VIA US MAI & E-MAIL

Jenny Abbott Kitchings, Clerk of Court  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

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**Jan 11 2022**

**SC Court of Appeals**

Re: Clam Farm Partnership, LLC v. The South Carolina Department of Health and Environmental Control, Office of Ocean and Coastal Resource Management, Charleston County, and The City of Folly Beach  
Case No.: 2021-CP-10-00562  
YCR File: 2235-20210162

Dear Ms. Kitchings:

Enclosed for filing in the above-referenced matter please find the following:

1. Notice of Appeal;
2. Order Granting Plaintiff's Motion for Partial Summary Judgment and Preliminary Injunction, filed November 18, 2021;
3. Order Denying Defendant's Motion to Reconsider, filed December 14, 2021;
4. Proof of Service;
5. Our firm's check for the filing fee.

With best wishes and kindest regards, I am

Sincerely,

CLEMENT RIVERS, LLP

Pollyana Bell  
Project Assistant

/pbb  
Enclosures  
cc (via e-mail only): All Counsel of Record