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Dec 22 2021

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the South Carolina Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas for the Ninth Judicial Circuit

The Honorable Roger M. Young, Sr., Circuit Court Judge

Case No.: 2021-CP-10-04366

EX PARTE PRESERVATION SOCIETY OF CHARLESTON

Appellant.

SE CALHOUN, LLC,

Respondent,

v.

CITY OF CHARLESTON and CITY OF CHARLESTON
BOARD OF ARCHITECTURAL REVIEW,

Respondent.

NOTICE OF APPEAL

Intervenor Preservation Society of Charleston (“Appellant”) hereby respectfully submits its Notice of Appeal of the Order of The Honorable Roger M. Young, Sr. dated December 6, 2021 denying Appellant’s Petition to Intervene pursuant to Rule 203, SCACR. Appellant received notice of the Order dated December 6, 2021 on December 6, 2021. A copy of the Order appealed is attached as Exhibit 1.

s/ Ellis R. Lesemann

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*Attorneys for Appellant Preservation
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December 22, 2021
Charleston, South Carolina

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*Attorneys for City of Charleston and
City of Charleston Board of Architectural
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CITY OF CHARLESTON and CITY OF CHARLESTON
BOARD OF ARCHITECTURAL REVIEW,

Respondent.

PROOF OF SERVICE

I certify that I have served the Preservation Society of Charleston's Notice of Appeal dated December 22, 2021 on all counsel of record as set forth below via email on December 22, 2021. A copy of the email is attached to this Proof of Service as Exhibit A.

LESEMANN & ASSOCIATES LLC

By: _____


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Attorneys for SE Calhoun, LLC

EXHIBIT A

Email of Preservation Society of Charleston's Notice of Appeal to Counsel of Record

From: [Ann Cunniffe](#)
To: "[Wilson Daniel](#)"; "[Bijan Ghom](#)"; "[Alice Paylor](#)"; "[John A. Massalon](#)"; "[TDomin@clawsonandstaubes.com](#)"; "[Rutledge Young](#)"; "[Carissa Steichen](#)"; "[epalmer@rosenhagood.com](#)"
Cc: "[copelandj@charleston-sc.gov](#)"; "[Liane Berns](#)"; "[Benjamin Joyce](#)"; "[Debbie Hill](#)"; "[Ellis Lesemann](#)"; "[Ensley Mahoney](#)"
Subject: Preservation Society of Charleston's Notice of Appeal in 2021-CP-10-04366 SE Calhoun, LLC v. City of Charleston, et al.
Date: Wednesday, December 22, 2021 3:17:00 PM
Attachments: [Preservation Society of Chs Notice of Appeal with Order attached.pdf](#)

Good afternoon.

Attached please find the Preservation Society of Charleston's Notice of Appeal of Judge Young's December 6th Order Denying Petitions to Intervene by Preservation Society of Charleston and Historic Charleston Foundation in the *SE Calhoun, LLC v. City of Charleston, et al.* matter. We will be filing the attached Notice of Appeal with the Charleston County Clerk of Court and the South Carolina Court of Appeals Clerk of Court this afternoon.

Sincerely,

Ann

Ann G. Cunniffe
Paralegal
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Charleston, SC 29403
Phone: (843) 724-5155
Email: agc@lalawsc.com

STATEMENT OF CONFIDENTIALITY:

The information contained in this electronic message and any attachments to this message are intended for the exclusive use of the addressee(s) and may contain confidential or privileged information. If you are not the intended recipient, or the person responsible for delivering the e-mail to the intended recipient, be advised you have received this message in error and that any use, dissemination, forwarding, printing, or copying is strictly prohibited. Please call Lesemann & Associates immediately at (843) 724-5155 and destroy all copies of this message and any attachments. You will be reimbursed for reasonable costs incurred in notifying us.

LESEMANN & ASSOCIATES LLC

CIVIL LITIGATION | BUSINESS DISPUTES

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SC Court of Appeals

December 22, 2021

VIA E-FILING

Ms. Julie Armstrong
Charleston County Clerk of Court
100 Broad Street
Charleston, SC 29401

Re: *SE Calhoun, LLC v. City of Charleston and City of Charleston Board of Architectural Review*, Civil Action No. 2021-CP-10-04366

Dear Ms. Armstrong:

Enclosed for filing please find the Preservation Society of Charleston's Notice of Appeal of Judge Young's Order dated December 6, 2021 along with the Proof of Service of the Notice of Appeal in the above-referenced matter.

With best regards,

s/ Ellis

Ellis R. Lesemann

ERL/agc

Enclosure

cc: John Massalon, Esquire (w/ encl.)
Carissa Steichen, Esquire (w/ encl.)
Timothy A. Domin, Esquire (w/ encl.)
Alice Paylor, Esquire (w/ encl.)
Elizabeth Palmer, Esquire (w/ encl.)
Bijan Ghom, Esquire (w/ encl.)
Wilson Daniel, Esquire (w/ encl.)
Rutledge Young, Esquire (w/ encl.)
Jenny Abbott Kitchings, Esquire (w/ encl.)

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SC Court of Appeals

VIA EMAIL

ctappfilings@sccourts.org

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

Re: *SE Calhoun, LLC v. City of Charleston and City of Charleston Board of Architectural Review*
Civil Action No. 2021-CP-10-04366

Dear Ms. Kitchings:

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

1. The Preservation Society of Charleston's Notice of Appeal;
2. Judge Young's Order dated December 6, 2021 (attached as Exhibit 1 to the Notice of Appeal);
3. Proof of Service of the Notice of Appeal; and
4. Letter to Charleston County Clerk of Court attaching Notice of Appeal and Proof of Service that is being e-filed today.

I have sent a check in the amount of \$250.00 for the filing fee to your office via U.S. mail. Please do not hesitate to contact me with any questions or concerns about this matter.

With best regards,

s/ Ellis

Ellis R. Lesemann

ERL/agc
Enclosure

cc: John Massalon, Esquire (w/ encl.)
Carissa Steichen, Esquire (w/ encl.)

Timothy A. Domin, Esquire (w/ encl.)
Alice Paylor, Esquire (w/ encl.)
Elizabeth Palmer, Esquire (w/ encl.)
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