

The Supreme Court of South Carolina

DANIEL E. SHEAROUSE
CLERK OF COURT

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CHIEF DEPUTY CLERK

POST OFFICE BOX 11330
COLUMBIA, SOUTH CAROLINA 29211

(803) 734-1080

FAX (803) 734-1499

June 12, 2009

J. Todd Kincannon, Esquire
Barnes Alford Stork & Johnson
P O Box 8448
Columbia, SC 29202

Thaddaeus Viers, Esquire
Coastal Law, LLC
1104 N Oak St
Myrtle Beach, SC 29577-3539

Re: BOOST v. City of Myrtle Beach

Dear Counsel:

Enclosed is a copy of an Order issued on your Petition for Original Jurisdiction in the above entitled matter. Counsels' attention is directed to the time limits for filings in this case.

By copy of this letter and order, we are advising all interested parties of the action by the Court.

Very truly yours,


CLERK

Boost v. City of Myrtle Beach

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DES/bfs


Enclosure

cc: Michael W. Battle, Esquire
The Honorable Henry McMaster
The Honorable John Rhodes
Thomas Ellenburg, Esquire

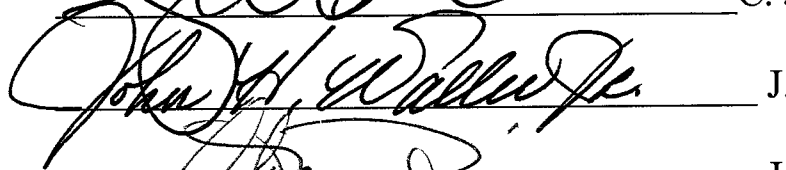
Petitioners shall serve one (1) copy of their brief, which shall be in the form of a final brief, and the appendix on respondent, and file fifteen (15) copies of their brief and the appendix with this Court within thirty (30) days after agreement on the contents of the appendix. Within thirty (30) days after service of petitioners' brief, respondent shall serve one (1) copy of its brief, also in the form of a final brief, on petitioners, and file fifteen (15) copies of its brief with this Court. Petitioners shall have ten (10) days after service of respondent's brief in which to serve and file a reply brief in the manner set forth in Rule 208(a)(3), SCACR.

By order of this same date, we have granted a motion filed in the case of Aakjer v. City of Myrtle Beach to consolidate that case with this case; however, only for purposes of oral argument.


IT IS SO ORDERED.



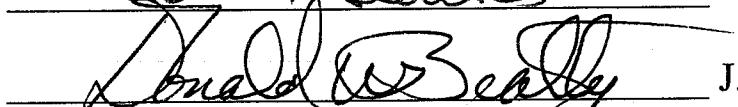
C. J.



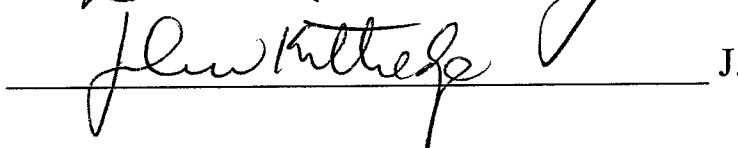
J.



J.



J.



J.

Columbia, South Carolina

June 12, 2009

The Supreme Court of South Carolina

George Jensen Aakjer, III, Leight
Andersen, Bobby Wayne Archer,
Donald Lee Ard, Gary Philip
Balcom, Thurman Odell Barnes,
Ralph Hillary Bell, Jr., Marvin
Simon Beverly, Steven M.
Brinsfield, Laurie Ann
Dzerwieniec, Jeffery Jay
Galbrath, Ronald Dewayne
Gause, Gwendolyn Marie
Harvey, Jessica Jane Hayes,
Anthony Odell Hyman, Molly
Infield, Mark Dale Infield,
Bonnie Roberts Johnson,
Emmett Earl Jones, Dawn
Michell Kelly, Richard Allen
Lester, Rodney Alan Louhoff,
Rodney Alan Louhoff, Gary
Edward Matson, Carla Williams
Mercer, Richard O'Neil Mercer,
Edward Dee Mitchum, Kathy
Mitchum, Carol Justice North,
Carol O'Day, William O'Day, III,
Paul David Pinette, Steve
Pinnell, Robert George Pinto,
Debra A. Purcell, Rhonda
Delette Robinson, Scott Allen
Robinson, Rebecca Ann Rowan,
Scott Rowan, Joseph Fred
Ruddock, Jr, David Francis
Speck, Anita Lynn Teachey,
Robert Larry Thompson,
Waddell H. Thompson, Michael

James Timm, Debbie Timm,
Rebel JM Tyler, Janice Waites,
Susan Wall, and Edward Lucas
Williams, Petitioners,

v.

City of Myrtle Beach, City of
Myrtle Beach Municipal Court, Respondents.

ORDER

Petitioners have filed a petition for original jurisdiction and complaint seeking a declaratory judgment that certain ordinances enacted by the City of Myrtle Beach are invalid, void and in violation of South Carolina law, and a writ of prohibition prohibiting the City, either by way of an administrative hearing tribunal or the municipal court, from adjudicating any matters related to alleged violations of the ordinances or from transferring jurisdiction over the alleged offenses to the municipal court. Petitioners have also filed a motion to consolidate this case with the cases of William W. O'Day and Carol E. O'Day v. City of Myrtle Beach and BOOST a/k/a Business Owners Organized to Save Tourism and Bart Viers, which are currently pending before this Court. Respondents have filed returns in opposition to the petition for original jurisdiction and motion to consolidate.

Petitioners have filed replies to the returns.


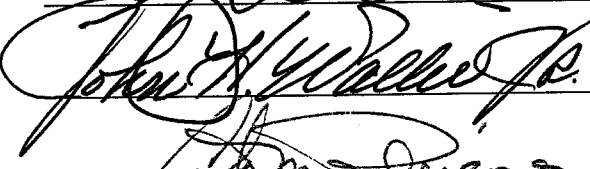
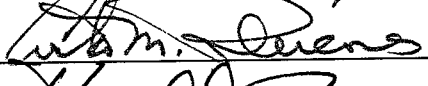
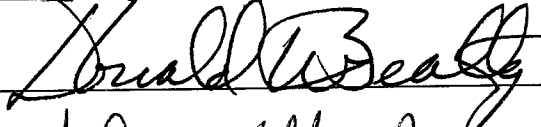
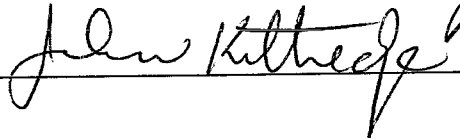
The petition for original jurisdiction is granted. Respondents shall have thirty (30) days from the date of this order to serve and file an answer to the complaint. Within ten (10) days of the date of service of the answer, the parties shall agree on the matters to be included in the appendix. If the parties cannot agree, all matters designated by both parties shall be included in the appendix without prejudice to the right of plaintiff to move for costs pursuant to Rule 222(c), SCACR, for printing irrelevant matter.

Petitioners shall serve one (1) copy of their brief, which shall be in the form of a final brief, and the appendix on respondents, and file fifteen (15) copies of their brief and the appendix with this Court within thirty (30) days after agreement on the contents of the appendix. Within thirty (30) days after service of petitioners' brief, respondents shall serve one (1) copy of their brief, also in the form of a final brief, on petitioners, and file fifteen (15) copies of their brief with this Court. Petitioners shall have ten (10) days after service of respondents' brief in which to serve and file a reply brief in the manner set forth in Rule 208(a)(3), SCACR.

The motion to consolidate this matter with the appeal in O'Day is moot because the appeal in that matter was dismissed on June 10, 2009.

However, to the extent petitioners seek to consolidate this matter with the BOOST matter, the motion is granted for purposes of oral argument.

IT IS SO ORDERED.


C.J.

J.

J.

J.

J.

Columbia, South Carolina

June 12, 2009