

STATE OF SOUTH CAROLINA)
)
COUNTY OF YORK)

Morningstar Fellowship Church,)
)
Plaintiff,)
)
vs.)
)
York County, South Carolina)
)
Defendant.)
_____)

IN THE COURT OF COMMON PLEAS
SIXTEENTH JUDICIAL CIRCUIT

C.A. NO.: 2013-CP-46-00246

**NOTICE AND MOTION
TO RESTORE CASE
TO THE ACTIVE ROSTER**

TO: Don Brown, Esq., Attorney for Plaintiff Morningstar Fellowship Church:

YOU WILL PLEASE TAKE NOTICE that the Defendant York County, South Carolina, at a date and time to be set by the Court, will move pursuant to Rule 40(j) of the South Carolina Rules of Civil Procedure for an Order restoring the above-captioned case to the active roster. This motion is based upon the fact that the Defendant is desirous of having the case, including its counterclaims, restored.

The Defendant’s motion shall be further based upon the pleadings previously filed in this case, any memoranda or affidavits which may be hereafter be filed with the Court and upon the applicable common and statutory laws of the State of South Carolina.

Counsel for the Defendant has not consulted with counsel for Plaintiff as it would serve no useful purpose since the Stipulation Pursuant to Rule 40(j) filed herein permits claims or counterclaims to be “restored upon motion made within one year of the filing of th[e] stipulation.”

[signatures on following page]

Respectfully submitted,

OFFICE OF YORK COUNTY ATTORNEY

s/Michael K. Kendree

Michael K. Kendree (SC Bar # 65308)

York County Attorney

Laura R. Dover (SC Bar # 101521)

Deputy County Attorney

Attorneys for Defendant York County

26 W. Liberty Street

PO Drawer 299

York, South Carolina 29745

T: (803) 684-4851

F: (803) 684-46682

E: michael.kendree@yorkcountygov.com

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York, South Carolina