

Jun 13 2022

SC Court of Appeals

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June 13, 2022

VIA EMAIL ONLY (ctappfilings@sccourts.org)

The Honorable Catherine S. Harrison
Clerk, South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: Ex Parte, Ryan Powell, In re LB PARK, LLC v. San Juan Holdings, Brett Osborne trustee,
et al.; C.A. No.: 2019-CP-46-00310
Appellate Case No.: 2019-000979

Dear Ms. Harrison:

We are in receipt of your letter dated June 9, 2022 regarding the status of the above appeal. We write this letter seeking clarification. For ease of reference, the Public Index and C-Track Index for each of the referenced cases and appeals is attached as Exhibit 1.

This action stems from the efforts of LB PARK, LLC (“LB PARK”) to quiet tax title as to a parcel in York County. LB PARK originally sought to vindicate its rights by filing a Complaint to quiet tax title on January 25, 2019, 2019-CP-46-00310 (“2019 Action”).

On April 8, 2019, Ryan Powell, a non-party to the 2019 Action, filed a motion to dismiss or intervene. On May 1, 2019, LB PARK filed a motion for an order of reference. The Circuit Court denied the motion to dismiss and granted the motion for order of reference in separate orders filed May 31, 2019. Powell appealed, giving rise to the instant appellate case number. LB PARK moved to dismiss the appeal. This Court denied the motion to dismiss by order dated July 31, 2019 on the grounds that the denial of Powell’s motion to intervene was immediately appealable.

LB Park then moved to remand to the Circuit Court “in order for LB PARK to dismiss the underlying action without prejudice pursuant to Rule 41(a), SCRCPP. If the motion for remand is granted, LB PARK will dismiss the underlying action and refile a new action to include Ryan Powell as a named defendant.” (8/13/19 Motion attached as Exhibit 2). This Court granted the motion by order dated October 15, 2019 (attached as Exhibit 3).

Consistent with this Court’s order of October 15, 2019, LB PARK dismissed the 2019 Action and filed a new lawsuit naming Powell on February 12, 2020, C/A No. 2020-CP-46-00549 (“2020

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Action”). By order dated May 20, 2020 (attached as Exhibit 4), this appeal is held in abeyance “pending the circuit court’s issuance of a final order in a related case, C/A No. 2020-CP-46-00549 [the 2020 Action].”

The 2020 Action remains pending as shown in Exhibit 1. We expect that it will be set for a hearing on the merits in the very near future.¹ Thus, per this Court’s order of May 20, 2020, this action remains held in abeyance.

We assume that the Court’s order of May 20, 2020 remains in effect. We have not seen any additional order from the Court to the contrary. As a result, this appeal should remain held in abeyance until a final order in the 2020 Action and there should not be any briefing deadlines in the meantime.

Please let us know if that is not the case.

Respectfully,

HAYNSWORTH SINKLER BOYD, P.A.



Sarah P. Spruill

SPS/jmb

Enclosures

cc: Ryan Powell
Brett Osborne
A. Parker Barnes, III (via email only)
Andrew M. Rawl (via email only)

¹ There has not yet been a determination on the merits of the 2020 Action due in part to the filing by Powell of two unappealable, interlocutory notices of appeal in the 2020 Action. The most recent of these interlocutory appeals was dismissed by this Court on December 9, 2021 (attached as Exhibit 5). Powell then filed a Petition for a Writ of Certiorari, which was denied by order dated May 17, 2022 (order attached as Exhibit 6). This Court remitted the matter to the trial court on May 18, 2022 (attached as Exhibit 7).