

THE STATE OF SOUTH CAROLINA
In the Supreme Court

RECEIVED

Aug 29 2022

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

S.C. SUPREME COURT

The Honorable Bentley Price
The Honorable R. Markley Dennis, Jr.

App. Case No. 22-001123
Ct. App. No. 2019-001671

J. Doe,

Petitioner,

v.

Design Review Board (DRB)
of the
Town of Sullivans Island (TOSI),
Alka Construction Co.,
Svjetlana Bilic Damjanovic,
Individually and d/b/a Alka
Construction Co., Branko
Damjanovic, Individually and
d/b/a Alka Construction Co.,
Kenneth Craft, III, Individually and
d/b/a Craft Design Co.,

Respondents.

RETURN IN OPPOSITION TO RESPONDENT'S "MOTION TO DISMISS OR
RETURN TO MOTION FOR REMAND OR
RETURN TO PETITION FOR CERTIORARI"

C. Holmes
P.O. Box 187
Sullivans Isd.,
SC 29482-0187
(843)883-3010
For Petitioner

Without being disagreeable, there is disagreement. The petitioner timely submits return in opposition and disputes respondent's "MOTION TO DISMISS OR RETURN TO MOTION FOR REMAND OR RETURN TO PETITION FOR CERTIORARI" in this matter which is currently held in abeyance pending disposition on Rule 221, SCACR, Petition for Rehearing in the Court of Appeals. See attached. As a threshold matter, respondent's motion to dismiss appeal is untimely, it was not made at the first instance, nor did this respondent ever file it in the lower appellate court. Respondent's motion to dismiss appeal is out-of-time and/or waived. Significantly and materially, this matter of great public importance concerns the Fort Moultrie Historic District and preservation thereof which is one of the earliest and most iconic landmarks of the birth of America and otherwise some of the most desirable coastal real estate in South Carolina, if not the country. To be sure, some developers loathe scrutiny and engage in questionable tactics to evade judicial review on the merits. The matter herein is disputed and the zoning ordinances unambiguously state the developer proceeds at his own risk. The record reflects there is no Record on Appeal (ROA) and there is no authority under the SCACR for respondent's unprofessional attempt herein to "document dump" which is incomplete and outside the record of the Court of Appeals. As such, any documents outside the Court of Appeals record must be stricken and/or disregarded which is hereby requested.

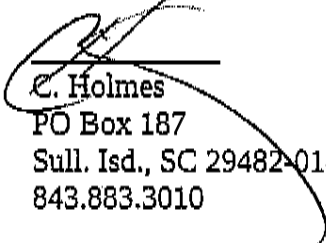
Moreover, respondent's "document dump" is an admission by respondents that the ROA needs to be developed. Respondents thereby concede petitioner's position that the SCACR require development of the ROA requiring reversal of dismissal. Accordingly, while currently held in abeyance, petitioner reserves, preserves, and does not waive any rights and expressly preserves the right to enter or amend opposition and objections.

CONCLUSION

For the reasons stated and for substantial justice affecting substantial rights, it is noted this matter is currently held in abeyance pending disposition on Rule 221, SCACR, Petition for Rehearing in the Court of Appeals and to the extent necessary, petitioner respectfully submits timely return in opposition with reservations and objections.

Respectfully submitted,

Dated 8/27/2022



C. Holmes
PO Box 187
Sull. Isd., SC 29482-0187
843.883.3010