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Dec 19 2022

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Jennifer B. McCoy, Circuit Court Judge

Appellate Case No. 2022-001208
Case No. 2018-CP-10-3286

Karolina Richardson and Krista Richardson, Respondents,

v.

Mt. Pleasant Square Associates, II, LLC d/b/a Oyster Park
Apartments, Dewberry Capital Corporation, and GREP
Southeast, LLC,..... Appellants.

**MOTION TO HOLD BRIEFING
DEADLINES IN ABEYANCE**

The Appellants Mt. Pleasant Square Associates, II, LLC d/b/a Oyster Park
Apartments, Dewberry Capital Corporation, and GREP Southeast, LLC hereby
move the Court for an order holding in abeyance the current briefing deadlines in
this appeal.

By way of background, on December 8, 2022, Circuit Court Judge Jennifer B. McCoy issued an Order Granting Plaintiffs' Motion for Sanctions Pursuant to Rule 37(b)(2)(C), SCRCF ("Sanctions Order"). On December 19, 2022, the Appellants filed a Motion to Alter or Amend Order and/or Motion to Reconsider pursuant to Rule 59(e), SCRCF, directed at that Sanctions Order. Once that Rule 59(e) Motion is adjudicated by Judge McCoy, the Appellants are intending to file an Amended Notice of Appeal to include that latest order as part of this appeal (unless that Sanctions Order is vacated). Judge McCoy heard arguments on the Motion for Sanctions during the trial of this case. The current appeal challenges other rulings made by Judge McCoy during trial and post-trial. Moreover, there were other evidentiary rulings made during trial of this case including rulings on motions in limine that will be relevant to and impact this Court's ultimate consideration of the Appellants' appeal from the Sanctions Order.

An order holding the current briefing deadlines in abeyance will serve the purposes of judicial economy in that there is no rationale or basis for the appeal of this case to proceed on two separate tracks, with separate briefs filed by the parties on each appeal and two separate Records on Appeal that will overlap substantially and include duplicative matter.

The Appellants' counsel has consulted with Respondents' counsel prior to filing this motion, and he did not consent to the requested relief. The Appellants

request that the appeal deadlines be held in abeyance while the Court entertain this current motion or alternatively the Appellants request that they be granted an additional 30-day extension of time to file their Initial Brief of Appellants.

LINDEMANN & DAVIS, P.A.

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Counsel for Appellants

December 19, 2022

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CERTIFICATE OF SERVICE

Pursuant to Section (d)(1) of the Supreme Court's Order RE: Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules (As Amended May 6, 2022), the undersigned employee of Lindemann & Davis, P.A., counsel for the Appellants, does hereby certify that service of the **Motion to Hold Briefing Deadlines in Abeyance** was made upon all counsel of record by email only this the 19th day of December 2022 as follows:

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s/ Andrew F. Lindemann



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December 19, 2022

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Via Email Only

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
Email: ctappfilings@sccourts.org

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RE: Karolina Richardson and Krista Richardson v. Mt. Pleasant Square Associates, II, LLC
d/b/a Oyster Park Apartments, Dewberry Capital Corporation, and GREP Southeast, LLC
Appellate Case Number: 2022-001208
Civil Action Number: 2018-CP-10-3286
Claim Number: 21894612
Our File Number: 307.20636

Dear Ms. Kitchings:

Pursuant to Section (b)(2) of the Supreme Court's Amended Order Re: Methods of Electronic Filing and Service Under Rule 262 of the South Carolina Appellate Court Rules, please find enclosed for filing the **Motion to Hold Briefing Deadlines in Abeyance** in the above referenced matter. By copy of this letter, I am serving copies on all counsel of record by email only pursuant to Section (d)(1) of the same Order. The \$50.00 check for the filing fee will be mailed to the Court via U.S. Mail today.

Thank you for your assistance in this matter. If you have any questions, please advise.

Sincerely,

LINDEMANN & DAVIS, P.A.

Andrew F. Lindemann

AFL/jmb
Enclosure

cc: Clayton B. McCullough, Esquire (w/ Enclosure, Via Email Only)
Jeffrey A. Ross, Esquire (w/ Enclosure, Via Email Only)
Emily C. Sheets, Esquire (w/ Enclosure, Via Email Only)