

**RECEIVED**

**Mar 15 2023**

**SC Court of Appeals**

**THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS**

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Appeal from Charleston County  
Court of Common Pleas

Eugene C. Griffith, Jr., Circuit Court Judge

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Case Nos. 2019-CP-10-00846, -02131, and -02539  
Appellate Case No. 2019-000903

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City of Charleston,

Appellant,

v.

City of North Charleston and Millbrook Plantation, LLC,

Respondents.

and

Millbrook Plantation, LLC

Plaintiff,

v.

City of Charleston,

Defendant.

and

City of Charleston,

Plaintiff,

v.

City of North Charleston and Millbrook Plantation, LLC

Defendants.

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**REPLY TO RESPONDENT MILLBROOK PLANTATION, LLC'S  
RETURN TO SECOND MOTION TO EXTEND THE TIME  
FOR THE CITY OF CHARLESTON TO PETITION FOR REHEARING**

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*Attorneys for the City of Charleston*

One of the Respondents to this appeal, Millbrook Plantation, LLC (“Millbrook”), has filed a return in opposition to the second motion for an extension of time to petition for rehearing (the “Subject Motion”) filed by Appellant, City of Charleston (the “City”). By and through its undersigned counsel, pursuant to Rules 240(f) and 263(a), SCACR,<sup>1</sup> the City submits this reply to Millbrook’s return to the Subject Motion.

The Subject Motion asks for an extension of the deadline to petition for rehearing through this coming Monday, March 20, 2023. In making the Subject Motion, the City submitted that there is good cause for the Court to grant the requested relief, as it is, under the circumstances, a reasonable dispensation, timely sought, consistent with the interests of justice, posing no threat of undue prejudice to any other party. Notwithstanding Millbrook’s return, the City respectfully maintains that the requested relief is not unduly prejudicial but is, rather, in keeping with common practice in this Court, and the City reiterates its respectful contention that the grant of the Subject Motion is warranted in the interests of justice. Moreover, the City would note that the Court decided another annexation-related appeal, *National Trust for Historic Preservation in the United States and the City of Charleston v. City of North Charleston*, Appellate Case No. 2019-000728, on the same day it decided the instant appeal, and the City’s undersigned counsel, which are the same in both appeals, are working to prepare petitions for rehearing in both appeals for filing/service on March 20, 2023.

WHEREFORE, it is again requested that the Court grant the City an extension of time to Monday, March 20, 2023, to petition for rehearing and hold the present deadline for the City to

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<sup>1</sup> Rule 240(f) provides, “The moving party shall have five (5) days from the date of service of a return to file . . . a reply . . . .” In pertinent part, Rule 263(a) provides, “When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation.” Accordingly, since Millbrook’s return to the Subject Motion was served on Wednesday, March 8, 2023, the deadline for this reply is today, Wednesday, March 15, 2023.

petition for rehearing in abeyance until the Court acts on this motion.

Respectfully submitted,

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*Attorneys for the City of Charleston*

Charleston, South Carolina

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Plaintiff,

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**PROOF OF SERVICE**

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*Attorneys for the City of Charleston*

I, Russell G. Hines, of Clement Rivers, LLP, attorneys for the City of Charleston, hereby certify that the **REPLY TO RESPONDENT MILLBROOK PLANTATION, LLC'S RETURN TO SECOND MOTION TO EXTEND THE TIME FOR THE CITY OF CHARLESTON TO PETITION FOR REHEARING** was served on March 15, 2023, on all parties to this matter via emailing (see attached) a copy of the same to the following:

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Respectfully submitted,  
CLEMENT RIVERS, LLP

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Charleston, South Carolina

March 15, 2023

## Hines, Russell

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**Subject:** City of Charleston v. City of North Charleston (2019-000903) -- Reply to Return to 2d  
Motion to Extend the Time for the City of Charleston to Petition for Rehearing  
**Attachments:** Charleston v. N. Chas. (2019-000903) -- Reply to Return to 2d Mot. for Ext. re PRH.pdf

Attached regarding the above-referenced matter please find the **Reply to Respondent Millbrook Plantation, LLC's Return to Second Motion to Extend the Time for the City of Charleston to Petition for Rehearing.**

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