

March 29, 2023

**VIA EMAIL: [jkitchings@sccourts.org](mailto:jkitchings@sccourts.org)**

The Honorable Jenny Abbott Kitchings  
Clerk of the South Carolina Court of Appeals  
South Carolina Court of Appeals  
1220 Senate Street  
Columbia, SC 29201

Re: Blue Bell Holdings, LLC v. Gary C. Johnson; Stephen D. Halpern; Holly A. Angel; Holly Ann LLC; Belmont Properties, LLC; Johnson Halpern Partnership; Shoreline Funding, LLC and Orange Capital, LLC  
Appellate Case No. 2023-000411  
S&D File Number: 8096/1500

Dear Ms. Kitchings:

On March 16, 2023, Appellants filed a Motion for Limited Remand. This motion was filed with the consent of Respondent Gary C. Johnson and Shoreline Funding, LLC by Elizabeth Palmer, Esquire. Respondent Gary C. Johnson is the party to be restrained under the order that is under appeal.

The remaining respondents Holly Angel, Holly Ann LLC, Stephen Halpern, and Belmont Properties LLC do not consent, but they are not the person or entities who are the subject of the restraining order. Moreover, these Respondents did not file a return, pursuant to Rule 240(e), SCACR, and therefore, their failure to file a return “may be deemed a consent by that party to the relief sought in the motion or petition.” These Respondents are represented by Lee Ann Walters, Esquire. We have copied Ms. Palmer and Ms. Walters on this letter. We are also directing this communication to Ms. Palmer on behalf of Respondents Johnson Halpern Partnership and Orange Capital, LLC (Nevis) as I understand they have not yet retained counsel, but Gary C. Johnson (Ms. Palmer’s client) is these entities’ registered agent.

Judge Dukes has reached out to the parties about scheduling a hearing on the Rule 59(e) motion, should the consent Motion for Limited Remand be granted. The current deadline for the Initial Brief of Appellant and its Designation of Matter is April 10, 2023. However, in the Motion for Limited Remand, Appellants ask for the appellate deadlines to be stayed, should this Court remand the case solely on the Rule 59(e) motion to Judge Dukes.

Quite simply, the deadline is approaching, and we wanted to alert the Court that the respondent directly impacted by the order on appeal has consented. Therefore, we respectfully ask the Court to grant it so that Judge Dukes may hear the Rule 59(e) motion before any appellate deadlines become pressing.

If you need anything else from me, please do not hesitate to contact me.

BESS J. DURANT

Member

[sowelldurant.com](http://sowelldurant.com)

803.722.1100



a South Carolina Limited Liability Company

803-722-1102 (direct)

[bdurant@sowelldurant.com](mailto:bdurant@sowelldurant.com)

1325 Park Street, Suite 100

Columbia, SC 29201

Thank you for your assistance and the Court's consideration.

Very truly yours,

A handwritten signature in blue ink, appearing to read "BJD" with a stylized flourish at the end.

Bess J. DuRant

BJD:aak

cc: Elizabeth Janelle Palmer, Esquire  
Lee Ann Walters, Esquire  
J. Ashley Twombly, Esquire

