

S O W E L L + D U R A N T

March 31, 2023

VIA EMAIL: ctappfilings@sccourts.org

Mary-Caitlyn Singleton
Senior Appeals Specialist
SC Court of Appeals
1220 Senate St.
Columbia, SC 29201

RECEIVED

Mar 31 2023

SC Court of Appeals

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 Caitlyn,

Thanks for talking with me this morning. As discussed, on March 16, 2023, Appellant 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.

Yesterday, we received an Order signed by Clerk of Court Jenny Kitchings granting a motion to remand. We, however, filed a motion for *limited* remand. As stated in our motion for limited remand, we contend that Respondent Mr. Johnson is engaging in fraudulent transfers to avoid having to pay a multi-million dollar verdict to our client. Mr. Johnson denies these allegations.

The appellate stay is critical to our matter because the order restraining Mr. Johnson remains in play, e.g. he cannot engage in any fraudulent transfers while the stay is in place. Again, Mr. Johnson denies these allegations, and importantly, he consents to the motion for limited remand.

As we state in our motion for limited remand, “[a]n order lifting the injunction preventing Johnson from engaging in other unapproved transfers would cause Appellant great irreparable harm; thus, the immediate resort to this Court filing a Notice of Appeal, which stays the relief ordered, is appropriate. *See* S.C. Code Ann. § 14-3-330 (authorizing an immediate appeal of an “order or decree in a court of common pleas granting, continuing, modifying, or refusing an injunction”) and SCACR 241 (“the service of a notice of appeal in a civil matter acts to automatically stay matters decided in the order . . . and to automatically stay the relief ordered in the appealed order”) (Mot for Limited Remand ¶ 4.)

Will you please convey this information to Ms. Kitchings to see if an amended order is possible where the Court of Appeals maintains jurisdiction and only remands the matter of the Rule 59(e) motion to the lower court, as requested in the motion for limited remand, consented to by Mr. Johnson?

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

BESS J. DURANT

Member

sowelldurant.com
803.722.1100



a South Carolina Limited Liability Company

803-722-1102 (direct)

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 "B. DuRant". The signature is stylized with a large initial "B" and a long horizontal stroke extending to the right.

Bess J. DuRant

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

