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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY
Edward R. Miller, Circuit Court Judge

Appellate Case No. 2023-000144
Case No. 2022-CP-23-03356

Citizens for Quality Rural Living, Inc.,

Appellant,

v.

LyonJay and the Greenville County Planning Commission,

Respondents.

APPELLANT'S RETURN TO LYONJAY'S MOTION FOR BOND

Appellant Citizens for Quality Rural Living, Inc. (CQRL) submits this Return in opposition to Respondent LyonJay's Motion for Bond filed on April 6, 2023. CQRL respectfully requests this Court deny the Motion.

INTRODUCTION

This matter arises out of CQRL's appeal of Respondent Greenville County Planning Commission's (Planning Commission) approval of a subdivision preliminary plan submitted by LyonJay, identified as "River Preserve."[1] The Circuit Court affirmed the Planning Commission's approval. On January 30, 2023, CQRL filed its Notice of Appeal with this Court, and CQRL's

[1] LyonJay suggests the approval of its preliminary plan "adhere[d] to the schedule and process set forth in the Greenville County Land Development Regulations." *Motion for Bond* at 2. CQRL has expressly disputed this notion throughout its appeal and will do so again in its Brief to this Court but does not intend to litigate the underlying merits in response to this Motion.

Initial Brief is due April 24, 2023. LyonJay unsuccessfully sought an order from the Circuit Court to require CQRL to post a supersedeas bond during the course of the appeal. *See Motion for Bond, Exhibits 1, 3-4*. LyonJay now seeks an order from this Court requesting the same bond. LyonJay's request lacks any merit because no legal authority exists for the relief it seeks under these circumstances.[2] CQRL therefore respectfully requests this Court deny the Motion.

ARGUMENT

I. This Court should deny LyonJay's motion for the imposition of a supersedeas bond.

LyonJay misguidedly contends that this Court should order CQRL to post a supersedeas bond pursuant to Section 18-7-10 of the South Carolina Code; Rule 62, SCRCP; and Rule 241, SCACR. None of these sources of authority apply and LyonJay's arguments ignore the plain language contained in both the statute and the rules. Rather than addressing the language of the statute or the rules, LyonJay questions "why the burden is not on CQRL to show cause why it should not be required to post the appeal bond specified [in Section 18-7-10]" and resorts instead to general appeals to "justice and equity." *Motion for Bond* at 4. The answer is simple: CQRL is not required to post a bond in these circumstances because the General Assembly elected not to subject appeals of planning commission decisions to the statutory framework set forth in Title 18; further, Rule 62, SCRCP and Rule 241, SCACR do not authorize the imposition of a bond for such appeals.

Throughout litigation, LyonJay has repeatedly disparaged CQRL as a "serial litigant with no employees or legitimate business activity" that wishes to "elevat[e] the environmental ideals of a very few above the well being of the remainder citizens and residents of Greenville County." *Motion for Bond* at 5. CQRL is simply a nonprofit organization comprised of property owners

[2] CQRL submits a hearing on this motion is unnecessary.

and residents living in the rural areas of Greenville County who seek to advocate for preserving rural living untrampled by widespread, incompatible high-density residential development. As growth in Greenville County exploded and pushed residential development sprawl into its undeveloped, rural areas, these citizens organized as CQRL to engage in joint advocacy for their shared goal. CQRL advocates against problematic and incompatible proposed developments that violate existing regulations and for sound development regulations that protect and preserve the rural nature of the place their members have called home for generations.

When necessary, CQRL turns to the courts for judicial review of the Greenville County Planning Commission's erroneous approval of developments that violate local regulations, state law, or constitutional rights—a valid and legitimate exercise of its members' rights and nothing remotely approaching what LyonJay claims is the initiation of obviously meritless appeals and the "employ[ment of] protracted litigation tactics."[3] LyonJay evidently fails to recognize that CQRL is exercising the constitutionally and statutorily-granted rights of assembly and judicial review and neither right requires being engaged in business activity or having employees.[4]

[3] LyonJay cites to four other lawsuits brought by CQRL, noting three have been dismissed in an attempt to suggest CQRL is unsuccessful and only engages in dilatory litigation. *Motion for Bond* at 5. However, LyonJay neglected to identify the reason each case was dismissed. *Id.*; *see e.g.*, 2016CP2304248, *Greenville County Planning Commission Answer* at 1 ¶ 2 (noting the developer withdrew its preliminary plan application, mooting the appeal); 2016CP2305425, *Consent Order for Settlement Approval* (approving settlement agreement between the parties that reduced the subdivision size by forty-two lots, required a larger minimum-lot size, and mandated roadway improvements and other subdivision design changes, which resulted following CQRL's successful appeal to this Court of the Circuit Court's dismissal of its appeal on standing grounds); 2018CP2305907, *Stipulation of Dismissal* (stipulating to dismissal when the proposed plan was "void since the property has changed boundary lines, the developer has no intention to proceed with the plan, and the owner has sold the property" and "[a]ny future development on the remaining property will require that the procedures outlined in the Greenville County Land Developer regulations be followed from the beginning").

[4] While deriding CQRL's advocacy efforts, LyonJay simultaneously attempts to paint itself as an altruistic actor graciously building "much-needed housing stock" for the benefit of Greenville County residents and citizens, but LyonJay stands to earn as much as two million dollars in profit

LyonJay also attempts to bolster its unsupported argument for the imposition of a bond by inserting the underlying merits of the appeal and asking this Court to consider what it claims is the applicable standard of review. *Motion for Bond* at 6. CQRL has expressly contended throughout this litigation (and will do so in its Brief to this Court) that the Circuit Court's application of the "any evidence" standard of review is erroneous because the standard does not apply when the grounds for appeal implicate a matter of law.

LyonJay's attempts to decry CQRL are simply an effort to obscure the weakness of its argument and the lack of supportive authority. Because none of the authority cited by LyonJay authorizes—let alone requires—the imposition of a bond on CQRL during the pendency of this appeal, CQRL requests this Court deny LyonJay's Motion.

a. Title 18 is inapplicable to appeals of planning commission decisions.

LyonJay claims Section 18-7-10 serves as the "[c]ontrolling authority for the imposition of a bond in this matter." *Motion for Bond* at 3. This assertion is incorrect for several reasons. First, the plain language of the statutory provision demonstrates it is inapplicable to appeals from decisions of a planning commission, which are instead governed by Section 6-29-1150. Section 18-7-10 provides:

> When a judgment is rendered by a magistrates court, by the governing body of a county or by any other inferior court or jurisdiction, save the probate court, the appeal shall be to the circuit court of the county wherein the judgment was rendered and shall amount to a supersedeas if *the party against whom judgment is rendered* shall execute a good and sufficient bond with surety to pay the amount of the judgment and costs in the event that he fail to sustain such appeal . . . .

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from this development alone. *See Motion for Bond* at 5-6; *Exhibit 3* at 10. CQRL raises this point not to criticize LyonJay's desire and efforts to earn profits on its ventures, but to dispel this image LyonJay seeks to present to this Court.

Id. (emphasis added). Section 18-7-10 does not apply for the simple reason that CQRL is not a "party against whom judgment [was] rendered" because it was not a party to the Planning Commission's consideration or approval of River Preserve. *See Newton v. Zoning Bd. of Appeals for Beaufort Cnty*., 396 S.C. 112, 116-17, 719 S.E.2d 282, 284 (Ct. App. 2011) (noting the Board of Zoning Appeals' argument "overlooks . . . the non-adversarial nature of administrative proceedings"). Furthermore, this provision clearly envisions money judgments. *See* S.C. Code Ann. § 18-7-10 (requiring a "good and sufficient bond with surety to pay *the amount of the judgment and costs* in the event that he fail to sustain such appeal" (emphasis added)). Appeals from planning commission decisions do not involve money judgments.

The illogical application of this section to these circumstances demonstrates that the South Carolina Comprehensive Local Government Planning Enabling Act (Planning Enabling Act), S.C. Code Ann. § 6-29-310 *et. seq.*, is the sole statutory authority for appeals from local commissions or boards. Even if Section 18-7-10 applied, the provision simply authorizes the appeal to constitute a supersedeas—or stay of the judgment—*if* the losing party executes a bond. Section 18-7-10 does not *mandate* the execution of a bond to pursue an appeal; the payment of a bond simply acts as a stay of the judgment during the pendency of the appeal. CQRL has never sought a stay, and the Circuit Court's order affirming the Planning Commission's approval of the preliminary plan is instead automatically stayed by CQRL's Notice of Appeal pursuant to Rule 241(a), SCACR.[5]

[5] An important distinction should be noted here. The operation of Rule 241(a), SCACR imposed an automatic stay on the *Circuit Court's order* but CQRL's initial notice of appeal did not stay the *Planning Commission's approval* of the preliminary plan. Nothing in the Planning Enabling Act indicates the filing of a notice of appeal from a local board or commission acts as an automatic stay, contrary to LyonJay's claims. *See also* Rule 74, SCRCP. As LyonJay itself notes, *Greenville County* is the entity that "will not allow [the approved subdivision] to proceed while the appeal is pending." *Motion for Bond* at 4. LyonJay cites to Section 6-29-1140 as the basis,

LyonJay attempts to preemptively address the fact that no judgment was ever rendered against CQRL by calling it "straw-grasping" and claiming it amounts to an admission by CQRL that it has not been adversely affected and, therefore, lacks standing. *Motion for Bond* at 7-8. LyonJay mistakenly conflates the concept of standing with a party having a judgment rendered against them. If the two concepts were equivalent, only the *losing* party in any litigation could ever have standing. "In its most basic sense, '[s]tanding refers to a party's right *to make* a legal claim *or seek* judicial enforcement of a duty or right.'" *Preservation Soc. of Charleston v. S.C. Dep't of Health & Envt'l Control*, 430 S.C. 200, 209, 845 S.E.2d 481, 486 (2020) (emphasis added) (quoting *S.C. Dep't of Soc. Servs. v. Boulware*, 422 S.C. 1, 7, 809 S.E.2d 223, 226 (2018)). The very nature of standing relates to whether a party can even institute an action and in no way requires a judgment being rendered first. *See id.* ("Standing to sue is a fundamental requirement in *instituting* an action." (emphasis added) (quoting *Joytime Distibs. & Amusement Co. v. State*, 338 S.C. 634, 639, 528 S.E.2d 647, 649 (1999))).

LyonJay argues that the Circuit Court's order denying its motion for supersedeas bond failed to explain "how a planning commission decision can be simultaneously adverse to a party in interest and yet not a judgment against that party." *Motion for Bond* at 8. Again, LyonJay's error occurs because it fails to distinguish between standing and judgments. A simple example is useful to demonstrate the distinction and also illustrate why Section 18-7-10 is inapplicable here: Pat files a lawsuit against Dave for personal injury in magistrate court. Pat wins the lawsuit and the magistrate court enters a judgment against Dave. Therefore, Dave is the only party "against

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but this provision does not stay the matter and instead only prohibits the recording or acceptance for recording of an *unapproved* subdivision plan. The existence of this very appeal demonstrates that LyonJay possesses an *approved* preliminary plan, and the fact that CQRL filed its appeal in the circuit court challenging the Planning Commission's approval did not transform the approved plan into an unapproved plan.

whom judgment is rendered," and Section 18-7-10 authorizes Dave to file an appeal to the circuit court, which would operate as a supersedeas *if* he posted a bond. Yet, LyonJay's argument would mean Pat, who won the lawsuit, would not have *standing* even though he had been injured (i.e., adversely affected), which is necessary throughout the entirety of litigation. LyonJay's argument leads to this patently absurd result, and this Court should not construe the statute in such a manner. *See State v. Sweat*, 386 S.C. 339, 351, 688 S.E.2d 569, 575 (2010) ("Courts will reject a statutory interpretation which would lead to a result so plainly absurd it could not have been intended by the Legislature or would defeat the plain legislative intention."). The reason Section 18-7-10 logically applies in this hypothetical—independent of standing—is because there was a *party* who had a judgment rendered against them. That did not happen to CQRL here.

Moreover, LyonJay mischaracterizes this Court's decision in *Citizens for Quality Rural Living Inc. v. Greenville County Planning Commission and RMDC, Inc.*, 426 S.C. 97, 825 S.E.2d 721 (Ct. App. 2019). The portion of this Court's opinion cited by LyonJay addressed CQRL's argument that it had standing under the Declaratory Judgment Act, not whether it had standing to *appeal* the planning commission's decision under the Planning Enabling Act. *Id.* at 112-13, 825 S.E.2d at 729. Significantly, an action under the Declaratory Judgment Act seeking a declaration from the court is entirely distinct from an *appeal* to the circuit court and does not implicate the circuit court's appellate jurisdiction over planning commission decisions under Title 6 (or Title 18, if it applied). Instead, the declaratory judgment action filed by CQRL in *RMDC* would trigger the circuit court's original jurisdiction, rendering the existence of any appellate procedures, including Section 18-7-10, completely inapplicable.

In *RMDC*, this Court concluded that CQRL had standing under the Declaratory Judgment Act because its language confers standing on any person who was "'affected by' local

legislation" and found CQRL members had been adversely affected by the planning commission's application of the land development regulations without considering the comprehensive plan. *Id.* at 113, 825. S.E.2d at 729. As a result, the analysis regarding CQRL being adversely affected has nothing to do with its appeal of the planning commission's approval of the particular development at issue in *RMDC* and cannot serve, as LyonJay suggests, as the equivalent to a "party against whom judgment [was] rendered" under Section 18-7-10.

Second, Title 18 is inapplicable to appeals from decisions of a planning commission because the grant of general jurisdiction under Title 18 does not apply when the circuit court is granted jurisdiction by a separate, more specific statute. Instead, Section 6-29-1150 is the sole statutory basis for the procedures governing appeals from a planning commission decision.[6] Significantly, Section 6-29-1150 is the more specific—and more recent—statutory provision, and "[i]t is a well settled principle of statutory construction that specific laws prevail over general laws, and later legislation takes precedence over earlier legislation." *Witzig v. Witzig*, 325 S.C. 363, 366, 479 S.E.2d 297, 299 (Ct. App. 1996).

[6] The fact that this Court has concluded that an appeal from a local zoning board decision could not be amended past the time for filing while not applying Section 18-1-140's grant of discretion to "permit amendment on such terms as may be just" in order to perfect the appeal bolsters the notion that Title 18 does not apply to planning commission appeals. *See Austin v. Bd. of Zoning Appeals*, 362 S.C. 29, 37 606 S.E.2d 209, 213 (Ct. App. 2004) (noting the Planning Enabling Act "makes no provision for amendment of the grounds set forth in the petition" (citing *Smith v. S.C. Dep't. of Soc. Servs.*, 284 S.C. 469, 327 S.E.2d 348 (1985))). LyonJay's attempts to distinguish these decisions fail. *Motion for Bond* at 9-10. *Austin* explicitly stated that the "procedures governing appeals of [zoning] Board decisions to the circuit court are prescribed by statute" and cites to the Planning Enabling Act—not Title 18. *See* 362 S.C. at 37, 606 S.E.2d at 213. Thus, it is clear that Title 18 is inapplicable to such appeals. Similarly, the Supreme Court in *Smith* rejected amendment of a petition because the applicable statute did not allow amendments "after expiration of the 30-day statutory period for filing the appeal." 284 S.C. at 471, 327 S.E.2d at 349. The Planning Enabling Act similarly does not authorize amendments to appeals of planning commission decisions beyond the time for filing; if Title 18 applied, then such amendments would be permitted, directly conflicting with the Act. *See* S.C. Code Ann. § 18-1-140. The General Assembly did not intend such a result.

LyonJay asks this Court to ignore these "well-settled" rules of statutory construction by arguing that the silence in Section 6-29-1150 regarding supersedeas bonds—or Title 18—"more likely reflects legislative efficiency." *Motion for Bond* at 8. LyonJay's argument turns statutory construction principles upside down. "[T]he cardinal rule of statutory construction is to ascertain and give effect to the intent of the legislature." *Henry-Davenport v. Sch. Dist. of Fairfield Cnty.*, 391 S.C. 85, 88, 705 S.E.2d 26, 28 (2011). The text of a statute is the best evidence of the General Assembly's intent. *Grier v. AMISUB of South Carolina, Inc.*, 397 S.C. 532, 535, 725 S.E.2d 693, 695 (2012). "Where the language of the statute is clear and explicit, the court cannot write the statute and inject matters into it which are *not in the legislature's language*." *Cty. of Camden v. Brassell*, 326 S.C. 556, 561, 486 S.E.2d 492, 495 (Ct. App. 1997) (emphasis added).

The entirety of Chapter 7 of Title 6, which governs approvals of subdivision plans by a planning commission and appeals from such decisions, is devoid of any reference to supersedeas bonds or Title 18. This reflects the General Assembly's intent that appeals of planning commission decisions are governed solely by Section 6-29-1150, and such appeals do not trigger or authorize the imposition of a supersedeas bond. This Court's decision in *Bursey v. South Carolina Department of Health and Environmental Control* supports this reading. 360 S.C. 135, 140, 600 S.E.2d 80, 83 (Ct. App. 2004). In *Bursey*, this Court rejected the argument that the South Carolina Mining Act was governed by the standard of review found in Title 18, finding the Mining Act, not Title 18, conferred jurisdiction on the circuit court. *Id.* at 139-41, 600 S.E.2d at 83. This Court reasoned that the "standard of review in section 18-7-170 is meant only to apply in appeals over which the Circuit Court gains jurisdiction *solely* by the jurisdictional grant of section 18-7-10, and not appeals where the court's jurisdiction is, by virtue of a separate statute, otherwise provided for 'by law.'" *Id.* (emphasis added).

LyonJay asserts *Bursey* is inapplicable because it involved an executive agency and the Administrative Procedures Act, an argument that ignores the similarity to the case now before this Court. *Motion for Bond* at 10. The Planning Enabling Act confers jurisdiction on the circuit court to hear appeals of decisions of a planning commission. *See* S.C. Code Ann. § 6-29-1150. By extension, this Court's holding in *Bursey* makes clear that the circuit court's jurisdiction here is granted *solely* by the Planning Enabling Act, not Title 18. *See* 360 S.C. at 139-41, 600 S.E.2d at 83. Unlike the Mining Act in *Bursey*, the Planning Enabling Act lacks any reference to Title 18, let alone comparable language regarding the manner in which such appeals would be taken. *See Bursey*, 360 S.C. at 140, 600 S.E.2d at 83 (noting the Mining Act required that appeals of mining decisions be taken "in the manner provided by Chapter 7 of Title 18").

The General Assembly is clearly capable of explicitly drafting a statute to subject certain categories of appeals to the procedures set forth in Chapter 7 of Title 18, and it elected not to do so in the Planning Enabling Act—notably, a statute drafted *after* the Mining Act. LyonJay's complaint that such an interpretation deprives litigants of the procedural protections granted by Chapter 7 of Title 18 should be directed to the General Assembly, not to this Court. The absence of any reference in the Planning Enabling Act to Chapter 7 of Title 18 makes clear that Title 18 is entirely irrelevant to appeals of decisions of a planning commission. *See generally* 82 C.J.S. *Statutes* § 460 (2009) ("[W]here a statute contains a given provision, the omission of such a provision from a similar statute concerning a related subject is significant to show a different intention has existed.").

As previously noted, Article 7 of Title 6 lacks any reference to a supersedeas bond. *See* S.C. Code Ann. §§ 6-29-1110 to 1210. In contrast, another section of the Planning Enabling Act that governs appeals from decisions of a board of zoning appeals *does* authorize the circuit court

to grant supersedeas. *See* S.C. Code Ann. § 6-29-830(B) ("The filing of an appeal in the circuit court from any decision of the board does not ipso facto act as a supersedeas, but the judge of the circuit court may in his discretion grant a supersedeas upon such terms and conditions as may seem reasonable and proper."). The presence of this plain language in Article 5—but not Article 7—of Title 6 demonstrates the General Assembly's intent that supersedeas are available in appeals from zoning board decisions but not from planning commission decisions. Even if this Court elected to apply this provision to the planning commission appeal context, CQRL has never sought a supersedeas, and this provision makes clear a stay is not automatic.[7] *See id.* (noting the filing of an appeal "does not *ipso facto act* as a supersedeas" (emphasis added)).

LyonJay's argument ignores the plain language in Section 18-7-10 and Section 6-29-1150. Because the approval of the preliminary plan was not automatically stayed, CQRL never sought a stay, and Section 18-7-10 does not authorize the imposition of a supersedeas bond under these circumstances, this Court should deny LyonJay's Motion for Bond.

b. Rule 62, SCRCP is irrelevant under these circumstances.

LyonJay also cites to Rule 62, SCRCP, which governs stays of the enforcement or execution of a judgment. Specifically, the Rule establishes an automatic stay for ten days after entry of a judgment before any execution of the judgment or any proceedings "taken for [the judgment's] enforcement." Rule 62(a), SCRCP; *see also Haselden v. Haselden*, 347 S.C. 48, 63, 552 S.E.2d 329, 337 (Ct. App. 2001) ("Moreover, while Rule 62(a), SCRCP automatically stays enforcement of a judgment, the automatic stay expires 10 days after judgment is entered."). Beyond the ten-day automatic stay, "when an appeal is taken, a party, by giving a supersedeas

[7] *See also supra* n.4 (describing how nothing in the Planning Enabling Act indicates the filing of a notice of appeal from a local board or commission acts as an automatic stay).

bond, *may* obtain a stay *subject to* the exceptions contained in subdivision (a) of this rule and *the South Carolina Appellate Court Rules*." Rule 62(d), SCRCP (emphases added).

Yet, CQRL has not sought a stay of the enforcement of a judgment here, making Rule 62(d), SCRCP simply inapplicable to this case and, in any case, subject to the appellate court rules. As LyonJay appears to recognize, the service of CQRL's Notice of Appeal to this Court implicates the general rule of Rule 241, SCACR, which imposed an automatic stay of the Circuit Court's Order affirming the Planning Commission's approval of the preliminary plan. Accordingly, LyonJay's motion under Rule 62(d), SCRCP should be rejected.

c. A Motion for Supersedeas Bond under Rule 241, SCACR, is similarly inapplicable under these circumstances.

Finally, LyonJay relies on Rule 241(c), SCACR to support its request for the imposition of a supersedeas bond, but the plain language of the Rule demonstrates such relief is inapplicable here because this case involves the general rule and is not subject to an exception. Specifically, Rule 241 governs stays and the issuance of supersedeas in civil actions, providing:

> As a general rule, the service of a notice of appeal in a civil matter *acts to automatically stay matters* decided in the order, judgment, decree or decision on appeal, and to automatically stay the relief ordered in the appealed order, judgment, or decree or decision. *This automatic stay continues in effect* for the duration of the appeal *unless lifted by order* of the lower court, the administrative tribunal, appellate court, or judge or justice of the appellate court.

Rule 241(a), SCACR (emphases added). Importantly, no bond requirement exists for a case to fall within the "general rule." *See id.* Although exceptions to the "general rule"—that service of a notice of appeal automatically stays matters decided in the order—may exist in statutes, court rules, and case law, LyonJay has not identified a statute, court rule, or case that establishes such an applicable exception, and none of the examples included in subsection (b) apply here. *See* Rule 241(b), SCACR.

As a result, the plain language of Rule 241(c), SCACR, on which LyonJay relies, makes clear a supersedeas is unavailable when a case is governed by the general rule in Rule 241(a). "*In a case subject to an exception*, any party may move for an order imposing a supersedeas of matters decided in the order." Rule 241(c)(1), SCACR (emphasis added). A writ of supersedeas is naturally only available in cases falling *outside* the general rule (i.e., cases where the notice of appeal does *not* automatically stay matters decided in the order on appeal) because the writ accomplishes the stay that *is* automatically available in cases subject to the general rule. As this case falls within the general rule outlined in Rule 241(a), the Rule does not authorize the granting of a supersedeas when the matter is already automatically stayed.

The Supreme Court's decision in *Matter of Decker* demonstrates that a supersedeas is only an option when the automatic stay is inapplicable: "Having determined that there is no automatic stay, this Court must determine if we should exercise our discretion to issue a writ of supersedeas." 322 S.C. 212, 214, 471 S.E.2d 459, 461 (1995) (applying Rule 225, SCACR, the predecessor to Rule 241). If the order on appeal had automatically stayed the order, it would have been unnecessary for the Court to determine whether to issue a writ of supersedeas. *Id.* The same analysis applies here.

Lastly, LyonJay cites specifically to Rule 241(c)(3), SCACR for the proposition that this Court has the discretion to impose a bond "in the interest of justice." The Rule provides:

> Further, where it appears that the granting or lifting of a stay, or the issuance of a writ of supersedeas is insufficient to afford complete relief, the lower court, administrative tribunal, appellate court, or judge or justice of the appellate court may order other affirmative relief as are deemed appropriate.

Id. While broadly stated, this provision does not authorize ordering a party to post a bond for a stay automatically imposed by the general rule; any other interpretation would rewrite the

language of the general rule. *See* Rule 241(a), SCACR. Moreover, this subsection requires that the "lifting of a stay . . . [be] insufficient to afford complete relief." Rule 241(c)(3), SCACR; Rule 241(a)(1), SCACR ("After service of notice of appeal, any party *may move for an order lifting the automatic stay* in cases which involve the general rule." (emphasis added)). Instead of moving to lift the stay imposed by the operation of Rule 241(a), LyonJay has repeatedly sought to require CQRL to post a bond despite the absence of any authority supporting its request.

Accordingly, LyonJay's Motion for Bond under Rule 241, SCACR should be rejected because it does not authorize a supersedeas bond when the matter falls within the general rule's automatic stay.

CONCLUSION

This Court should deny LyonJay's Motion for Bond because no applicable statute or rule authorizes the imposition of a bond under these circumstances.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Michael Martinez, hereby certify that on April 14, 2023, I served counsel for Respondents LyonJay and Greenville County Planning Commission with copies of Appellant Citizens for Quality Rural Living, Inc.'s Return to LyonJay's Motion for Bond by emailing copies of the same to the following email addresses registered in the South Carolina Attorney Information System:

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