

April 19, 2023

V. Claire Allen
Chief Deputy Clerk, South Carolina Court of Appeals
VIA EMAIL to ctappfilings@sccourts.org

RECEIVED

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SC Court of Appeals

Re: Ex Parte Ryan Powell (LB Park, LLC v. San Juan Holdings)
Appellate Case No. 2019-000979

Ms. Allen,

I am in receipt of your April 17, 2023 letter informing me that you have removed from the record my Final Brief documents that I filed with the Court on April 17th. I believe your position expressed in your letter is incorrect and untenable. You state you removed my filed documents because the case is allegedly being "held in abeyance" but there is no court order in the record showing that the case has ever been ordered to be "held in abeyance". Without a court order, a letter is simply not the proper method for putting an appeal into abeyance.

If the filing of my Final Brief documents were removed because the appeal is allegedly being held in abeyance, then why did you not remove my Record on Appeal documents filed on April 3, 2023, thirteen (13) days **after** you wrote a letter to the parties informing them that you had *sua sponte* decided to put this appeal into abeyance without notice, motion, or court order?

My contention that there must be a court order to hold an appeal in abeyance pending a decision on Respondent's motion to consolidate this appeal can easily be proven to be correct by reading Rule 240(b) SCACR -

"Stay of Time Limits. Unless otherwise provided by these Rules, **or ordered by the appellate court**, the time limits imposed by these Rules **shall not be stayed by the filing of a motion or petition**. A motion to dismiss an appeal or a motion to relieve counsel shall, however, automatically stay the time limits for perfecting the appeal until the motion is decided." [emphasis mine].

Notwithstanding, an abeyance would be an inappropriate remedy to stay the time limits for perfecting an appeal. A motion to stay the time limits, and an order staying the time limits, would be the correct procedure to follow. So why are you attempting to defraud me? What is your motive and who has instructed you to take these actions?

I demand that you do your job and immediately re-file my Final Brief documents that you erroneously removed from the record.

/s Ryan Powell
Ryan Powell, Appellant

Cc: Sarah P. Spruill, mailed to her address of record
Brett Osborne, mailed to his address of record