

RECEIVED

May 30 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
South Carolina Court of Appeals

APPEAL FROM COUNTY
Court of Common Pleas

Appellate Case No. 2022-001554

Nicholas Sanfilippo.....Appellant,

vs.

Estate at Westbury Horizontal Property Regime a/k/a Estate
at Westbury Owners Association (a multifamily real estate
community) and High Tide Associates (a property and HOA
management company)Respondent.

RESPONDENT'S MOTION TO DISMISS


TO: GARY COGGIN, ESQUIRE, ATTORNEY FOR APPELLANT:

YOU WILL PLEASE TAKE NOTICE THAT Respondent will move on the tenth day after service hereof, or as soon thereafter as counsel may be heard, before the presiding Judge for the South Carolina Court of Appeals or such other person as may be designated to hear such matters, for an Order of this Court dismissing Appellant's Appeal of the Order of the Honorable R. Ferrell Cothran, Jr. dated and filed October 4, 2022 pursuant to Rule 260 of the South Carolina Rules of Civil Procedure, for a failure of the Appellant to timely file his Initial Brief. The Appellant failed to timely file his initial brief within the time period specified in

the Rule of Appellate Procedure. The Court then issued an Order (Exhibit A, attached hereto) allowing an extension on February 22, 2023 allowing the Appellant until May 17, 2023 to file his Initial Brief and noted “no further extension will be granted absent extraordinary circumstances.” The Appellant had more than ample time from this Order to file his Initial Brief but failed to timely file. The Appellant has not demonstrated extraordinary circumstances warrant a further extension from the court and the time to file the Initial Brief has elapsed and any filing thereafter will be untimely and in violation of the Court’s previous Order. Therefore, Appellant’s Appeal should be dismissed.

This motion shall be based upon the statutory and common laws of the State of South Carolina, the South Carolina Rules of Civil Procedure, the pleadings filed herein, and any and all affidavits which may be served on or before the date of hearing hereon.

HOWELL, GIBSON & HUGHES, P.A.

By: 
Nathan E. Akers | SC Bar No. 103415
PO Box 40
Beaufort, SC 29901-0040
(843) 522-2400
NAkers@hgghpa.com
Attorney for Respondent

Beaufort, South Carolina

May 30, 2023

The South Carolina Court of Appeals

Nicholas Sanfilippo, Appellant,

v.

Estate at Westbury Horizontal Property Regime a/k/a
Estate at Westbury Owners Associates (a multifamily
real estate community) and High Tide Associations (a
property and HOA management company), Respondent.

Appellate Case No. 2022-001554

ORDER

The time for serving and filing the appellant's initial brief and designation of matter is hereby extended until May 17, 2023. No further extension will be granted absent extraordinary circumstances.

BY  J.
FOR THE COURT

Columbia, South Carolina

FILED
Feb 22 2023

cc:
Gary Patrick Coggin, Esquire
Nathaniel Edwin Akers, Esquire

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May 30 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
South Carolina Court of Appeals

APPEAL FROM COUNTY
Court of Common Pleas

Appellate Case No. 2022-001554

Nicholas Sanfilippo.....Appellant,

vs.

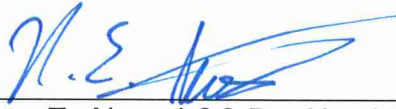
Estate at Westbury Horizontal Property Regime a/k/a Estate
at Westbury Owners Association (a multifamily real estate
community) and High Tide Associates (a property and HOA
management company)Respondent.

RESPONDENT'S PROOF OF SERVICE

The undersigned counsel hereby certifies that he has served the foregoing
Respondent's Motion to Dismiss upon all counsel of record via email and by
affixing same with proper postage and placing same with the United States
Postal Service on the 30th day of May, 2023 addressed to the following:

Gary Coggin gcitylaw@aol.com
Gary Coggin Law Offices
PO Box 7092
Hilton Head Island, SC 29928

HOWELL, GIBSON & HUGHES, P.A.

By: 
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May 30, 2023

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* Certified Mediator

May 30, 2023

Via Email Only
ctappfilings@sccourts.org

RECEIVED
May 30 2023
SC Court of Appeals

Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, SC 29211

Re: Nicholas Sanfilippo vs. Estate at Westbury Horizontal Property
Regime aka Estate at Westbury Owners Association and
High Tide Associates
Case No.: 2022-001554

Dear Madame Clerk:

Please find enclosed herewith for filing Respondent's Motion to Dismiss and Certificate of Service with regard to the above referenced matter. I would appreciate your filing the same and returning a filed clocked copy to me via email to NAkers@hghpa.com and LTownsend@hghpa.com. If return of the clocked copy must be via U.S. Mail, please advise and I will provide a self-addressed, stamped envelope provided for same.

With kindest regards, I am

Yours truly,

HOWELL, GIBSON AND HUGHES, P.A.



Nathan E. Akers
NEA/lt
Enclosures

cc: Gary Coggin gcitylaw@aol.com