

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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Jul 18 2023

S.C. SUPREME COURT

Appeal from Charleston County
Court of Common Pleas

Eugene C. Griffith, Jr., Circuit Court Judge

Circuit Court Cases No. 2018-CP-10-00846, -02131, and -02539

Court of Appeals Case No. 2019-000903
Opinion No. 5966 (S.C. Ct. App. filed February 1, 2023)

Supreme Court Case No. 2023-000778

City of Charleston,

Petitioner,

v.

City of North Charleston and Millbrook Plantation, LLC,

Respondents.

and

Millbrook Plantation, LLC

Plaintiff,

v.

City of Charleston,

Defendant.

and

City of Charleston,

Plaintiff,

v.

City of North Charleston and Millbrook Plantation, LLC

Defendants.

CITY OF CHARLESTON'S
MOTION FOR ACCEPTANCE OF ITS
REPLY TO THE RETURNS TO ITS PETITION FOR A WRIT OF CERTIORARI

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NOW COMES Petitioner, City of Charleston (“Charleston”), by and through its undersigned counsel, and, on the grounds stated below, most respectfully requests that the Court accept the City of Charleston’s Reply to the Returns to its Petition for a Writ of Certiorari (“Charleston’s Reply”), which, as will be explained, has already been *served* on Respondents,¹ for *filing* in this Court in the above-captioned matter.

It has come to the undersigned’s attention that, despite his intention to both serve and file Charleston’s Reply via email on July 7, 2023, he only managed to accomplish one of the two: service.

On July 7, 2023, the undersigned served Charleston’s Reply on all parties to this matter via email, but rather than filing Charleston’s Reply with *this Court* via email (as was intended), the undersigned inadvertently emailed Charleston’s Reply to *the Court of Appeals* instead. (Copies of the emails serving and attempting to file Charleston’s Reply on July 7, 2023, are attached hereto as **Exhibits A** and **B**, respectively.)

With apologies to the Court and counsel for the inadvertence that prompted this motion, the undersigned submits that such inadvertence is of an excusable character² and that there is good cause to grant the relief requested herein, as it is reasonable under the circumstances, is not prejudicial to Respondents, and is in furtherance of the interests of justice.

WHEREFORE, Charleston hereby moves this Honorable Court to accept for filing in this matter Charleston’s Reply (and proof of service thereof), which is being conditionally filed with the Court via email contemporaneously herewith.

¹ Following the service/filing of North Charleston’s return on June 26, 2023, Millbrook served/filed its return on June 29, 2023, joining in North Charleston’s return “as if repeated verbatim.” Accordingly, Charleston’s Reply covers both Respondents’ returns.

² *Cf.* Rule 204(a), SCACR (“In the event that the notice of appeal is filed in the wrong appellate court, the appellate court in which the matter is filed shall issue an order transferring the case to the appropriate appellate court.”).

Respectfully submitted,

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