

July 19, 2023

Jenny A. Kitchings, Clerk of Court
P.O. Box 11629
Columbia, SC 29211

RECEIVED

Jul 19 2023

SC Court of Appeals

VIA email only to ctappfilings@sccourts.org.

LB Park, LLC v. San Juan Holdings, et. al; #2022-001650.

Ms. Kitchings,

I am in receipt of your July 18, 2023 letter in which you requested I submit a bound copy of my May 22, 2023 Reply Brief. As I stated in that Reply Brief, I was only intending on putting that brief in the record IF the Respondent was granted leave to file their initial brief and designation of matter out of time, i.e., after their deadline expired. I was not sure if I would be given the opportunity to add a reply brief to the record after Respondent was granted leave, so I filed the brief "just in case".

Attached as Exhibit A, please find a copy of your May 4, 2023 letter to the Respondent in which you admitted that the Respondent's time to file their initial brief and designation of matter had **expired**. As you know the rules do not allow a brief to be filed after a deadline has expired without leave of court to do so. The rules also do not allow a clerk of court to grant a party leave to file their brief after their deadline has expired as such leave involves a question of law and clerks only have ministerial authority and no judicial authority.

Since I never received a copy of a motion requesting leave to file their initial brief after their deadline expired and I never received a copy of a court order granting leave for the Respondent to file an initial brief, then there is nothing in the appeal record that can be submitted to the Court for me to have to reply to.

Accordingly, my reply brief that I filed "just in case" does not need to be submitted to the Court for this appeal so there can be no need for the Court to have a printed bound copy of it.

Why is this appeal still marked with the status of "Final Briefing / Record" when this appeal was perfected by May 2, 2023? Are you intentionally trying to block this appeal from ever being heard by playing these delay tactic games? Please immediately change the status for this appeal to "ready for consideration" which status it should have been marked on or about May 2, 2023.

If you disagree with my assessment of this situation, feel free to respond with your own understanding of the court rules within which your job duties are limited to.

/s Ryan Powell
Ryan Powell, appellant
287 East Hawfields
Pittsboro, NC 27312

cc: Sarah P. Spruill, P.O. Box 2048 (29602), Greenville, SC 29601



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

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DEPUTY CLERK

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May 4, 2023

A. Parker Barnes, III, Esquire
P.O. Box 11889
Columbia, SC 29211

Sarah P. Spruill, Esquire
P.O. Box 2048
Greenville, SC 29602

Re: LB Park, LLC v. San Juan Holdings (2)
Appellate Case No. 2022-001650

Dear Counsel:

According to our records, the time to file the initial brief of respondent and designation of matter has expired. Within ten (10) days of the date of this letter you must serve and file the initial brief of respondent and designation of matter or the Court will proceed with its consideration of this appeal.

Very truly yours,

A handwritten signature in blue ink that reads "Jenny A. Kitchings". The signature is fluid and cursive.

CLERK

cc: Ryan Powell