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Sep 12 2023

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM CHARLESTON COUNTY
Court of Common Pleas

Mikell R. Scarborough, Master-In-Equity

Appellate Case No. 2023-001158

Case No. 2019-CP-10-00039

Dolphin Point Owners’ Association, Inc., Respondent,

v.

Seabrook Island Property Owners
Association..... Appellant.

APPELLANT’S CONSENT MOTION FOR SECOND EXTENSION

Pursuant to Rule 208(a)(2) and 240 of the South Carolina Appellate Court Rules, Appellant Seabrook Island Property Owners Association (“Seabrook”) requests a 30-day extension of time to file its Initial Appellant’s Brief and Designation of Matter in this case. This is the second request for extension of this deadline.

Seabrook needs the additional time to file its Initial Brief and Designation of Matter because the undersigned counsel has numerous other work obligations that necessitate this request for an extension. No prejudice will be caused to any party by this additional thirty (30) day extension. Currently, Seabrook’s Initial Brief and Designation of Matter are due on or before September 18, 2023. The additional thirty (30) day extension will make Seabrook’s brief and designation of matter due on Wednesday, October 18, 2023.

Counsel for Respondent, G. Trenholm Walker, Esq. has consented to this second extension request.

Therefore, Seabrook respectfully moves this Court for a 30-day extension of time to file its Initial Brief of Appellant and Designation of Matter until October 18, 2023. Seabrook asks that the current deadline be held in abeyance pending the Court's consideration the resolution of this motion.

The filing fee for this request will be submitted to the Court as required.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: *s/ Shawn R. Willis*

Shawn R. Willis (SC Bar No. 71155)
E-Mail: shawn.willis@nelsonmullins.com
151 Meeting Street / Sixth Floor
Post Office Box 1806 (29402-1806)
Charleston, SC 29401-2239
(843) 853-5200

*Attorneys for Defendant Seabrook Island Property Owners
Association*

Charleston, South Carolina
September 12, 2023

EXHIBIT A

Email re. second extension consent

From: Trenholm Walker <walker@wglfirm.com>
Sent: Monday, September 11, 2023 4:39 PM
To: Shawn Willis <shawn.willis@nelsonmullins.com>
Cc: Nancy Jane Dennis <njdennis@wglfirm.com>
Subject: RE: Dolphin Point / SIPOA

External Source/Sender notice

Use caution responding or clicking links/attachments.

No issues. You can show my consent.

From: Shawn Willis <shawn.willis@nelsonmullins.com>
Sent: Monday, September 11, 2023 4:17 PM
To: Trenholm Walker <walker@wglfirm.com>
Subject: RE: Dolphin Point / SIPOA

Trenholm,

Hope all is well. You were gracious enough to offer your consent to both a first and second thirty day extension on my brief and designation if I needed them, and I need to take you up on that second extension. We are going to file a request for the second extension tomorrow, which would move my deadline from September 18 to October 18. Please let me know if there are any issues with that.

Thanks,
Shawn

Shawn R. Willis
843.534.4230 (office)
803.260.3908 (mobile)
shawn.willis@nelsonmullins.com



From: Trenholm Walker <walker@wglfirm.com>
Sent: Tuesday, July 11, 2023 2:56 PM
To: Shawn Willis <shawn.willis@nelsonmullins.com>
Subject: RE: Dolphin Point / SIPOA

Shawn'

Sorry I missed you when you called.

Yes, I was talking about the lien. We aren't going to pursue execution but we do want our lien to remain in place.

I have the transcript too. I am fine with your taking an extension, and even a second one. I am delighted to learn you have a good trip planned. I have plans in late October and will be making the same request.

Trenholm

From: Shawn Willis <shawn.willis@nelsonmullins.com>
Sent: Tuesday, July 11, 2023 9:28 AM
To: Trenholm Walker <walker@wglfirm.com>
Subject: RE: Dolphin Point / SIPOA

Thank you, Trenholm. I just tried to give you a call to touch base.

To clarify, do you mean the release of the lien of the judgment on the real estate?

Also, it looks like the trial transcript has already been ordered and received by Robbie's firm. Can you confirm that you have received it as well? If we don't need to order a new transcript, my initial brief and designation would be due at the latest on August 21. Do you see a need for me to order a new transcript? From a timing standpoint, my wife and I have a long standing trip planned to take our four kids (3, 6, 9 and 10) to Disney World the first week in August, and I also have a relatively complex development deal closing August 18 that will consume most of that week. Would you be willing to consent to a request from me to the court of appeals asking for a 30 day extension for my initial brief and designation?

Shawn

Shawn R. Willis
843.534.4230 (office)
803.260.3908 (mobile)

shawn.willis@nelsonmullins.com



From: Trenholm Walker <walker@wglfirm.com>
Sent: Tuesday, July 11, 2023 9:01 AM
To: Shawn Willis <shawn.willis@nelsonmullins.com>
Subject: FW: Dolphin Point / SIPOA

Hi, Shawn,

I will look over the draft order and get back to you.

I don't know of any authority that requires the plaintiff to release the judgment and substitute the money deposited with the clerk. If you have some, I would like to review it.

Thanks,

Trenholm

From: Shawn Willis <shawn.willis@nelsonmullins.com>
Sent: Monday, July 10, 2023 10:08 AM
To: Trenholm Walker <walker@wglfirm.com>
Subject: RE: Dolphin Point / SIPOA

Good morning, Trenholm. Attached for your review is a proposed consent order for the judgment deposit, which stays execution and stops further accrual of post-judgment interest. For completeness, I have also added in that the lien of the judgment against SIPOA's real property will be released. Please let me know if you have any comments and whether you will consent. I have next Friday, July 21 on my calendar for the notice of appeal and I will get it out by then.

If you have any questions, please give me a call.

Thanks,
Shawn

Shawn R. Willis
843.534.4230 (office)
803.260.3908 (mobile)
shawn.willis@nelsonmullins.com



From: Trenholm Walker <walker@wglfirm.com>
Sent: Thursday, May 25, 2023 3:17 PM
To: Shawn Willis <shawn.willis@nelsonmullins.com>
Subject: Re: Dolphin Point / SIPOA

Sure, I would be happy to take a look at a proposed order.

Sent from my iPad

On May 25, 2023, at 3:01 PM, Shawn Willis <shawn.willis@nelsonmullins.com> wrote:

Trenholm,

Hope all is well. Pending resolution of SIPOA's motion for reconsideration and any appeal that may follow, SIPOA would like to deposit funds with the court under Rule 67 in order to stop the accrual of post-judgment interest and also stay execution of the judgment. Would you be willing to enter into a motion for a consent order granting leave for the deposit and granting the stay of execution? If so, I will put together a draft and send over to you for review.

Thanks,
Shawn



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PROOF OF SERVICE

I, the undersigned paralegal of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Appellant, certify that I have served all counsel in this action with a copy of the document(s) specified below a copy by electronic mail to each attorney listed below using their primary email address listed in the Attorney Information System.

PLEADING(s): Appellant's Consent Motion for Second Extension

Counsel Served:

G. Trenholm Walker, Esq.
John P. Linton, Jr., Esq.
Walker Gressette Freeman & Linton, LLC
PO Box 22167
Charleston, SC 29413n
Email: walker@wglfirm.com; linton@wglfirm.com

Counsel for Respondent Dolphin Point Owners Association Inc.

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: *Meredith S. Keane*

Meredith S. Keane

Senior Paralegal

Columbia, South Carolina
September 12, 2023

Meredith Keane

From: Meredith Keane
Sent: Tuesday, September 12, 2023 1:11 PM
To: walker@wglfirm.com; linton@wglfirm.com
Cc: Shawn Willis; Angela Garrett; Meredith Keane
Subject: Dolphin Point Owners' Association v Seabrook Island Property Owners - Appellate Case No. 2023-001158
Attachments: 2023.09.12 Proof of Service for Second Extension Motion Request - Dolphin Point v Seabrook Isl 4873-4007-3599 v.1.pdf; Consent Motion for Second Extension to file initial brief and designation - Dolphin Point v Seabrook Isl.pdf

Counsel,
Good Afternoon, enclosed for service in the above matter is Appellant's Consent Motion for Second Extension and Proof of Service.
Thank you.



MEREDITH KEANE [SENIOR PARALEGAL](#)
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