

**RECEIVED**

**Dec 27 2023**

**SC Court of Appeals**

Exhibit G

**From:** Brad McIlvain bradmclvain@comcast.net

**Subject:** McIlvain v. Town of Kiawah Island, Case No. 2023-CP-10-03550

**Date:** August 28, 2023 at 9:49 AM

**To:** Jean Toal JToal@sccourts.org, Eva Diaz ediaz@sccourts.org, Joe Wilson joew@kiawahisland.org, Ross Appel ross@mklawsc.com

BM

Dear Chief Justice Toal, Ms. Diaz and Messrs. Wilson and Appel,

The following are links to the Motion for Reconsideration (<https://www.dropbox.com//AAADw8gkxFkIA8Jsc9JfS0SnH9uBUYyz5TY>) and the Exhibits to that Motion (<https://www.dropbox.com//AADsJubszibpnRAKza1fSwSFz9omD-1sdY>) which have been filed with the Clerk today.

Respectfully,

Brad McIlvain

## Exhibit H

**From:** Brad McIlvain bradmclivain@comcast.net  
**Subject:** Re: McIlvain v. Town of Kiawah Island, Case No. 2023-CP-10-03550  
**Date:** August 28, 2023 at 11:19 AM  
**To:** Joe Wilson joew@kiawahisland.org  
**Cc:** Eva Diaz ediaz@sccourts.org, Ross Appel ross@mklawsc.com



I confirm receipt.

Brad McIlvain

Sent from my iPhone

On Aug 28, 2023, at 11:05 AM, Joe Wilson <joew@kiawahisland.org> wrote:

All

We have just received the transcript, which I am providing to Mr. McIlvain. I would ask that he confirm receipt.

Joe

Joseph C. Wilson, IV, Esquire  
Wilson Law Firm  
P.O. Box 178  
Folly Beach, South Carolina 29439  
Cell Phone: (843) 834-2390

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**From:** Brad McIlvain <bradmclivain@comcast.net>  
**Sent:** Monday, August 28, 2023 9:50 AM  
**To:** Jean Toal <JToal@sccourts.org>; Eva Diaz <ediaz@sccourts.org>; Joe Wilson <joew@kiawahisland.org>; Ross Appel <ross@mklawsc.com>  
**Subject:** McIlvain v. Town of Kiawah Island, Case No. 2023-CP-10-03550

Dear Chief Justice Toal, Ms. Diaz and Messrs. Wilson and Appel,

The following are links to the Motion for Reconsideration (<https://www.dropbox.com//AAADw8qkxFkIA8Jsc9JfS0SnH9uBUYvz5TY>) and the Exhibits to that Motion (<https://www.dropbox.com//AADsJubszibpnRAKza1tfSwSFz9omD-1sdY>) which have been filed with the Clerk today.

Respectfully,

Brad McIlvain  
<McIlvain v Town of Kiawah.pdf>

# Exhibit I

**From:** Joe Wilson joew@kiawahisland.org &  
**Subject:** Mcllvain v TOKI  
**Date:** August 29, 2023 at 3:38 PM  
**To:** Brad Mcllvain bradmcllvain@comcast.net  
**Cc:** Ross Appel ross@mklawsc.com

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Brad

The Court has just issued the attached order.

Joseph C. Wilson, IV, Esquire  
Wilson Law Firm  
P.O. Box 178  
Folly Beach, South Carolina 29439  
Cell Phone: (843) 834-2390

Order-Motion to  
Reconsider.pdf  
260 KB

## Exhibit J

**From:** Brad McIlvain bradmclivain@comcast.net  
**Subject:** McIlvain v. Town of Kiawah Island - Charleston Co. CCP - Case No. 2023-CP-10-03550  
**Date:** September 7, 2023 at 10:40 AM  
**To:** Jean Toal JToal@sccourts.org, Eva Diaz ediaz@sccourts.org, Joe Wilson joew@kiawahisland.org, Ross Appel ross@mklawsc.com



Dear Justice Toal, Ms. Diaz, and Messrs. Wilson and Appel,

Below is a link to Plaintiff's Opposition to Defendant's Motion for Judgment on the Pleadings or, in the the Alternative, Motion for Summary Judgment, which has been filed today.

Respectfully yours,

Brad McIlvain

STATE OF SOUTH CAROLINA	}	IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON	}	FOR THE NINTH JUDICIAL CIRCUIT
	}	C/A NO. 2023-CP-10-03550
J. BRADFORD MCILVAIN,	}	
Plaintiff,	}	PLAINTIFF'S OPPOSITION TO DEFENDANT'S
v.	}	MOTION FOR JUDGMENT ON THE PLEADINGS OR,
THE TOWN OF KIAWAH ISLAND,	}	IN THE ALTERNATIVE, MOTION FOR
Defendant.	}	SUMMARY JUDGMENT

Plaintiff, J. Bradford McIlvain ("Mr. McIlvain" or "Plaintiff"), files this Opposition to Defendant Town of Kiawah Island's ("TOKI's") Motion for Judgment on the Pleadings or, in the Alternative, for Summary Judgment ("TOKI's Motion"). For the reasons set forth in Plaintiff's Motion for Reconsideration of Judgment Order dated August 17, 2023 ("Plaintiff's Motion"), which is incorporated herein by reference as if set forth in full, TOKI's Motion should be denied because TOKI cannot demonstrate that the pleadings support the relief it seeks or that judgment should enter in its favor. Plaintiff's Motion, pp. 14-25. Through the instant filing, Mr. McIlvain supplements Plaintiff's Motion to incorporate information contained in the August 14, 2023 hearing transcript which was not available when Plaintiff's Motion was filed. A copy of the transcript is attached hereto as Exhibit 4.

**THE ATTORNEY-CLIENT PRIVILEGE DOES NOT PRECLUDE PRODUCTION OF THE WILSON MEMO**

As an initial matter, at the August 14, 2023 hearing, TOKI's counsel did not offer any evidence that TOKI invoked the attorney-client privilege with respect to the Wilson Memo. It is well settled that the attorney-client privilege "belongs solely to the client," *Coe v. Adm'y U.S. Steel & Carnegie*, 17 F.3d 1386, 1417 (11th Cir. 1994) (citation omitted), and therefore, the

Brad McIlvain sent you 1 item  
dropbox.com

## Exhibit K

**From:** Joe Wilson joew@kiawahisland.org   
**Subject:** McIlvain v Town of Kiawah Island  
**Date:** September 8, 2023 at 4:06 PM  
**To:** Brad McIlvain bradmilvain@comcast.net  
**Cc:** Ross Appel ross@mklawsc.com, Stephanie Tillerson stillerson@kiawahisland.org

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Mr. McIlvain

Here is the Reply Brief the Town filed today. Hard copy is in the mail.

Joe

Joseph C. Wilson, IV, Esquire  
Wilson Law Firm  
P.O. Box 178  
Folly Beach, South Carolina 29439  
Cell Phone: (843) 834-2390

Reply  
Memor...led.pdf

# Exhibit L

**From:** Brad McIlvain bradmclivain@comcast.net  
**Subject:** McIlvain v. Town of Kiawah Island - Civil Action No. 2023-CP-10-03550  
**Date:** September 25, 2023 at 11:10 AM  
**To:** Jean Toal JToal@sccourts.org, Eva Diaz ediaz@sccourts.org, Joe Wilson joew@kiawahisland.org, Ross Appel ross@mklawsc.com

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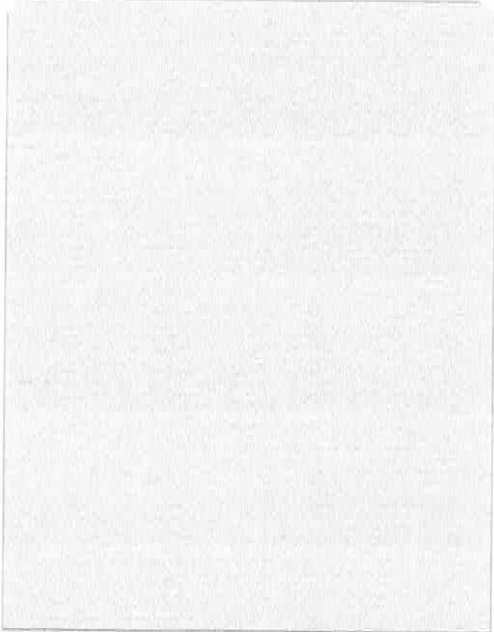


Dear Chief Justice Toal, Ms. Diaz and Messrs. Wilson and Appel,

Below is a link to Plaintiff's Supplemental Brief in Opposition to Defendant's Motion for Judgment on the Pleadings or, in the Alternative, Motion for Summary Judgment which was filed today.


Respectfully,

Brad McIlvain



Brad McIlvain sent you 1 item  
dropbox.com

## Exhibit M

**From:** Joe Wilson joew@kiawahisland.org   
**Subject:** McIlvain v. TOKI  
**Date:** September 26, 2023 at 1:44 PM  
**To:** Brad McIlvain bradmilvain@comcast.net  
**Cc:** Ross Appel ross@mklawsc.com

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JW

Transcript of second hearing is attached.

Joseph C. Wilson, IV, Esquire  
Wilson Law Firm  
P.O. Box 178  
Folly Beach, South Carolina 29439  
Cell Phone: (843) 834-2390

09-13-23  
McIlvai...nd.pdf

# Exhibit N

**From:** Liz Lademan liz@mklawsc.com   
**Subject:** McIlvain v. Town of Kiawah Island; C/A No. 2023-CP-10-03550  
**Date:** September 29, 2023 at 12:51 PM  
**To:** Diaz, Eva ediaz@sccourts.org  
**Cc:** Ross Appel ross@mklawsc.com, Joe Wilson joew@kiawahisland.org, bradmclivain@comcast.net



Dear Eva,

Attached please find a courtesy copy of the Defendant Town of Kiawah Island's Supplemental Memorandum in Support of Motion for Judgment on the Pleadings that we filed today.

We served the Supplemental Memorandum on the Plaintiff today and filed the certificate of service with the Court.

Thank you,  
Liz



**Liz Lademan**  
Paralegal, McCullough ■ Khan ■ Appel


O: (843) 937-0400 | F: (843) 937-0706  
E: liz@mklawsc.com | W: www.mklawsc.com  
A: 2036 eWall Street, Mount Pleasant, SC 29464



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20230929 Ds  
Supple...gs.pdf  
262 KB

# Exhibit O

**From:** Joe Wilson joew@kiawahisland.org   
**Subject:** Mcllvain v TOKI  
**Date:** October 13, 2023 at 9:07 AM  
**To:** Brad Mcllvain bradmcllvain@comcast.net  
**Cc:** Ross Appel ross@mklawsc.com

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Mr. Mcllvain

Attached please find an order that was filed today in this matter.

Joseph C. Wilson, IV, Esquire  
Wilson Law Firm  
P.O. Box 178  
Folly Beach, South Carolina 29439  
Cell Phone: (843) 834-2390

Final Order.pdf