

THE STATE OF SOUTH CAROLINA

In the Court of Appeals

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JAN 16 2024

SC Court of Appeals

APPEAL FROM CHARLESTON COUNTY
In the Court of Common Pleas for the Ninth Judicial Circuit

The Honorable Mikell R. Scarborough, Master-in-Equity

Appellate Case No. 2023-000773

Dustin Grotzke, Christine Grotzke, Leo Cornejo, Steve Falciani
Nancy Falciani, Robert St. Louis, Lindsay Layton, Roger Woolf,
Roberta Woolf, Nancy Zaj, Meg White, Joey Winchester, Kelly
Hill, Mary Thaler, Ed Thaler, Lisa Essig, Brianna Stello, Jennifer
Sellars, Dominique Powell, Jennifer Mayo and James Hardy.....Respondents,

v.

Mariner's Cay Racquet & Yacht Club Homeowners' Association,
Inc.....Appellant.

MOTION FOR LEAVE TO FILE OUT OF TIME FINAL BRIEF OF RESPONDENTS

Respondents come before this Court and present the herein Motion for Leave to File Out of Time the Final Brief of Respondents. The Record on Appeal was served on Respondents by email on December 19, 2023. The Final Brief of Appellant and Final Reply Brief of Appellant were filed on January 8, 2024. Due to inadvertence and mistake, Respondents mis-calendared the deadline for filing Respondent's Final Brief as being twenty (20) days after filing of the Record on Appeal rather than service. Counsel believed that the deadline for filing the Response was January 28, 2024, and calendared it as such.

Counsel was first made aware of the January 8, 2024 deadline on January 11, 2024. Counsel sent via email a request to Appellant's counsel for consent to this Motion; Appellant's counsel granted consent to the motion the same day.

Respondents' respectfully ask this Court to grant Respondents leave to file the Final Out of Time the Brief of Respondents which would have been due on January 8, 2024.

CLARKSON McALONIS & O'CONNOR, P.C.



Sean A. O'Connor (SC Bar No. 68382)
3300 West Montague Avenue, Suite 200
North Charleston, SC 29418
P: (843) 885-8005
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Attorneys for Respondents

January 11, 2024

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v.

Mariner's Cay Racquet & Yacht Club Homeowners' Association,
Inc.....Appellant.

PROOF OF SERVICE

I certify that I have caused the **FINAL BRIEF OF RESPONDENT** to be served on the above-referenced Appellant by directing an authorized contractor (printing company) to deposit a copy of same in the United States Mail, postage prepaid, on January 12, 2024, addressed to their Appellant's attorneys of record:

Robert H. Jordan, Esq.
PARK POE ADAMS &
BERNSTEIN, LLC
850 Morrison Drive, Suite 400
Charleston, SC 29403
Phone (843) 727-2650

John W. Fletcher, Esq.
Phillip S. Ferderigos, Esq.
BARNWELL WHALEY PATTERSON &
HELMS, LLC
211 King Street, Suite 300
Charleston, SC 29401
Phone (843) 577-7700

*Dustin Grotzke, et al v.
Mariner's Cay Racquet & Yacht Club Homeowners' Association
Appellate Case No. 2023-000773
PROOF OF SERVICE*

CLARKSON MCALONIS & O'CONNOR, P.C.



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Attorneys for Respondents

January 11, 2024

CLARKSON

McALONIS & O'CONNOR, P.C.

Adam H. Clarkson, Esq.
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Admitted in NV, CA

Sean A. O'Connor, Esq.
Admitted in SC

Meredith A. Hodges, Esq.
Admitted in SC

January 11, 2024

Via USPS Regular Mail
and via Email to ctappfilings@sccourts.org
The Honorable Jenny Abbott Kitchings
Clerk of Court, S.C. Court of Appeals
1220 Senate Street
Columbia, South Carolina 29201

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SC Court of Appeals

RE: Grotzke, et al. v. Mariner's Cay Racquet & Yacht Club Homeowners' Association, Inc.
Appellate Case No.: 2023-000773

Dear Ms. Kitchings:

In relation to the above captioned matter, please find *Motion for Leave to File Out of Time Final Brief of Respondents* along with the accompanying *Proof of Service*.

Please contact our office at your convenience with any questions or concerns.

Sincerely,


Alice Kryder
Paralegal

/aak
Enclosures as stated

cc: via email: Phillip S. Ferderigos, Esq.
via email: John W. Fletcher, Esq.
via email: Robert H. Jordan, Esq.

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