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**Feb 09 2024**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas

The Honorable Maite Murphy

Appellate Case No.: 2023-001762

Andrey Gergel and Sonja M. Wyatt. .... Respondents,

v.

Alexander Opoulous, III, Tina B. Opoulous, Sebrina Leigh Jones and Luxury Land and Homes,  
Inc. .... Defendants,

Of whom Tina B. Opoulous, individually, and as personal representative for the Estate of  
Alexander Opoulous, III are the Appellants.

**REPLY TO RESPONDENTS' RETURN  
TO APPELLANTS' PETITION FOR SUPERSEDEAS**

The gravamen of Respondent's Return to Appellants' Petition for Supersedeas is that Appellants failed to make a motion pursuant to Rule 62(b), SCRCR to the lower court. Respondents' argument is specious and without merit because Appellants made a Rule 62 Motion to the lower court. Moreover, it is undisputed that the lower court has failed to decide Appellants' Rule 62 Motion for one year and eight months as of today's date.

Rule 241(d)(1) SCACR provides that a motion for supersedeas must first be made to the lower court which entered the order. Here, Appellants filed a Rule 62 Motion for Supersedeas with the lower court on June 8, 2022. Indeed, Appellants attached their Rule 62 Motion as

Exhibit B to their Petition for Supersedeas. Accordingly, Respondents' argument that "Appellants have made no application for any supersedeas to the Honorable Maite Murphy" is spurious.

Rule 241(d)(1) SCACR also provides that "unnecessary delay by the lower court or administrative tribunal in ruling on this application shall constitute an extraordinary circumstance." Here, there is no dispute that the lower court has unnecessarily delayed ruling on Appellants' Rule 62 for one year and eight months. This unnecessary delay in deciding Appellants' Rule 62 Motion is an extraordinary circumstance, and this Court should decide Appellants' Petition for Supersedeas.

Respectfully submitted,

FUTERAL & NELSON, LLC

/s/Stephan V. Futeral  
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Dated: Feb. 9, 2024

*Attorney for Appellants*

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**PROOF OF SERVICE**

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I certify that I have served the *Reply to Respondents' Return to Appellants' Petition for  
Supersedeas* on the following recipient by email and US Mail with proper postage on this 9<sup>th</sup> day  
of February 2024:

Hamlin O'Kelley, III, Esq.  
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*SIGNATURE PAGE TO FOLLOW*

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**PROOF OF SERVICE**


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I certify that I have served Appellants' *Motion for Supersedeas* and the exhibits thereto, namely, *certified judgment, notice of appeal, and verification* on the following recipient by email and US Mail with proper postage on this 9<sup>th</sup> day of February 2024:

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*SIGNATURE PAGE TO FOLLOW*

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